

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 5, 2002
(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
 Dan Bosanko, Deputy County Attorney
 Isabelle Lopez, Assistant County Attorney
 Judy Hamilton, Deputy Clerk

Also present: Neal Perry, Sheriff; Dennis Hollingsworth, Tax Collector; Cheryl Strickland, Clerk of Courts; and Allen MacDonald, Finance Director

(02/05/02 - 1 - 9:02 a.m.)

Chair Jacalone called the meeting to order.

(02/05/02 - 1 - 9:03 a.m.)

The Invocation was given by Rev. Randy Hezekiah, Shiloh Baptist Church. The Pledge of Allegiance was led by Meiszer.

(02/05/02 - 1 - 9:04 a.m.)

ROLL CALL

The Deputy Clerk called the roll.

(02/05/02 - 1 - 9:04 a.m.)

PRESENTATION OF A PROCLAMATION FOR BLACK HISTORY MONTH

Kohnke read a Proclamation into the record, designating February as Black History Month. Rev. Randy Hezekiah, Shiloh Baptist Church, accepted the Proclamation.

(02/05/02 - 1 - 9:07 a.m.)

PRESENTATION OF A PROCLAMATION FOR LIBRARY APPRECIATION MONTH

Meiszer read a Proclamation into the record, designating February, 2002 as Library Appreciation Month. The Proclamation was received by Mary Jane Little, Director of Library System, and Friends of the Library. Margie Nease, President of the St. Augustine Friends, presented the Board, a book of their own choosing, to be put in each Commissioner's name, dedicated to them all, because the Board has done such a great job.

(02/05/02 - 2 - 9:13 a.m.)

PRESENTATION OF CERTIFICATES TO THE PAL (POLICE ATHLETIC LEAGUE)
BASEBALL TEAM

Reardon presented certificates to the St. Johns County Bullets, a team coached by Kevin Kelshaw, in recognition as the State champs. Staff and Sheriff Perry were recognized. A video of the team was shown.

(02/05/02 - 2 - 9:26 a.m.)

PUBLIC COMMENT

Clu Wright, 2865 Affirmed Ct., spoke on volunteer fireman service and his retirement after 21 years of service.

(9:30 a.m.) Janie Coleman, Waste Management, 6501 Greenland Rd., Jacksonville, asked the Board to consider putting the commercial garbage franchise and the residential franchise open for bids when the current contracts expire in 2003.

(9:31 a.m.) Meiszer requested these two items be placed on future agendas. *It was Board consensus that the garbage franchises be advertised for bids.*

(02/05/02 - 2 - 9:36 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(02/05/02 - 2 - 9:36 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes
08/02/01 - BCC School Board Redistricting Meeting
01/15/02 - BCC Regular Meeting
01/22/02 - BCC Regular Meeting
3. Motion to approve the transfer to the Sheriff of \$22,950 of the State Gun Permit money from General Fund Reserves (0083-59920) for the purchase of handguns to Transfer to Officers (90035-59101)
4. Motion to adopt **Resolution No. 2002-14**, amending the Fiscal Year 2002 General Fund Budget (0001-36402) to receive unanticipated revenue in the amount of \$3,611.25 and authorizing its expenditure by the St. Johns County Facilities Maintenance Department by approving the transfer of the \$3,611.25 from Insurance proceeds (0001-36402) to Tools & Small Implements (0031055202)

RESOLUTION NO. 2002-14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2002 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST.

**JOHNS COUNTY FACILITIES MAINTENANCE
DEPARTMENT**

5. Motion to approve the transfer of \$2,600 from Additional Court Cost Trust Fund Reserves (1112-59920) to Public Defender Books and Subscriptions (1133-55400)
6. Motion to adopt **Resolution No. 2002-15**, accepting and authorizing the execution of a Temporary Access Easement to a Communications Tower Site located off State Road No. 13

RESOLUTION NO. 2002-15

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AND AUTHORIZING THE EXECUTION
OF A TEMPORARY ACCESS EASEMENT TO A
COMMUNICATIONS TOWER SITE LOCATED OFF
STATE ROAD NO. 13**

7. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Ayres & Associates for RFQ 02-35, Master Drainage Study Update for St. Johns County. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin with the No. 2 ranked firm and continue until an agreement can be reached
8. Motion to adopt **Resolution No. 2002-16**, approving a Final Plat for Parkes of Julington Creek Plantation Phase 6

RESOLUTION NO. 2002-16

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING A SUBDIVISION PLAT FOR PARKES OF
JULINGTON CREEK PLANTATION PHASE SIX**

9. Motion to adopt **Resolution No. 2002-17**, approving a Final Plat for Parkes of Julington Creek Plantation Phase 7

RESOLUTION NO. 2002-17

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR PARKES OF
JULINGTON CREEK PLANTATION PHASE SEVEN**

10. Motion to approve the transfer of \$24,476 from the Northwest Annex Project Contingency Reserves (3316-59923) to Buildings (3316-56200) to allow completion of the Northwest Annex
11. Motion to approve **Resolution No. 2002-18**, supporting and declaring the Florida Designated William Bartram Scenic Highway as an Historical Highway by protecting its Natural Resources and Historical Resources

RESOLUTION NO. 2002-18

**A RESOLUTION OF ST. JOHNS COUNTY BOARD OF
COUNTY COMMISSIONERS SUPPORTING AND
DECLARING THE FLORIDA-DESIGNATED WILLIAM
BARTRAM SCENIC HIGHWAY AS AN HISTORICAL
HIGHWAY BY PROTECTING ITS NATURAL AND
HISTORICAL RESOURCES**

12. Motion to authorize the County Administrator to execute FCT Conceptual Approval Agreement (CAA) between the County and the Florida Communities Trust (FCT) for a partial reimbursement of Vaill Point Property Acquisition and authorize Shorty Merritt to serve as the key contact for the project

13. Proofs:
 - a. Proof, Certificate of Liability Insurance, Advanced Disposal Service, LLC
 - b. Proof, Certificate of Insurance, Waste Management Inc. of Florida
 - c. Proof, Certificate of Insurance, Jani-King International Inc.
 - d. Proof, Certificate of Liability Insurance, Amason's Portable Toilets and Holding Tanks, Inc.
 - e. Proof, Certificate of Liability Insurance, Ameriseal Northeast Florida Inc.
 - f. Proof, Certificate of Liability Insurance, LAS Contracting Corp.
 - g. Proof, Certificate of Liability Insurance, LAS Contracting Corp.
 - h. Proof, Certificate of Liability Insurance, AlphaStaff Group, Inc.
 - i. Proof, Certificate of Liability Insurance, Elab, Inc.
 - j. Proof, Certificate of Liability Insurance, Superior Construction, Inc.
 - k. Proof, Notice to Bidders, Bid No. 02-44
 - l. Proof, Notice of Joint Meeting BCC/School Board, January 24, 2002
 - m. Proof, Notice of Attorney Client Private Meeting, January 22, 2002
 - n. Proof, Notice of Public Hearing, St. Joe Utility Rates, February 6, 2002
 - o. Proof, Notice to Bidders, Bid No. 02-48
 - p. Proof, Notice to Bidders, Bid No. 02-43
 - q. Proof, Notice of Public Hearing, Overearnings Investigations of Intercoastal Utilities Inc., February 13, 14 and 15, 2002
 - r. Proof, Notice of Public Hearing, Application for Establishment of Initial Rates by St. Joe Utilities, Inc., February 6, 2002

(9:37 a.m.) Motion by Kohnke, seconded by Bryant, carried 5/0, to adopt the Proclamations of Black History and Library Appreciation Month.

(02/05/02 - 4 - 9:37 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested Item #5 be pulled. Adams asked that Item #10 be continued to February 12, 2002 at 1:30 p.m.

(02/05/02 - 4 - 9:40 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/05/02 - 5 - 9:40 a.m.)

1. CONSIDER A RESOLUTION SUPPORTING THE FORT MOSE PROJECT

Lorenzo Laws, President, Fort Mose Historical Society, addressed the Board, asking for endorsement by the Board through a resolution of the Fort Mose project. **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-19.**

RESOLUTION NO. 2002-19

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING THE IMPORTANCE OF ACQUIRING SUFFICIENT LAND AND MAKING THE NECESSARY SITE IMPROVEMENTS TO FORT MOSE AND TAKE ADVANTAGE OF THIS GREAT HISTORICAL TREASURE LOCATED WITHIN THE BORDERS OF ST. JOHNS COUNTY AND ENCOURAGE SUPPORT TO MAKE THE HISTORIC FORT MOSE SITE KNOWN TO THE PEOPLE OF THE WORLD

(02/05/02 - 5 - 9:42 a.m.)

2. DISCUSSION OF SOLID WASTE MSBU ASSESSMENT COLLECTIONS

Bryant advised the Board of the situation. Hollingsworth and Staff answered questions of the Board. Discussion was held on certification of the assessment roll, waiving back years assessments, possible assessment of back years, proper accounting system, and other aspects of the tax rolls. It was recommended they move forward with the corrections as proposed by the Solid Waste Department. Further discussion ensued. (10:03 a.m.) **Motion by Bryant, seconded by Kohnke, carried 5/0, to add to the MSBU non ad valorem assessment roll, the 550 units that the Solid Waste Department has found off the rolls, for a certified roll for Mr. Hollingsworth for 2001.**

Joe Vonasek, Budget Officer, advised the Board of reconciliation of the tax roll. Further discussion was held on roll of the vendors, software, a software checkpoint system set up, number of collections by waste haulers, windshield survey, requiring collectors to certify the number of dwelling units they collect from, and looking at the two contractor lists, what they expect the County to pay them, and work from that point.

The meeting recessed at 10:32 a.m. and reconvened at 10:41 a.m.

(02/05/02 - 5 - 10:41 a.m.)

3. CONSIDER OPTIONS FOR THE ST. AUGUSTINE LIGHTHOUSE PROPERTY

Mary Ann Blount, Real Estate Manager, presented this item to the Board for their consideration. Discussion was held on conception of sale of the property to a non-profit entity, and, supporting the position that the lighthouse ought to be conveyed to the present operator with no reverter clause. (10:52 a.m.) Kathy Fleming, Executive Director, Junior Service League, asked for support of the Board for their application. **Motion by Meiszer, seconded by Reardon, carried 5/0, to support the concept of the sale of Parcel B to the Lighthouse and Museum, Inc. and that Parcel A be taken back to their board for consideration.**

(02/05/02 - 6 - 11:07 a.m.)

4. CONSIDER A CHANGE ORDER AND BUDGET TRANSFER FOR THE PONTE VEDRA BEACH LIBRARY EXPANSION PROJECT

Mike Rubin, Construction Services Director, presented this item to the Board for their consideration. Discussion was held on the requested transfers. (11:14 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to transfer \$29,000 from 3301-56301-0712-56301 (Bartram Trail Project), and \$55,000 from 0083-59920 (General Fund Reserve) to 3301-56200-0685-56200 Ponte Vedra Beach Branch Library Project. Motion by Reardon, seconded by Kohnke, carried 5/0, to transfer \$10,002 from 0685-59923 (Contingency) to 0685-56200 (Buildings). Motion by Reardon, seconded by Kohnke, to approve Change Order #02, in the amount of \$72,000, to River City Contractors.**

(02/05/02 - 6 - 11:21 a.m.)

5. REQUEST FOR A WAIVER OR DISCOUNT OF COUNTY UTILITY CONNECTION FEES FOR THE BARRIER ISLAND BED & BREAKFAST ON A1A SOUTH

This item was pulled from the agenda by Adams.

(02/05/02 - 6 - 11:21 a.m.)

6. CONSIDER AMENDMENTS TO THE VILANO NATURE GREENWAY/BOARDWALK IMPROVEMENTS

Dan Weimer, Recreation and Parks Director, made a presentation of this item. Brief discussion ensued. **Motion by Reardon, seconded by Bryant, carried 5/0, to approve an increase in the Project Budget for the Vilano Nature Greenway/Boardwalk Project to a total of \$207,837. Motion by Reardon, seconded by Kohnke, carried 5/0, to appropriate \$20,000 in donations from the Northshore Improvement Association. Motion by Reardon, seconded by Bryant, carried 5/0, to direct the County Administrator to execute the FIND Grant Award Agreement.**

(02/05/02 - 6 - 11:25 a.m.)

7. CONSIDER AMENDMENTS TO WATERFRONTS FLORIDA PAVILION AT VILANO BEACH

Dan Weimer, Recreation and Parks Director, advised the Board of this item. Brief discussion was held. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve an increase in the Project Budget for Pavilion Project to \$242,900 and to direct the County Administrator to execute the FIND Grant Award Agreement.**

(02/05/02 - 6 - 11:27 a.m.)

8. CONSIDER AN APPOINTMENT TO THE SCENIC HIGHWAY A1A COMMITTEE

Patsy Heiss, Assistant to the Administrator, presented the applications for appointment to the Scenic Highway A1A Committee. **Reardon nominated Barbara Jenness, Bryant seconded. Kohnke nominated Richard Thomas, Jacalone seconded. A roll call vote for Jenness was held:**

Kohnke	no
Bryant	yes
Meiszer	yes
Reardon	yes
Jacalone	yes

Motion carried 5/0 for the first nomination of Barbara Jenness; second nomination died for results of the first.

(02/05/02 - 7 - 11:31 a.m.)

9. CONSIDER AN APPOINTMENT TO THE CONTRACTORS REVIEW BOARD

Heiss made presentation of the proposed appointment to the Board. **Kohnke nominated Scott Berry, seconded by Reardon, carried 5/0, to appoint Scott Barry to the Contractors Review Board.**

(02/05/02 - 7 - 11:32 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report.

Commissioner Kohnke:

Kohnke requested a retreat be scheduled for the Commissioners, as soon as possible, in Conference Room "A", to discuss sales tax.

Commissioner Bryant:

Bryant stated Dr. Walker had suffered a stroke and was in rehabilitation. Primary Care Center should be up and running in a couple of weeks.

Commissioner Reardon:

Reardon addressed concerns of safety for school students on Lewis Speedway.

Commissioner Jacalone:

Jacalone commented on St. Johns County Day in Tallahassee.

(02/05/02 - 7 - 11:50 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams commented on County Day, West Augustine sheriff patrols, airing of BCC meetings in Hastings, Choose Life license plates funding, Sunshine Bus Company tracking ridership, and financial disclosure forms.

(02/05/02 - 7 - 11:50 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(02/05/02 - 7 - 11:51 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:52 a.m. and reconvened at 1:35 p.m. with Jacalone, Kohnke, Reardon, Meiszer, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

Commissioner Bryant was not yet present at the meeting.

(02/05/02 - 8 - 9:37 a.m.)

10. PUBLIC HEARING - APPEAL OF AN ADMINISTRATIVE INTERPRETATION FOR AACTION RECYCLING CORPORATION. THIS IS AN APPEAL OF AN ADMINISTRATIVE INTERPRETATION FOR THE AACTION RECYCLING CORPORATION. THE ISSUE IS WHETHER THE "CONCRETE CRUSHING" ACTIVITIES INVOLVED IN CONCRETE RECYCLING IS A LIGHT INDUSTRIAL ACTIVITY ALLOWED WITHIN THE CUMBERLAND PARK PUD, OR IS A HEAVY INDUSTRIAL ACTIVITY PROHIBITED WITHIN BY THE PUD. THE CUMBERLAND INDUSTRIAL PARK PUD STATES THAT "ALLOWABLE INDUSTRIAL USES WILL BE MORE LIMITED THAN THOSE ALLOWED UNDER THE COUNTY'S IW ZONING CLASSIFICATION." A LIST OF USES IS INCLUDED IN THE PUD THAT INCLUDE LIGHT INDUSTRIAL USES SUCH AS OUTDOOR STORAGE YARDS, WAREHOUSING, AND SERVICE ESTABLISHMENTS CATERING TO COMMERCE AND INDUSTRY. THE PUD STATES "ALL MANUFACTURING PROCESSES SHALL BE CONDUCTED WITHIN ENCLOSED BUILDINGS." THE ZONING INITIALLY DETERMINED THAT CONCRETE RECYCLING WAS AN ALLOWABLE USE WITHIN THE CUMBERLAND PARK PUD BASED UPON THE PERMITTED USES OF OUTDOOR STORAGE YARD AND DISTRIBUTION AND WAREHOUSING WITHIN THE PUD, AND WAS ISSUED AN APPLICATION FOR USE PERMIT FOR AN OCCUPATIONAL LICENSE IN OCTOBER 1995. IT WAS LATER DISCOVERED THAT THE CONCRETE RECYCLING USE INVOLVED "CONCRETE CRUSHING." THE ZONING PROGRAM DETERMINED THAT "CONCRETE CRUSHING" WAS A HEAVY INDUSTRIAL ACTIVITY AND NOT ALLOWED BY THE PUD. THE OWNER'S REPRESENTATIVE REQUESTED AN ADMINISTRATIVE INTERPRETATION TO DETERMINE WHETHER "CONCRETE CRUSHING" WAS A HEAVY INDUSTRIAL USE OR A USE ALLOWED BY THE PUD. ON SEPTEMBER 24, 2001, AN ADMINISTRATIVE INTERPRETATION WAS ISSUED CONFIRMING THE EARLIER INTERPRETATION THAT "CONCRETE CRUSHING" WAS NOT A PERMITTED ACTIVITY WITHIN THE CUMBERLAND INDUSTRIAL PARK PUD

Proof of publication of notice of public hearing on proposed appeal hearing, 1405 CR 210 West, PLNAPPL 2001-04 Aaction Recycling Corporation, was received having been published in The St. Augustine Record on January 21, 2002.

This item was continued to February 12, 2002, at 1:30 p.m.

(02/05/02 - 8 - 1:35 p.m.)

11. PUBLIC HEARING - PRD - 2001-01 DOUBLE BRIDGES PLANNED RURAL DEVELOPMENT. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 171 ACRES LOCATED IN SOUTH CENTRAL ST. JOHNS COUNTY BETWEEN CR 204 AND PELLICER CREEK FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) TO ALLOW FOR THE DEVELOPMENT OF 24 SINGLE FAMILY HOME SITES AND SUPPORTING RECREATION. THE PROJECT HAS BEEN REVIEWED FOR COMPLIANCE WITH ARTICLE XI (CONCURRENCY) OF THE LAND DEVELOPMENT CODE. A FINAL CERTIFICATE OF CONCURRENCY WAS ISSUED ON DEC. 19, 2001 FOR 24 SINGLE-FAMILY RESIDENCES. NO FURTHER CONCURRENCY REVIEW IS REQUIRED. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.04 PROVIDING STANDARDS FOR PLANNED RURAL DEVELOPMENTS AND PART 5.03 WHICH PROVIDES STANDARDS FOR PLANNED UNIT

DEVELOPMENTS. IT IS STAFF'S OPINION THAT THE REQUESTED REZONING AND THE PROPOSED PLAN OF DEVELOPMENT SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE AND COMPLIES WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF RURAL SILVICULTURE. STAFF ALSO FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING, SUBJECT TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF THE WAIVERS REQUESTED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THE JAN. 3, 2002 HEARING WITH A UNANIMOUS VOTE (7-0)

Proof of publication of notice of public hearing on proposed rezoning, 260 County Road 204, File # PRD 2001-01 Double Bridges, was received having been published in The St. Augustine Record on January 21, 2002.

Danielle Mayoros, Planner II, reviewed this item stating that this request seeks to rezone approximately 171 acres located in south central St. Johns County between CR 204 and Pellicer Creek from Open Rural (OR) to Planned Rural Development (PRD) to allow for the development of 24 single family home sites and supporting recreation. (1:37 p.m.) Bryant entered the meeting. Kohnke questioned having adequate buffering along Pellicer Creek. Mayoros answered yes. Kohnke questioned the dirt road being the main road and being paved and requested to bring up the discussion of sidewalks.

(1:38 p.m.) Karen Taylor, 3070 Harbor Drive, speaking on behalf of the applicant, reviewed the project briefly, utilizing the overhead projector. She spoke on the design of the project, the size of the lots, finished floor elevation, application being consistent with the Comprehensive Plan, and having a certificate of concurrency. Jacalone questioned the reason for needing the waiver to the height measurement standard. Taylor explained by drawing it. Kohnke spoke on sidewalk requirements and stated that she doesn't want sidewalks waived. She suggested that all developers put in sidewalks.

(1:53 p.m.) Frank DiMare, developer, spoke on the 35 foot-height limit and where it is measured. Bryant suggested considering some language to limit the amount of fill that can be added. DiMare replied yes he would. Taylor suggested adding the language; *finish floor would be no higher than the existing highest elevation on the lot.* The lot is no higher than the road in any location. DiMare stated it would be predevelopment, before anybody would put any fill on it. Discussion followed on height limit, and building sidewalks or bonding the money for it. Jacalone asked Bishop if there was a mechanism to guarantee the construction of the sidewalk through any other process other than agreeing to do it. Bishop explained that the bonding requirements in Section 6.02.06 of the Land Development Code are for internal sidewalks within the subdivision. Section 6.04.07g of the Land Development Code states that sidewalks shall be required on all roads that are classified as major or minor collector roads and 204 is a major collector roadway, so a sidewalk is required. Meiszer questioned, if these lots would be deed restricted, there would be no further subdivision of the lots. Taylor replied yes.

(2:13 p.m.) Harry Waldron, 118 Colon Avenue, voiced concern on the easement to his son's property needing to be recorded as going with the property. DiMare stated that they have agreed to record granting Waldron access through their development to his property. Bishop stated the finished floor be no higher than the existing elevation of the lot. **Motion by Reardon, seconded by Bryant, carried 4/1 with Kohnke opposed, to enact Ordinance No. 2002-04, known as Double Bridges (PRD 2001-01), adopting Findings of Fact 1 through 5 to support the motion, adding the language; *the finished***

floor elevation would be no higher than (1) one foot above the highest existing elevation of the lot, and the maximum height from the finished floor would be 35 feet.

ORDINANCE NO. 2002-04

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PRD (PLANNED RURAL DEVELOPMENT); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/05/02 - 10 - 2:19 p.m.)

12. *PUBLIC HEARING* - PUD 2001-19 MICKLER ROAD REZONING. THIS REQUEST SEEKS TO REZONE 6.8 ACRES ON MICKLER ROAD FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF UP TO 26 ATTACHED SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT HAS BEEN REVIEWED FOR COMPLIANCE WITH ARTICLE XI (CONCURRENCY) OF THE LAND DEVELOPMENT CODE. A FINAL CERTIFICATE OF CONCURRENCY WAS ISSUED ON NOV. 2, 2001 FOR 26 RESIDENTIAL CONDOMINIUM UNITS. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03, PROVIDING STANDARDS FOR PLANNED UNIT DEVELOPMENTS. STAFF'S OPINION IS THAT THE REQUESTED REZONING AND THE PROPOSED PLAN OF DEVELOPMENT SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE AND COMPLIES WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF RESIDENTIAL-C COASTAL. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING, SUBJECT TO THE BOARD OF COUNTY COMMISSIONER'S APPROVAL OF THE WAIVERS REQUESTED. THIS REQUEST WAS BEFORE THE PLANNING AND ZONING AGENCY ON JAN. 3, 2002, HOWEVER A MOTION TO APPROVE THE PROPOSED REQUEST FAILED TO PASS. PURSUANT TO SEC 8.01.03.B OF THE LDC FAILURE TO RECEIVE A MAJORITY VOTE OF THE MEMBERS PRESENT SHALL ACT AS A DENIAL OF THE APPLICATION, APPEAL OR OTHER MATTER BEFORE THE PZA. THE PZA TOOK NO FURTHER ACTION

Proof of publication of notice of public hearing on proposed rezoning, 4320 and 4280 Mickler Road, File # PUD 2001-19 Mickler Road, was received having been published in The St. Augustine Record on January 21, 2002.

Mayoros reviewed this item, stating that this request seeks to rezone 6.8 acres on Mickler Road from Open Rural (OR) to Planned Unit Development (PUD) to allow the development of up to 26 attached single-family residential units. Kohnke disclosed having ex-parte communication with Taylor Bush, the developer, regarding putting in 26 units without cutting down too many trees. Bryant disclosed having ex-parte communication with Taylor Bush, the developer, regarding meeting with the neighbors and addressing their concerns, and Marcy Silkebaken regarding the residents. Reardon disclosed having ex-parte communication with Taylor Bush, the developer, regarding the upcoming project and what would be taking place there. Meiszer voiced concern about the character of the neighborhood, spoke on the condos being multifamily surrounded by single family, and the density.

(2:26 p.m.) Gary Davenport, 3266 Pacetti Road, representing the applicant, mentioned that they are putting sidewalks on Mickler Road, keeping as many trees as possible, and the homes will have 50-foot setbacks. Utilizing the overhead projector, he explained the road site, 10 foot buffered zones, the density of the project is the same as the surrounding area, recreation site, sidewalks internal and external, and that they will provide an entrance wall and gate. Kohnke spoke on the single story, setbacks, questioned about lowering this project to a one story, and voiced concern about the trees. Discussion followed on why the request failed at the PZA Meeting, tree preservation, sites being designed for single family homes, the footprint of this PUD, how big the units are and the cost of the units.

(2:39 p.m.) Marcy Silkebaken, 1145 Neck Road, Ponte Vedra Beach, voiced concern on it having to be rezoned to put in 26 homes, the tree issue, and needing sidewalks.

(2:42 p.m.) Justin Clark, 100 Fairways Park Blvd., Ponte Vedra Beach, the Broker representing the sellers in this transaction, spoke in favor of this project. He spoke on why PZA turned them down, concurrency requirements, and sensitivity to environmental issues.

(2:49 p.m.) Raymond Mickler, 4320 Mickler Road, Ponte Vedra Beach, spoke in favor of this project.

(2:54 p.m.) Merlin Mickler, Jr., 4320 Mickler Road, Ponte Vedra Beach, spoke in favor of this project.

(2:54 p.m.) James O'Toole, 125 Seaside Circle, Ponte Vedra Beach, spoke on what Seaside Homeowners Association opposes to regarding the project.

(2:57 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, President of the Seaside Homeowners Association, stated that their Board is not opposed to this development.

(2:59 p.m.) Jacob Mickler, 4280 Mickler Road, Ponte Vedra Beach, spoke in favor of this project.

(3:00 p.m.) Discussion followed on connecting the sidewalk up to the development on the corner. **Motion by Kohnke, seconded by Bryant, carried 4/1 with Meiszer opposed, to enact Ordinance No. 2002-05, known as Mickler Road PUD (PUD 2001-19), adopting Findings of Fact 1 through 6 to support the motion, with the following additions; there will be a berm in the back with a vegetative buffer on top of the berm, and the sidewalk will be extended to the commercial on the corner.**

ORDINANCE NO. 2002-05

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM OPEN RURAL (OR)
TO PLANNED UNIT DEVELOPMENT (PUD);
PROVIDING FINDINGS OF FACT; PROVIDING A
SAVINGS CLAUSE; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

The meeting recessed at 3:07 p.m. and reconvened at 3:16 p.m.

(02/05/02 - 12 - 3:15 p.m.)

13. PUBLIC HEARING - NOTICE OF PROPOSED CHANGE TO ST. AUGUSTINE CENTRE DRI. THIS NOTICE OF PROPOSED CHANGE (NOPC) TO THE ST. AUGUSTINE CENTRE DRI DEVELOPMENT ORDER SEEKS TO EXTEND THE BUILD-OUT DATES OF PHASES I & II. THE APPLICANT PROPOSES TO: 1) EXTEND THE BUILD-OUT DATE OF PHASE I FROM DEC 31, 2001 TO DEC 31, 2002 AND 2) EXTEND THE BUILD-OUT DATE OF PHASE II FROM DEC 31, 2002 TO DEC 31, 2003. THE NOPC DOES NOT ALLOW ANY CHANGE IN APPROVED LAND USES AND DOES NOT ALLOW ADDITIONAL SQUARE FOOTAGE OR DWELLING UNITS. 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 notice of public hearing on proposed change, 2330 State Road 16, File # NOPC 2001-03 St. Augustine Centre, was received having been published in The St. Augustine Record on January 21, 2002.

Janet Beason, Court Reporter, was present. Joseph Bornstein, Planner III, stated that this notice of proposed change (NOPC) to the St. Augustine Centre DRI Development Order seeks to extend the build-out dates of Phase I from December 31, 2001 to December 31, 2002, and Phase II from December 31, 2002 to December 31, 2003, and mentioned the revised resolution listing all the conditions and everything that had been there previously. Discussion followed on the extension date of Phase I being completed in a year, how the traffic study would impact this project, and this project being extended before. (3:21 pm.) Bessie Bowman, 123 South Calhoun Street, Tallahassee, stated that she and John Bailey both represented the original applicant. Bryant questioned Bowman about them committing to help pay into a fund for the north-south corridor for the rule variance on I-95. She requested to take a minute to look at the language, and would come back to the Board with an answer. (3:24 p.m.) Jim Robinson, 6272 Dupont Station Court, Jacksonville, relayed that the original requirement was that the study be completed by March 2002, but with the one-year extension, the whole thing would slide a year. Bowman returned to the Board with the response from Bryant's question; stating that it was Condition 18 of the original 1997 Development Order which provided several things and explained. Discussion followed on Bowman's response, and several responses from the Board was to set up a funding mechanism. **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-20, approving a Notice of Proposed Change to the St. Augustine Centre DRI Restated Development Order, adopting Findings of Fact 1 through 3 to support the motion.**

RESOLUTION NO 2002-20

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MODIFICATION OF THE ST. AUGUSTINE CENTRE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 97-77); FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 3:31 p.m. and reconvened at 5:30 p.m. with Jacalone, Bryant, Meiszer, Reardon, Kohnke, Adams, Bosanko, and Deputy Clerk Yvonne King present. Also present were: Scott Clem, Director of Growth Management Services; Teresa Bishop, Planning Director; and Joe Stephenson, Public Works Director.

(02/05/02 - 13 - 5:32 p.m.)

14. PUBLIC HEARING - AMENDMENTS TO ARTICLE VI AND APPENDIX E OF THE LAND DEVELOPMENT CODE. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE ARTICLE VI - DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS AND APPENDIX E - ROADWAY FUNCTIONAL CLASSIFICATIONS. THE PROPOSED AMENDMENTS TO ARTICLE VI INCLUDE NUMEROUS CLARIFICATIONS AND MINOR CHANGES. THE SIGNIFICANT AMENDMENTS INCLUDE CHANGES TO THE STANDARDS FOR ZERO LOT LINE RESIDENTIAL PROJECTS, A CHANGE TO THE YARD REQUIREMENTS FOR THE RS-1 ZONING DISTRICT, ADDITIONAL REQUIREMENTS IN THE FIRE PROTECTION REGULATIONS FOR ACCESSIBILITY, NEW ACCESS MANAGEMENT STANDARDS FOR MAJOR COLLECTOR ROADWAYS, NEW EASEMENT REQUIREMENTS FOR UNMANNED SITES, CHANGES TO ALLOW SWALE DRAINAGE SYSTEMS FOR CERTAIN LOCAL ROADS, ALLOWANCE FOR CONTRIBUTION TO A SIDEWALK FUND WHERE CONSTRUCTION OF SIDEWALKS ON CERTAIN ROADWAYS MAY BE WAIVED, CHANGES TO ROADWAY DESIGN REQUIREMENTS ON EXISTING ROADWAYS, NEW REQUIREMENTS FOR PLACING FILL ON LOTS TO CREATE THE ESTABLISHED GRADE OF A LOT, AND THE ESTABLISHMENT OF A MINIMUM SIZE OF LOT FOR A KENNEL. THE PROPOSED AMENDMENTS TO APPENDIX E INCLUDE CHANGES TO THE CLASSIFICATION OF CERTAIN ROADWAYS AS MAJOR COLLECTORS AND MINOR COLLECTORS FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN

Proof of publication of the notice of public hearing on the amendments to Article VI and Appendix E of the Land Development Code was received having been published in the St. Augustine Record on January 26, 2002.

Clem reviewed the major changes to the Article VI and Appendix E of the Land Development Code regarding the following: setbacks for RS-1 zoning district; new zoning district called "CR;" front yards on corner through lots; complete rewrite of zero lot line in residential section; easements for access; creating a sidewalk fund; fire protection regulations; accessibility requirements for fire hydrants; and new access management standards applied to major collector roads. (5:58 p.m.) Nich Perpich, County Engineering Division, informed the Board that they used Florida Administrative Code 14-12 as a guide in drafting this standard. (5:59 p.m.) Meiszer requested it be noted in the minutes that at this public hearing no one from the public was in attendance. Clem continued reviewing the changes, as follows: changes to easement requirements; swale section roads being allowed under certain circumstances; new development on existing roads where the roads are not totally up to standard; scenic highways where existing vegetation exceeds the buffer requirements; filling lots; establishing lot grades; pet cemeteries; and kennels. (6:22 p.m.) *Jacalone announced the second public hearing scheduled for February 26, 2002 at 1:30 p.m.*

Motion by Reardon, seconded by Jacalone, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 6:22 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners, Check Register, checks 314173 through 314432 totaling \$1,707,136.73 (01/22/02)
2. St. Johns County Board of County Commissioners, Check Register, checks 314433 through 314457 totaling \$42,230.06 (01/24/02)

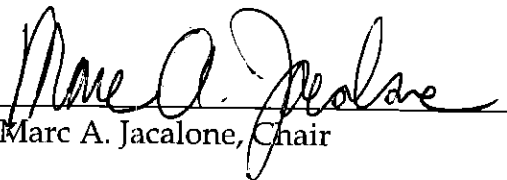
3. St. Johns County Board of County Commissioners, Check Register, checks 314458 through 314468 totaling \$2,417.27 (01/24/02)

CORRESPONDENCE:

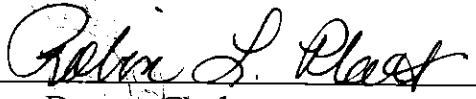
1. Letter to the Secretary of State filing St. Johns County Ordinance No. 2002-3 (01/17/02)
2. Letter to Daniel C. Packard regarding the Industrial Development Authority/Final Financial Disclosure (01/31/02)

Approved _____ February 19 _____, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk