

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 18, 2001
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: Marc Jacalone, District 3, Chair
 James E. Bryant, District 5, Vice Chair
 Nicholas Meiszer, District 1
 John Reardon, District 2
 Mary Kohnke, District 4
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, Deputy County Attorney
 Judy Hamilton, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director, Clerk's Office

(09/18/01 - 1 - 9:00 a.m.)

The meeting was called to order by Chair Jacalone.

(09/18/01 - 1 - 9:00 a.m.)

The Invocation was given by Reardon. The Pledge of Allegiance was led by Bryant. Ellie Smith, Deputy Clerk, Traffic Division, sang a beautiful rendition of *The Star Spangled Banner*.

(09/18/01 - 1 - 9:04 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(09/18/01 - 1 - 9:10 a.m.)

PUBLIC COMMENT

Jacalone read a poem, written by Tom Crawford, which addressed the events of last week,

In God We Trust

*There came a day that would change the way
the civilized world would exist
when symbols fell through smoke and hell
America clenched her fists
11 September a day all will remember
beginning like any morning
but a plot would unfold from secrets untold
destroying lives without warning
it was done from the air thinking no one would dare
to consider something so bold
as to commandeer planes leaving human remains*

*only rubble and dust to behold
 from under it all would arise such a call
 the civilized world would combine
 they all must be caught and the others taught
 when civilized man's on the line
 so what can we learn when inside we burn
 all of us thinking we're right
 one values each breath while the other vows death
 it's for life that the civilized fight
 they made a mistake and now we await
 united the world will hear
 America may burn but this terror will turn
 now our enemies fill with fear
 they've taken God's word and distorted what's heard
 they've taught that killing's okay
 so we must rise above with God's guidance and love
 and for civilization we pray
 America's strong and will right this wrong
 that condemns our faiths and mixed races
 world freedom's at stake and with others we'll make
 a place safer and full of God's graces
 So such is the cost that all of the lives lost
 they will not have died in vain
 America shall lead in this time of need
 In God We Trust will reign.*

Written by Thomas Crawford on September 15, 2001.

(9:12 a.m.) Penny Halyburton, Supervisor of Elections, addressed the Board, advising them of technical changes to the proposed plan, entitled "Proposed Plan 2," which were basically clean-up items. Discussion followed on boundaries, district populations, and further joint meetings with the School Board. **Motion by Kohnke, seconded by Bryant, carried 3/2, via roll call vote**

Bryant	yes
Meiszer	no
Reardon	yes
Jacalone	no
Kohnke	yes

to officially request another meeting with the School Board to take a look at the projections and what it means (have another hearing on the redistricting process). Halyburton will ask the School Board if they want to have another joint meeting on September 25 and advise the Board of County Commissioners of their response.

(9:35 a.m.) Kohnke spoke on waste pickup on Roscoe Boulevard, stating arterials and collectors were to be picked up first after a storm, for safety's sake. Kim Westover, Seaboard Waste System, responded to comments and questions from the Board. Further discussion ensued. Staff will meet with Seaboard to address those issues.

(09/18/01 - 3 - 9:51 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda

(09/18/01 - 3 - 9:51 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Kohnke, seconded by Bryant, carried 5/0, to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Approval of minutes:
09/04/01 - BCC Regular Meeting
09/05/01 - Value Adjustment Board
3. Sheriff's Bonds:
Approve: Bridgitte R. Bostic Approve: Michael J. Spinelli
Approve: Stephen J. Conover Approve: Ernest L. Thomas
Approve: Paul C. Flowers Approve: James A. Thornton
Approve: Timothy D. Hendrix Approve: Eugene F. Tolbert
Approve: Jerry J. Montague Approve: Kim M. Vogel
Approve: George A. Sommerer Approve: Kelly S. Walker
Approve: Malcolm M. Spindle Cancel: Philip A. Black
4. Motion to approve the transfer of \$10,000 from 1139-59920 Reserve to 1137-54602 Vehicle Maintenance to cover the remaining expenses for Beach Services Department for FY 2001
5. Motion to adopt **Resolution No. 2001-190**, accepting Temporary Drainage Easements from Marshall Creek, LTD., to St. Johns County for drainage purposes

RESOLUTION NO. 2001-190

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TEMPORARY DRAINAGE EASEMENTS FROM MARSHALL CREEK, LTD., TO ST. JOHNS COUNTY FOR DRAINAGE PURPOSES

6. Motion declaring one 1993 Ford Ambulance as surplus and donating it to the Sheriff's Office
7. Motion directing the County Administrator, or his designee, to remove certain assets that were disposed of in prior periods from the County's Fixed Asset Records
8. Proofs:
 - a. Proof, Notice of Meeting, Organization SJC Value Adjustment Board, September 8, 2001
 - b. Proof, Request for Qualifications, RFQ No. 02-02
 - c. Proof, Notice to Bidders, Bid No. 01-88
 - d. Proof, Notice to Bidders, Bid No. 01-85
 - e. Proof, Certificate of Liability Insurance, Susan Yastrezemski DBA: ETS - Engineering Technical Support Consultant
 - f. Proof, Certificate of Insurance, American Disposal Services LLC

- g. Proof, Certificate of Insurance, SP Recycling Cooperation
- h. Proof, Notice to Bidders, Bid No. 02-04

(09/18/01 - 4 - 9:52 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested the addition of an Economic Development resolution as Item #11a.

(09/18/01 - 4 - 9:53 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Reardon, seconded by Bryant, carried 5/0, to approve the Regular Agenda, as amended.

(09/18/01 - 4 - 9:53 a.m.)

1. UPDATE ON THE VILANO BEACH WATERFRONTS COMMUNITY TOWN CENTER AND PAVILION DESIGN

Georgia Katz, Florida Waterfronts Community Project Manager, presented this item. Katz introduced Cleve Dryden, of Ivey, Harris and Walls, Inc., who showed Vilano Beach Towncenter Revitalization on visual slides of sketches. Public comment was then received. (10:05 a.m.) Judy Stevanovich, 206 Porpoise Point Drive, St. Augustine, spoke of concerns on art deco. (10:11 a.m.) Sid Mansur, 314, Genoa Rd., St. Augustine, President of Homeowners Utilities Porpoise Point, spoke on Florida cracker style, maintenance, neighborhood traffic, and other aspects of the design. (10:17 a.m.) Vivian Browning, 40 Beachcomber Way, St. Augustine, Chairman of the Waterfronts group, spoke on lighting, the wide range planning of the project, and future input. (10:22 a.m.) Mandy Davani, 2C Zamora St., St. Augustine, spoke on involvement in the design workshops. Discussion was held by the Board on Florida vernacular, original design, involvement of Recreation & Parks and Code, swales, funding, grants, grant procedures, art deco design, financing, deadlines, fundamentals of the final design, and, the legal issue of who has final authority on design. No definitive Board action was taken; discussion only.

The meeting recessed at 10:48 a.m. and reconvened at 10:59 a.m.

(09/18/01 - 4 - 10:59 a.m.)

2. CONSIDER THE MARSHALL CREEK ENTRY DESIGN (A PORTION OF THE UNIFIED SIGN PLAN)

Teresa Bishop, Planning Director, presented this item, now known as Palencia, with visual display. Discussion ensued on entrance signage and design. **Motion by Meiszer, seconded by Jacalone, carried 2/1 with Kohnke dissenting and Bryant and Reardon absent, to approve the design.** Reardon re-entered the meeting at 11:06 a.m.

(09/18/01 - 4 - 11:06 a.m.)

3. CONSIDER THE APPROVAL OF A REQUEST FOR PROPOSAL (RFP# 01-86) THE OPERATION AND MANAGEMENT OF THE ROBERT-LARYN SKATE PARK AT TREATY PARK

Dan Weimer, Director of Recreation and Parks, presented this item, with visual display. Weimer clarified that the concessionaire would be providing the County with 10% of the net revenues and 10% of the net receipts excluding sales tax. Meiszer asked about the term of the contract and recommended that the County named as co-insured. Weimer stated he would insert initial term, one year with five one-year extensions. Further discussion ensued on various aspects of the proposal. **Motion by Reardon, seconded by Kohnke, carried 4/0 with Bryant absent, to allow the County Administrator, or his designee, to**

negotiate with and enter into a contract with the No. 1 ranked firm, The 187, Inc. (Vinton Pacetti) for RFP #01-86, the Operation and Management of the Robert-Laryn Skate Park at Treaty Park, with the said changes to the contract.

(09/18/01 - 5 - 11:26 a.m.)

4. CONSIDER ENGAGING A SPECIAL COUNSEL FOR THE CABLE TELEVISION FRANCHISE AWARD PROCESS

Joe Vonasek, Director of Management and Budget, presented this item. Bosanko left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting. Bryant re-entered the meeting at 11:28 a.m. Discussion was held on the request. Vonasek stated he would take care of the Board's various concerns. **Motion by Reardon, seconded by Jacalone, carried 5/0, to direct Staff to identify and engage special counsel for the purpose of the Cable TV franchise award process and to proceed with the award process outlined in County Ordinance 95-63.** (11:38 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., St. Augustine, recommended whatever negotiations were embarked upon with franchisees that they carry local news stations and the need for local internet access.

(09/18/01 - 5 - 11:44 a.m.)

5. REVIEW OF ST. JOHNS COUNTY ARTICLE IV OF THE LAND DEVELOPMENT CODE

Michael Griffin, Director of Development Services, presented this item. Jacalone spoke on tree removal on existing homesites. Discussion was held on Page IV-17, "d. Tree Removal on existing homesites." Lopez stated any change to the Land Development Code would have to be advertised. Jim Sisco, County Attorney, entered the meeting at 11:51 a.m. (11:53 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., St. Augustine, representing the St. Johns County Audubon Society, stated this needs to be reviewed and recommended keeping the Tree Ordinance in place. (11:56 a.m.) Louise Thrower, 288 Orange Avenue, spoke on advertising, other concerns, tree surgeons in other counties being aware of St. Johns County ordinances. **Motion by Jacalone, seconded by Bryant, carried 4/1 with Kohnke dissenting, that the Board direct Staff to prepare an item that would allow the Board to change that section of the Land Development Code and incorporate the language provided by Jacalone.** Griffin will prepare the documents and bring back to the Board for their consideration.

Motion by Jacalone, seconded by Kohnke, carried 5/0, that the remaining items be placed on the afternoon agenda.

The meeting recessed at 12:02 p.m. and the meeting reconvened at 1:33 p.m. with Jacalone, Bryant, Kohnke, Meiszer, Reardon, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

The meeting began with item #7.

(09/18/01 - 5 - 3:22 p.m.)

6. DISCUSSION OF ST. JOHNS COUNTY CURRENT IMPACT FEE SCHEDULE

Jacalone stated that he requested this item for discussion and explained why. Kohnke stated that she had not heard the Chamber give them one solitary example of somebody who hasn't built here because of impact fees. Reardon stated that he supported the lowering of impact fees for developments. John Schwab, Special Projects Manager, presented this item and recommended that if impact fees are to be changed, then change them across the board. Meiszer spoke on the way to attract industries with incentives. Kohnke spoke on fast-tracking being the biggest stumbling block and Jacksonville re-looking at their incentive program. Reardon voiced concern on having higher paying jobs.

Schwab explained the incentive program that they are proposing. Meiszer stated that he had always been told that tourism is the number one industry in St. Johns County, and spoke on the future of eco-tourism.

(3:47 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on needing incentives for industries.

(3:51 p.m.) Rick Burke, 1 Riberia Street, Director of Economic Development, Chamber of Commerce, commented on incentives.

The meeting moved to Commissioner's Reports.

(09/18/01 - 6 - 1:33 p.m.)

7. PUBLIC HEARING - NZVAR-01-0018 CAMPOS NON ZONING VARIANCE. THIS APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 6.02.01.B.3.A OF THE LAND DEVELOPMENT CODE. THIS SECTION OF THE CODE DOES NOT ALLOW EASEMENTS TO BE USED FOR ACCESS WITHIN SINGLE-FAMILY PLATTED SUBDIVISIONS. BASED ON THE FACT THAT SECTION 6.02.01.B.3.A OF THE LAND DEVELOPMENT CODE DOES NOT ALLOW FOR ACCESS EASEMENTS IN SINGLE-FAMILY PLATTED SUBDIVISIONS, STAFF CANNOT RECOMMEND APPROVAL OF THIS NON-ZONING VARIANCE

Proof of publication of public hearing on non-zoning variance, File #NZVAR 01-0018 Campos, was received having been published in The St. Augustine Record on September 6, 2001.

Darrell Locklear, Development Review Engineering Manager, using visual display, reviewed this item, and stated that Staff recommended approval. Kohnke questioned what the applicant wanted to do. Locklear responded.

(1:37 p.m.) Charles Pellicer, 28 Cordova Street, on behalf of the applicant, spoke on the easement on the subdivided lot, and explained why the house was built where it was.

(1:39 p.m.) Meiszer questioned how the subject property lines jive with the subdivision lots 16 and 15b. Locklear explained that the applicant's house was built on the property line between lot 16 and 15b. Jorge Campos, the applicant, explained when he first bought the property and how the boundary was divided. He spoke on the land being sold around him. Discussion followed on the house being on the property lines, what would be done with the back piece of property, property providing access to the back lots, and the platted lot lines remaining intact as lot lines until they are vacated. Lopez suggested to add to the motion, *that the easement language be routed through the County Attorney's Office to make sure it is legally sufficient.* **Motion by Reardon, seconded by Kohnke, carried 4/1 with Meiszer opposed, to approve NZVAR 2001-0018 based upon the evidence provided for all of the Five Findings of Fact as attached in the Staff Report and with Lopez's suggestion, that the easement language be routed through the County Attorney's Office to make sure it is legally sufficient.**

(09/18/01 - 6 - 1:57 p.m.)

8. PUBLIC HEARING - NOTICE OF PROPOSED CHANGE TO THE JULINGTON CREEK PLANTATION DRI. THIS NOTICE OF PROPOSED CHANGE (NOPC) TO THE JULINGTON CREEK PLANTATION DRI RESTATED DEVELOPMENT ORDER SEEKS TO TRANSFER THE APPROVED BUT UNBUILT DEVELOPMENT RIGHTS FROM PHASES I AND II INTO PHASE III. SPECIFICALLY, THE APPLICANT PROPOSES TO: SHIFT 15,410 SQUARE FEET OF PHASE I RETAIL DEVELOPMENT TO PHASE III, SHIFT 41,457 SQUARE FEET OF PHASE II

RETAIL DEVELOPMENT TO PHASE III, SHIFT 295 MULTI-FAMILY DWELLING UNITS FROM PHASE II TO PHASE III, AND SHIFT 15.3 ACRES OF WORSHIP FROM PHASE II TO PHASE III. THE NOPC DOES NOT ALLOW ANY CHANGE IN APPROVED LAND USES AND DOES NOT ALLOW ADDITIONAL SQUARE FOOTAGE OR DWELLING UNITS. THERE ARE NO OTHER CHANGES PROPOSED AS PART OF THE NOPC. THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL AND THE DEPARTMENT OF COMMUNITY AFFAIRS REVIEWED THE NOPC AND FOUND THAT THE CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE DRI. STAFF FINDS THE REQUEST CONSISTENT WITH THE COMPREHENSIVE PLAN AND APPLICABLE PORTIONS OF THE LAND DEVELOPMENT CODE AND HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST

Proof of publication of public hearing on notice of proposed change on Julington Creek Plantation DRI, was received having been published in The St. Augustine Record on August 16, 2001.

Teresa Bishop, AICP, Planning Director, reviewed this item and stated that Staff has no objection to approval. Kohnke questioned the status in the phases of their building. Bishop responded. Kohnke questioned why they are shifting everything to Phase Three. Bishop replied that this is an older PUD and DRI and they are not violating anything, they were not able to construct that square footage in Phase One and in Phase Two right now, and asking for it to be shifted to Phase Three. Bishop stated that the need for commercial is being met within this PUD, if it is allowed to be transferred.

(2:02 p.m.) Adam Ashbaugh, England-Thims and Miller, 14775 St. Augustine Road, representing the developers of Julington Creek Plantation, spoke on Phase One, and requested to shift the previously approved but unbuilt both commercial, multi-family, and worship uses from the years of Phase One and Two into Phase Three, so that they could be developed anytime between now and the build-out of the project. Discussion followed on Phase Three still planning on being completed the year 2000 to 2009, Phase One expiring in 1990 and shifting a little over 15,000 square foot that was unbuilt into Phase Three, the developer losing their right to develop the portion which was approved in their Master Phasing Schedule by not shifting in the phasing, and moving the worship site. **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2001-191, approving a Notice of Proposed Change to the Julington Creek Plantation DRI Restated Development Order, adopting Findings of Fact 1 through 3 to support the motion.**

RESOLUTION NO. 2001-191

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE JULINGTON CREEK PLANTATION DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, RESOLUTION NO. 93-159, AS AMENDED; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

(09/18/01 - 7 - 2:10 p.m.)

9. PUBLIC HEARING- ADOPTION FOR THE COMPREHENSIVE PLAN AMENDMENT FILE #CPA-01-001 RECLASSIFYING CERTAIN ROADWAYS, REMOVING THE ROADWAY OPERATING CONDITIONS MAP FROM THE LAND USE MAP SERIES. THIS IS A COUNTY INITIATED PROPOSED FUTURE LAND USE MAP SERIES AMENDMENT. THIS REQUEST PROPOSES CHANGES AND CLARIFICATIONS TO THE COMPREHENSIVE PLAN MAP SERIES,

INCLUDING MAP 1A, FUTURE LAND USE; MAP 11A, ROAD CLASSIFICATION; MAP 11B, 2015 ROADWAY OPERATING CONDITIONS; MAP 12A, TRAFFIC CIRCULATION PLAN; AND MAP 12B, NUMBER OF LANES. MATERIAL CHANGES INCLUDE THE RECLASSIFICATION OF SEVERAL EXISTING ROADS, AS SHOWN ON MAPS 1A AND 11A. MAPS 11B AND 12B WOULD REMOVE THE STATUS OF ROADS RECLASSIFIED AS LOCAL ACCESS ROADS. CLARIFICATIONS INCLUDE REMOVING PROPOSED ROADWAYS FROM MAP 11A AND DEPICTING THOSE ON MAP 12A. THESE MAPS SHOULD BE REMOVED FROM THE MAP SERIES, AS THEY PROVIDE BACKGROUND INFORMATION ONLY. THIS AMENDMENT WAS TRANSMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS (IN APRIL. DCA DID NOT ISSUE AN OBJECTIONS, RECOMMENDATIONS AND COMMENT REPORT ON THIS AMENDMENT; HOWEVER PROVIDED THAT THE MAPS BEING REMOVED FROM THE FUTURE LAND USE MAP SERIES SHOULD BE INCLUDED IN THE BACKGROUND AND SUPPORT DOCUMENTS. THESE MAPS ARE PART OF THE TRAFFIC CIRCULATION ELEMENT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT IT'S MEETING ON AUGUST 16. STAFF'S OPINION IS THAT THE AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN, AS AMENDED, THE APPLICABLE PORTIONS OF THE LAND DEVELOPMENT CODE, THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL STRATEGIC REGIONAL POLICY PLAN, AND RULE 9J-5 OF THE FLORIDA ADMINISTRATIVE CODE; AND THEREFORE RECOMMENDS APPROVAL

Proof of publication of public hearing to consider adoption of proposed amendment to the St. Johns County 2015 Comprehensive Plan, was received having been published in The St. Augustine Record on August 31, 2001.

Donna Godfrey, AICP, Senior Planner, reviewed this item.

(2:12 p.m.) Marshall Catlin, 1500 Bishop Estates Road, Villa 26A, Fruit Cove, spoke in favor of this item and on changing Bishop Estates Road from a minor collector road to a local road.

(2:14 p.m.) Dale Fletcher, 1757 Bishop Estates Road, spoke in favor of this item, and on changing Bishop Estates Road from a minor collector road to a local road. Reardon commented on what Fletcher said. Jacalone spoke on the study being done by FDOT.

(2:20 p.m.) Louise Thrower, 288 Orange Avenue, asked the Board to make a resolution or some type of formal proposal to FDOT to initiate a study on the widening of Shands Bridge. **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2001-54, reclassifying certain roadways, removing the Roadway Operating Conditions Map from the Land Use Map Series, amending the Traffic Circulation Plan, and removing the Number of Lanes Map from the Land Use Map Series, adopting Findings of Fact 1 through 3 to support the motion.**

ORDINANCE NO. 2001-54

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMENDING THE
COMPREHENSIVE PLAN FUTURE LAND USE MAP
SERIES, AMENDING THE TRAFFIC CIRCULATION
PLAN, AND RECLASSIFYING CERTAIN ROADWAYS
WITHIN ST. JOHNS COUNTY, PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE

(09/18/01 - 9 - 2:22 p.m.)

10. PUBLIC HEARING - ADOPTION HEARING FOR COMPREHENSIVE PLAN AMENDMENT FILE #CPA-01-004, REVISING POLICY A.1.9.4, A POLICY RELATED TO MIXED USE DEVELOPMENT. THIS IS A COUNTY INITIATED PROPOSED TEXT AMENDMENT TO REVISE POLICY A.1.9.4 OF THE COMPREHENSIVE PLAN (FILE NO. CPA-01-004). THE AMENDMENT PROPOSES TO INCREASE THE MINIMUM SIZE REQUIRED FOR MIXED-USE DEVELOPMENT FROM 20 ACRES TO 40 ACRES IN SIZE. THIS INCREASE PROVIDES FOR MORE FLEXIBILITY IN THE SITING AND DESIGN OF LARGER PROJECTS, WHERE A MIX OF USES IS MORE FEASIBLE. THIS PROPOSED AMENDMENT WAS TRANSMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) IN APRIL. DCA DID NOT ISSUE AN OBJECTIONS, RECOMMENDATIONS AND COMMENT REPORT ON THIS AMENDMENT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT IT'S MEETING ON AUGUST 16. STAFF'S OPINION IS THAT THE AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN, AS AMENDED, THE APPLICABLE PORTIONS OF THE LAND DEVELOPMENT CODE, THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL STRATEGIC REGIONAL POLICY PLAN, AND RULE 9J-5 OF THE FLORIDA ADMINISTRATIVE CODE AND RECOMMENDS APPROVAL

Proof of publication of public hearing to consider adoption of proposed text amendment to the St. Johns County 2015 Comprehensive Plan, was received having been published in The St. Augustine Record on August 31, 2001.

Godfrey reviewed this item. **Motion by Reardon, seconded by Bryant, carried 5/0, to enact Ordinance No. 2001-55, amending Policy A.1.9.4 of the Comprehensive Plan, adopting Findings of Fact 1 through 3 to support the motion.**

ORDINANCE NO. 2001-55

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, AMENDING THE
COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT,
POLICY A.1.9.4 AND PROVIDING FOR SEVERABILITY
AND AN EFFECTIVE DATE**

(09/18/01 - 9 - 2:24 p.m.)

11. PUBLIC HEARING - ADOPTION HEARING FOR THE COMPREHENSIVE PLAN AMENDMENT POLICY #CPA-01-005, REVISING POLICY A.1.3.12 COMPATIBILITY INDEX POLICY. THIS IS A COUNTY INITIATED PROPOSED TEXT AMENDMENT TO REVISE POLICY A.1.3.12 OF THE COMPREHENSIVE PLAN (FILE NO. CPA-01-005). THE AMENDMENT PROPOSES TO CLARIFY THE LANGUAGE OF THE POLICY. THE EXISTING POLICY REQUIRES THAT THE COMPATIBILITY INDEX BE REVIEWED FOR ALL REZONING APPLICATIONS. IN EFFECT, IT REQUIRES PROPOSED DEVELOPMENT TO DEMONSTRATE THAT NEW LAND USES WILL BE COMPATIBLE WITH ADJACENT PRE-EXISTING LAND USES. THE COMPATIBILITY INDEX RANKS VARIOUS LAND USES IN THE ORDER OF INTENSITY, STARTING WITH SINGLE-FAMILY RESIDENTIAL AS LEVEL 1 AND PROGRESSING THROUGH TO INDUSTRIAL AS LEVEL 7. LAND USES SEPARATED BY MORE THAN 3 LEVELS ARE CONSIDERED INCOMPATIBLE. THE PUD ZONING DISTRICT ALLOWS THE APPLICANT TO OFFER CONDITIONS TO MITIGATE FOR THE INCOMPATIBILITY AND THE CONDITIONS ARE ENFORCED THROUGH THE PUD. THIS PROPOSED AMENDMENT WAS TRANSMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) IN APRIL. DCA DID NOT

ISSUE AN OBJECTIONS, RECOMMENDATIONS AND COMMENT REPORT ON THIS AMENDMENT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT IT'S REGULAR MEETING ON AUGUST 16. STAFF'S OPINION IS THAT THE AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN, AS AMENDED, THE APPLICABLE PORTIONS OF THE LAND DEVELOPMENT CODE, THE NE FL REGIONAL PLANNING COUNCIL STRATEGIC REGIONAL POLICY PLAN, AND RULE 9J-5 OF THE FLORIDA ADMINISTRATIVE CODE; AND THEREFORE RECOMMENDS APPROVAL

Proof of publication of public hearing to consider adoption of proposed text amendment to the St. Johns County 2015 Comprehensive Plan, was received having been published in The St. Augustine Record on August 31, 2001.

Lopez left the meeting and Daniel Bosanko, Deputy County Attorney, entered the meeting. Godfrey reviewed this item. Godfrey explained how they cleaned up the language for mitigation when the uses exceed three levels. Discussion followed on the PUD District being required to accommodate any development that proposes mitigation, the change in the Comp Plan, the 50 ft wide drainage pond not being sufficient, the built in flexibility, and clarifying how mitigation can occur so Staff won't have to struggle with it.

(2:33 p.m.) Deborah Andrews, 11 N. Roscoe Blvd., speaking in behalf of Frank and Carol Welborn, stated there are huge problems with what they are doing today. She spoke on the issues that still remain. (2:37 p.m.) Allen MacDonald, Finance Director, entered the meeting. Andrews urged the Board to reject this item and take a harder look at this concept of land use mitigation.

(2:40 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., agreed with Andrews and voiced his concerns. Jacalone spoke on compatibility. He spoke on the wording being changed from just *separation* to *sufficient separation*, and changing *Planned Development Regulations* to *Planned Unit Development Regulations*. Bishop replied that for Comp Plan purposes they have used Plan Development throughout. Reardon voiced concern on what Andrews stated and suggested getting suggestions from Andrews. Andrews replied that she doesn't have a good suggestion and explained why. Kohnke questioned taking care of the question that is being raised about setting of standards, criteria, and guidelines to define adequate in the LDRs. Bosanko's recommendation was, if there is a need to clarify that section, then it needs to be clarified in the Comprehensive Plan not in the LDR. Kohnke suggested setting up a Section D in the Comp Plan that would help define adequate separation and tightening up the Comp Plan before approving it. Bishop mentioned that Andrews made some good points, that they don't know every variable that might come up and that they would try to make it flexible for the Board. Meiszer stated that this matter needed a lot more study, attention and debate. Bosanko stated that on a motion to deny in legislative matters like this, one doesn't need Findings of Fact, can just make a motion to deny. Bishop stated that one would want to look at the plan on a site to site basis, and would have to meet compatibility. Jacalone stated that if the document is altered then it would have to be re-transmitted to DCA for review. Bishop replied, that was a very good statement made by Jacalone, that they are under a time line to adopt these amendments pursuant to the Comp Plan Amendment Process it would be better to approve or deny it today. **Motion by Meiszer, seconded by Reardon, failed 2/3 with Kohnke, Jacalone, and Bryant opposed, to deny the proposed Comprehensive Plan amendment, in that it is not consistent with the Comprehensive Plan as amended, the Northern Eastern Florida's Strategic Regional Plan, or Rule 9 J-5 of the Florida Administrative Code.** Motion by Kohnke to table the amendment with the condition that it goes back to the Planning Department for their adjustment and add a Section D making an attempt somehow to define what they mean by adequate and have it back to the Board within the time limit they need to transmit it. The motion dies for lack of a second.

Bosanko recommended for Bishop to tell what the time limit is. **Motion by Jacalone, seconded by Bryant, failed 2/3 with Reardon, Kohnke, and Meiszer opposed, to enact Ordinance No. 2001-56, amending Policy A.1.3.12 of the Comprehensive Plan, adopting Findings of Fact 1 through 3 to support the motion.** Bosanko stated that they needed to find out how much time they had. Godfrey stated that the other two items the Board had just taken action on needed to be postponed so that the three run together, all three have to be adopted on the same day. The time limit is December 31, before the end of the year. Bryant questioned how to address adopting all three at the same time when the first two have already been approved. Bosanko replied that the County is only allowed two packages of changes in every calendar year. Bryant questioned if the other two approved items could be left alone, package them all together when the third one is finished and then send them all together at the same time. Godfrey responded yes. Bishop relayed that they could go ahead with the two previously adopted items, take the third item out of the package and adopt it at a later time. Kohnke asked if this item would have to go back before the PZA. Bosanko replied if it does, they can always go back before the PZA and then back to the Board. **Motion by Bryant, seconded by Reardon, carried 4/1 with Jacalone opposed, to continue this item to October 16 at 1:30 p.m.**

The meeting recessed at 3:14 p.m. and reconvened at 3:22 p.m.

The meeting returned to item #6.

(09/18/01 - 11 - 3:54 p.m.)
COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report

(3:54 p.m.)
Commissioner Bryant:

Bryant spoke on Audrey Fields leading the Cocaine Task Force which will start up September, 2002.

(3:55 p.m.)
Commissioner Reardon:

Reardon spoke on the concern that St. Johns County does not get an environmental assessment of land that is sold or given to the County. Bosanko addressed it.

(4:00 p.m.)
Commissioner Kohnke:

Kohnke spoke on water draining well in Ponte Vedra Beach.

(4:02 p.m.)
Commissioner Jacalone:

Jacalone announced that administratively, Kohnke and Reardon had been redistricted.

(09/18/01 - 11 - 4:02 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reviewed the weekend activities. He spoke on Tropical Storm Gabrielle's activity, stating that 48,000 business and residents were without power. Stressed for everyone to

buy battery powered radios. St. Johns County's Emergency Management personnel together with the State Damage Assessment Team and all the Municipalities were in town to access the damages. Damage was accessed at \$750,000 for the County, \$382,000 for the City of St. Augustine, \$378,000 for St. Augustine Beach.

(09/18/01 - 12 - 4:06 p.m.)

COUNTY ATTORNEY'S REPORT

No report

(09/18/01 - 12 - 4:06 p.m.)

CLERK OF COURT'S REPORT

No report

Motion by Reardon, seconded by Kohnke, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 4:07 p.m.

CORRESPONDENCE:

1. Faxed letter dated August 22, 2000 from Jonathan T. Johnson to Teresa Bishop regarding Sampson Creek Community Development District – Granting of Consent Pursuant to Section 190.012, Florida Statutes
2. Original letter dated August 22, 2000 from Jonathan T. Johnson to Teresa Bishop regarding Sampson Creek Community Development District – Granting of Consent Pursuant to Section 190.012, Florida Statutes
3. Sampson Creek Community Development District proposed budget for fiscal year 1999-2000 and fiscal year 2000-2001
4. Letter dated August 28, 2000 to Jonathan T. Johnson regarding Sampson Creek CDD being placed on the Consent Agenda on September 12, 2000
5. Faxed letter dated August 22, 2000 from Jonathan T. Johnson to Scott Clem regarding Sampson Creek Community Development District – Granting of Consent Pursuant to Section 190.012, Florida Statutes
6. Original letter dated August 22, 2000 from Jonathan T. Johnson to Scott Clem regarding Sampson Creek Community Development District – Granting of Consent Pursuant to Section 190.012, Florida Statutes
7. Original letter dated May 8, 2000 from Jonathan T. Johnson to Scott Clem regarding Petition to Establish the Sampson Creek Community Development District
8. Faxed letter dated August 22, 2000 from Jonathan T. Johnson to Dan Bosanko regarding Sampson Creek Community Development District – Granting of Consent Pursuant to Section 190.012, Florida Statutes
9. Memorandum dated April 10, 2000 to Administrative Law Judge, Diane Cleavinger regarding Sampson Creek CDD
10. Copy of Community Development Districts Chapter 190
11. St. Joe Development and Impact Fee Agreement dated October 28, 1999
12. Memorandum dated February 10, 2000 to Sampson Creek CDD Process Group regarding Sampson Creek CDD
13. Petition to establish the Sampson Creek Community Development District with Exhibits from Hopping Green Sams and Smith P.A.

REPORTS:

1. St. Johns Board of County Commissioners Check Register check # 308938 through #309232 (09/18/01)
2. Minutes of the Sampson Creek CDD Processing Group (03/17/00)
3. Minutes of the Sampson Creek CDD Processing Group (03/10/00)

Approved: October 2, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk