

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 19, 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
 Daniel Bosanko, Deputy County Attorney
 Lenora Newsome, Deputy Clerk

Also present: Allen MacDonald, Finance Director

(03/19/02 - 1 - 9:03 a.m.)

The meeting was called to order by Chair Jacalone.

(03/19/02 - 1 - 9:04 a.m.)

The Invocation was given by Kohnke. The Pledge of Allegiance was led by Reardon.

(03/19/02 - 1 - 9:05 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(03/19/02 - 1 - 9:05 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(03/19/02 - 1 - 9:05 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
 02/26/02 - BCC Regular Meeting
 03/05/02 - BCC Regular Meeting
3. Sheriff's Bonds:
 Approve: Michelle R. Jewell
 Approve: Marcia S. Pippin

4. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 02-45, Design-Build of US 1 at Northrop Grumman Intersection Improvements, with the low bidder Hinson Electrical Contracting Co. in the amount of \$162,469.00 (*See Attachment "A"*)
5. Motion to adopt **Resolution No. 2002-42**, approving the transfer of certain County owned property to the State of Florida Department of Transportation for widening improvements to State Road 207

RESOLUTION NO. 2002-42

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING TRANSFER OF CERTAIN COUNTY OWNED PROPERTY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR WIDENING IMPROVEMENTS TO STATE ROAD 207

6. Motion to adopt **Resolution No. 2002-43**, approving a Final Plat for Marshall Creek DRI Village Center Unit One

RESOLUTION NO. 2002-43

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI VILLAGE CENTER UNIT ONE

7. Motion to direct the Chairman of the Board of County Commissioners to execute the Interlocal Recreation Agreement between St. Johns County and the City of St. Augustine
8. Motion to direct the County Administrator to execute the Department of Community Affairs Technical Assistance Grant and its associated documents and to adopt **Resolution No. 2002-45**, recognizing unanticipated revenue \$10,000 in State Grant Funds and appropriating it for use by the Planning Department

RESOLUTION NO. 2002-45

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 PLANNING DEPARTMENT

9. Motion to approve the amendment to the Interlocal Agreement between St. Johns County and the City of St. Augustine Beach for Fire Protection Services
10. Proofs:
 - a. Proof, Notice of a Private Meeting, Attorney/Client Session, St. Johns County Board of County Commissioners, March 5, 2002
 - b. Proof, Notice of Continued Public Hearing, Non-Exclusive Franchise Lifestream Technologies, February 26, 2002
 - c. Proof, Notice of Public Hearing, Imposing & Providing Collection Non-Ad Valorem Assessments, March 19, 2002

- d. Proof, Notice of Meeting, St. Johns County Economic Development Committee, February 14, 2002
- e. Proof, Notice to Bidders, Bid No. 02-41
- f. Proof, Notice to Bidders, Bid No. 02-51
- g. Proof, Notice to Bidders, Bid No. 02-59
- h. Proof, Notice to Bidders, Bid No. 02-64
- i. Proof, Notice to Bidders, Bid No. 02-56
- j. Proof, Notice to Bidders, Bid No. 02-65
- k. Proof, Notice to Bidders, Bid No. 02-67
- l. Proof, Notice to Bidders, Bid No. 02-70
- m. Proof, Certificate of Liability Insurance, DCR Engineering Services, Inc.
- n. Proof, Certificate of Liability Insurance, DCR Engineering Services, Inc.
- o. Proof, Certificate of Liability Insurance, PBM Constructors, Inc.

(03/19/02 - 3 - 9:06 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to add as item A, Discussion on Sales Tax Language.

(03/19/02 - 3 - 9:07 a.m.)

APPROVAL OF REGULAR AGENDA

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

(03/19/02 - 3 - 9:07 a.m.)

A. SALES TAX REFERENDUM LANGUAGE DISCUSSION

John Schwab, Administration, stated that in the previous Board meeting, they were directed by the Board to prepare information regarding the sales tax language that would be on the ballot, and the proposed resolution for the projects. He stated that they are asking for direction from the Board to determine whether they would like a singular document incorporating all the issues. Jacalone questioned Schwab if they were asking the Board to ask Staff to prepare an ordinance that would contain the statutory language necessary, the project lists and other details. Schwab explained. Kohnke mentioned that she preferred two separate issues to be voted on and explained why. Reardon suggested to have the projects locked into the body of the ordinance. Schwab explained several counties in the State of Florida have done it the way Reardon suggested, but stated that it was up to the Board how they wanted to handle it. Bryant questioned there being a population threshold that would allow or disallow a county from changing the ordinance. (9:14 a.m.) James Sisco, County Attorney, entered the meeting. Sisco responded that whatever is placed in the ballot is what goes. Meiszer mentioned that he favored one ordinance. Kohnke replied that she doesn't want items locked in. Sisco clarified the contents of the item set for the April 9 meeting. Jacalone stated that he was not supporting this item. Kohnke requested that Sisco be directed to put the word, *audit*, in the ordinance and if the items on the list are to be changed, they would be changed by super majority. **Motion by Jacalone, seconded by Kohnke, carried 5/0, to direct Staff to achieve all the items that are necessary in one unified ordinance.** Sisco left the meeting.

(03/19/02 - 4 - 9:30 a.m.)

1. CONSIDER GRANTING FREE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER TO THE ST. JOHNS VISIONING STEERING COMMITTEE

Dena Masters, TDC, stated that The St. Johns Vision Steering Committee has requested free use of the County Convention Center to hold Vision Task Force Meetings and listed the dates. Jacalone mentioned that he would like to know what would happen on those dates.

(9:31 a.m.) Jim Sutton, 4265 Lewis Avenue, explained what would be done at the meetings mentioned. Adams mentioned that the County has already used 5 of the 14 days allowed and this item would add an additional 3 days with a total of using 8 days, leaving 6 left. **Motion by Reardon, seconded by Kohnke, carried 5/0, to grant free use of the St. Johns County Convention Center to the St. Johns Vision Steering Committee to hold their Vision Task Force Meetings, March 26, 2002, March 29, 2002 and April 12, 2002.**

(03/19/02 - 4 - 9:34 a.m.)

2. CONSIDER SUNSETTING OF THE SCENIC HIGHWAY A1A ADVISORY COMMITTEE

Patsy Heiss, Assistant to the Administrator, gave a brief history on the Scenic Highway A1A Advisory Committee, and stated that this committee being a County appointed board is no longer necessary. **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-45, sunsetting the Scenic Highway A1A Advisory Committee**

RESOLUTION NO. 2002-45

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUNSETTING THE SCENIC HIGHWAY A1A ADVISORY COMMITTEE

There was discussion on there being no *public comment bullet* on the agenda and on Kohnke's regular agenda item cover sheets #2 and #3 being reversed.

(03/19/02 - 4 - 9:37 a.m.)

3. REVIEW OF LAND DEVELOPMENT CODE REGULATIONS FOR AIRCRAFT LANDING FIELDS

Scott Clem, AICP, Director of Growth Management Services, using visual display, spoke on the item that was requested by the Board to discuss the regulations under which Aircraft Landing Fields are allowed within the County. Kohnke questioned the cost of a PUD and the cost of a special use permit. Clem responded, the cost of a PUD is \$1800 and the cost of a special use permit is \$500.00. Kohnke requested to take out the PUD category and put in the special use category. Meiszer stated that he didn't think this was necessary and asked why they were changing it. Clem responded that the issue had been that the process for someone to request a personal airstrip has been expensive and they would rather see a simpler way of requesting a private airstrip that would be a special use that the PZA would approve instead of coming before the Board for a rezoning.

(9:49 a.m.) Bill Brown, 32 Grove Avenue, explained why he requested this item, stating that he wanted an airport on his property, would like to keep his plane on his property

and he had no problem with any regulations the Board may want to put on the airfield. He stated that the FAA regulates airfields in Florida through DOT. Kohnke stated that she would like the Planning Board to bring the Board of County Commissioners back a way that they can allow this without going through the PUD process, would require the same restrictions that a PUD would require, and would set it up in such a way that it would come before the BCC for decision, not just the PZA. Bosanko stated that it could be done either way. *Jacalone stated the direction was to do what Kohnke suggested.*

(03/19/02 - 5 - 9:56 a.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

No report.

(9:57 a.m.)

Commissioner Reardon:

Reardon spoke on the letter drafted by the Municipal Service District of Ponte Vedra Beach requesting that the St. Johns County BCC give due consideration to alternatives to the Gravity Sewage Collection System, in particular, the vacuum systems that are now being employed by the County and St. Augustine By the Sea. He stated that Bryant was doing a great job with the project of St. Augustine by the Sea. Reardon suggested lending the Board's support to assist or to follow up on the concerns of the MSD.

(9:59 a.m.)

Commissioner Kohnke:

Kohnke spoke on the negotiations with JEA.

(10:02 a.m.)

Commissioner Jacalone:

Jacalone spoke on the vacuum system that the County put in St. Augustine By the Sea. He read a memo from Bill Young regarding the vacuum system.

Jacalone spoke on St. Johns County Multi-modal Center, asking what role the County Commissioners played in it. Bryant mentioned that there would be no funding this year. Kohnke made two suggestions to Bryant; before the Airport Authority goes for funding, they should talk to the BCC and ask for their support, and maybe have another joint meeting to get clarity on it. Bryant responded. Meiszer stated that he followed the Mass Transit issue for many years and that he was in favor of mass transit.

Jacalone spoke on being involved in the Association of Counties and what he learned from it.

(10:25 a.m.)

Commissioner Meiszer:

Meiszer mentioned the meeting of the Library Advisory Board and one of the items they discussed regarding the beautification of some of the land around the Ponte Vedra Beach Library.

Meiszer announced that the Council on Aging will be sponsoring a creative writing contest for senior citizens and explained. Kohnke responded to the Library Advisory Board item. Meiszer commented on the Multi-modal Transportation System.

(03/19/02 - 6 - 10:42 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams spoke on receiving written offers from both of the Solid Waste Franchise Haulers to extend their contracts and requested to bring them to the Board next Tuesday. Adams stated that this would be advertised. Kohnke questioned Adams about the Council on Aging Celebrity Breakfast scheduled for April 4, 2002. Adams stated that he would check on it.

(03/19/02 - 6 - 10:45 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(03/19/02 - 6 - 10:45 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 10:45 a.m. and reconvened at 1:30 with Jacalone, Bryant, Reardon, Kohnke, Meiszer, Adams, Bosanko, MacDonald and Deputy Clerk Judy Hamilton present.

(03/19/02 - 6 - 1:32 p.m.)

4. PUBLIC HEARING – FINAL ORDER APPROVING ST. JOE UTILITIES APPLICATION FOR ESTABLISHMENT OF INITIAL RATES. THIS MATTER CAME FOR CONSIDERATION BEFORE THE ST. JOHNS COUNTY WATER AND SEWER AUTHORITY ON FEBRUARY 6, 2002. THE AUTHORITY ADOPTED PRELIMINARY ORDER 02-00001 AND RECOMMENDS FINAL APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS. A COPY OF THE PRELIMINARY ORDER IS ATTACHED FOR YOUR REVIEW. A COPY OF THE STAFF REPORT CONTAINING THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF THE AUTHORITY STAFF IS AVAILABLE FOR REVIEW IN THE COUNTY COMMISSION OFFICE

Proof of publication of notice of final hearing on the application for establishment of initial rates by St. Joe Utilities, Inc. was received, having been published in *The St. Augustine Record* on February 18, 2002.

Ronald Brown, Dobson & Brown, made a presentation to the Board in the absence of George Flint, Executive Director of the Water and Sewer Authority, and Geoff Dobson, attorney to the Water and Sewer Authority. Discussion was held. (1:46 p.m.) John Metcalf, 1104 Mill Creek Drive, representing St. Joe Utilities, Inc. made presentation, utilizing the overhead projector. Discussion ensued on continuing this item. (2:00 p.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to continue this item to 9:00 a.m. on March 26, 2002, on the basis of a total lack of information to make an informed decision.**

(03/19/02 - 7 – 2:02 p.m.)

5. PUBLIC HEARING – AMENDING ORDINANCE 96-53. THIS ADVERTISED PUBLIC HEARING IS FOR THE BOARD OF COUNTY COMMISSIONERS TO CONSIDER AN AMENDMENT TO ORDINANCE 96-53. THIS AMENDMENT PROVIDES A METHODOLOGY FOR DETERMINING AN INTEREST RATE ON ANY OR ALL PORTIONS OF ROAD IMPROVEMENT COSTS ASSOCIATED WITH MUNICIPAL SERVICE BENEFIT UNITS CREATED USING THE ROAD GRADING AND MAINTENANCE ASSESSMENT ORDINANCE 96-53.

Proof of publication on notice of public hearing for Amending Ord. 96-53 was received, having been published in *The St. Augustine Record* on March 8, 2002.

Bosanko left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting. Joe Stephenson, Public Works Director, addressed the Board on this item. Discussion was held on the interest rate, prime rate, among other various issues of the proposed ordinance. (2:14 p.m.) **Motion by Meiszer seconded by Reardon, carried 4/1 with Bryant dissenting, to accept the recommendation of Staff by enacting Ordinance 2002-18.**

ORDINANCE NO. 02-18

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 96-53. THIS AMENDMENT PROVIDES A METHODOLOGY FOR DETERMINING AN INTEREST RATE ON ANY OR ALL PORTION OF ROAD IMPROVEMENT COSTS ASSOCIATED WITH MUNICIPAL SERVICE BENEFIT UNITS CREATED USING THE ROAD GRADING AND MAINTENANCE ASSESSMENT ORDINANCE 96-53

(03/19/02 - 7 – 2:19 p.m.)

6. PUBLIC HEARING - NZVAR 02-033 S.A.F.E., INC. NON- ZONING VARIANCE. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO SECTION 6.04.07.G (SIDEWALKS) OF THE LAND DEVELOPMENT CODE THAT REQUIRES DEVELOPMENTS TO CONSTRUCT SIDEWALKS ADJACENT TO COUNTY COLLECTOR ROAD FRONTAGE. THE 3.08-ACRE PROPERTY IS LOCATED AT 2590 DOBBS ROAD AND IS CURRENTLY UNDEVELOPED. THE PROPOSED PROJECT CONSISTS OF A 7,500 SQUARE FOOT COMMERCIAL BUILDING AND RELATED INFRASTRUCTURE FOR SECURITY AND FIRE ELECTRONICS, INC. APPROXIMATELY 322' OF THE PROPERTY FRONTS ON DOBBS ROAD. DOBBS ROAD IS A COUNTY COLLECTOR ROAD WITH ROADSIDE SWALES. NO SIDEWALKS CURRENTLY EXIST ON DOBBS ROAD. STAFF CANNOT SUPPORT THIS NON-ZONING VARIANCE DUE TO THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE

Proof of publication for notice of public hearing in the matter of 2590 Dobbs Road was received, having been published in *The St. Augustine Record* on March 4, 2002.

Lopez left the meeting and Michael Hunt, Assistant County Attorney, entered the meeting. Darrell Locklear, Development Review Engineering Manager, addressed the Board, presenting the application for non-zoning variance. (2:20 p.m.) MacDonald left the meeting. Brief discussion was held on the application, sidewalks and swales. Aaron Krupa, the applicant, was present to answer questions of the Board.

(2:27 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to approve NZVAR 2002-003, based upon the evidence provided for all of the Five Findings of Fact as listed on pages 3 and 4 of the Staff Report.**

(03/19/02 - 8 – 2:27 p.m.)

7. PUBLIC HEARING – NZVAR 02-004 BIRD NON-ZONING VARIANCE. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO THE ROADWAY DESIGN (SECTION 6.04.07 AND 6.04.10) REQUIREMENTS OF THE LAND DEVELOPMENT CODE. HER DESIRE IS TO OBTAIN A BUILDING PERMIT TO REPLACE HER EXISTING MOBILE HOME WITH A SITE BUILD HOME ON A RECENTLY DIVIDED PARCEL. THE LAND DEVELOPMENT CODE REQUIRES THAT ACCESS BE IMPROVED TO CURRENT COUNTY STANDARDS FOR ANY NEW SUBDIVISION. THE APPLICANT RESIDES AT THE END OF A PRIVATE DIRT ROAD EASEMENT KNOWN AS TERRELL PAPPY ROAD. THE EASEMENT IS 50' WIDE FROM RUSSELL SAMPSON ROAD TO A POINT APPROXIMATELY 132' FROM HER PROPERTY LINE WHERE THE EASEMENT IS REDUCED TO 30' WIDE. ALTHOUGH STAFF CANNOT RECOMMEND APPROVAL OF THESE VARIANCES BASED UPON THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, ALL APPLICABLE DEPARTMENTS HAVE REVIEWED THIS APPLICATION AND STAFF HAS NO OTHER OBJECTIONS.

Proof of publication of the notice of public hearing in the matter of File #NZVAR 02-004 Bird, 10180 Terrell Pappy Road was received, having been published in the March 8, 2002 issue of *The St. Augustine Record*.

Darrell Locklear, Development Review Engineering Manager, presented this item to the Board for its consideration, with visual display. Angie Bird, 10180 Terrell Pappy Road, the applicant, answered questions of the Board. **Motion by Reardon, seconded by Bryant, carried 5/0, to approve NZVAR 2002-004, based upon the evidence provided for all of the Five Findings of Fact on pages 3 and 4 of the Staff Report.**

(03/19/02 - 8 – 2:32 p.m.)

8. PUBLIC HEARING – CPA 01-10 DEVIL'S ELBOW COMPREHENSIVE PLAN AMENDMENT. FILE #CPA-01-10 IS A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE COUNTY'S FUTURE LAND USE MAP. A SMALL SCALE AMENDMENT IS SUBMITTED TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE REGIONAL PLANNING COUNCIL FOLLOWING ITS ADOPTION BY THE LOCAL GOVERNMENT. THE SUBJECT PROPERTIES ARE LOCATED ON THE WEST SIDE OF SR A1A SOUTH, CRESCENT BEACH, APPROX. 6,000 FEET SOUTH OF STATE ROAD 206. THE APPLICANT IS ASKING TO CHANGE THE FUTURE LAND USE MAP FROM RESIDENTIAL DENSITY "A" TO RURAL COMMERCIAL (RC). THE SUBJECT PROPERTIES TOGETHER MEASURE APPROX. 4.12 ACRES. AS STATED IN THE APPLICATION, THE RIVER'S EDGE MOBILE HOME PARK PROPERTY HAS HOUSED UP TO 13 MOBILE HOMES AND CONTAINS A SMALL BOAT RAMP AND DOCK, WITH A GAME ROOM, LAUNDRY AND RESTROOM FACILITY. THE DEVIL'S ELBOW FISH CAMP PRESENTLY INCLUDES A COMMERCIAL BOAT RAMP, A FISH CAMP OFFICE AND STORE, THE OWNER'S HOUSE, 11 MOBILE HOME SITES, 9 RECREATIONAL VEHICLE SITES, PARKING FOR BOAT TRAILERS AND VEHICLES, AND A SERIES OF DOCKS WITH STORAGE FOR BOAT RENTALS

Proof of publication on public notice, display advertising, in the matter of File #CPA 01 10, Rivers Edge and Devils Elbow, 7497 and 7507 A1A South was received, having been published in *The St. Augustine Record* on March 4, 2002.

Teresa Bishop, Planning Director, addressed the Board, stating Item #8 and Item #9 were on the same property. Donna Godfrey, Senior Planner, made a presentation of CPA 01-10 to the Board, utilizing visual display. Godfrey then answered questions from the Board. (2:41 p.m.) Karen Taylor, 307 Oak Harbor Drive, representing the applicant, presented a video display. (2:56 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to enact Ordinance No. 2002-19, adopting CPA-01-10, Devil's Elbow, amending the Future Land Use Map, adopting Findings of Fact to support the motion, as provided in Section 1 of the attached ordinance.**

(03/19/02 - 9 – 2:58 p.m.)

9. PUBLIC HEARING – PUD 2001-23 DEVIL’S ELBOW PLANNED UNIT DEVELOPMENT. THIS REQUEST SEEKS TO REZONE 4.12 ACRES AT 7507 A1A SOUTH FROM RESIDENTIAL, SINGLE FAMILY (RS-2) TO PLANNED UNIT DEVELOPMENT (PUD) TO BRING THE EXISTING DEVIL’S ELBOW FISH CAMP SITE AND STRUCTURES INTO COMPLIANCE AND ALLOW FOR THE PHASED REDEVELOPMENT OF THE PROPERTY. THE EXISTING STRUCTURES ON THE SITE WILL BE UTILIZED, AS WILL THE EXISTING ACCESS FROM SR A1A. THE REQUIRED PARKING AND DRIVEWAY WILL BE IMPROVED TO COUNTY LDC STANDARDS. THE PROJECT WILL BE COMPLETED IN THREE PHASES EXTENDING OVER A PERIOD OF TEN YEARS. PROJECT HAS BEEN REVIEWED FOR COMPLIANCE WITH ARTICLE XI (CONCURRENCY) OF THE LAND DEVELOPMENT CODE AND WAS FOUND TO BE EXEMPT BECAUSE THE IMPACTS TO THE PUBLIC FACILITIES DO NOT SIGNIFICANTLY INCREASE AS A RESULT OF THE REVISED PLAN OF DEVELOPMENT.

Proof of publication of notice of public hearing in the matter of Devils Elbow PUD, was received, having been published in *The St. Augustine Record*, on March 4, 2002.

Danielle Mayoros, Planner II, made presentation of this item to the Board, utilizing visual display. Karen Taylor, representing the applicant, made presentation to the Board. Discussion was held on various aspects of the PUD. (3:06 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to enact Ordinance 2002-20, known as Devil’s Elbow PUD (PUD 2001-23), adopting Findings of Fact 1 to 6 to support the motion.**

The meeting recessed at 3:06 p.m.

The meeting reconvened at 5:33 p.m. with Jacalone, Bryant, Reardon, Meiszer, Adams, Lopez, MacDonald, and Deputy Clerk Lenora Newsome.

Kohnke was not present at the meeting.

(03/19/02 - 9 - 5:33 p.m.)

10. PUBLIC HEARING – CH ARNOLD ROAD MUNICIPAL SERVICE BENEFIT UNIT (MSBU). THIS PUBLIC HEARING IS TO CONSIDER A RESOLUTION RELATING TO THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND CONSTRUCTION OF ROAD IMPROVEMENTS FOR CH ARNOLD ROAD. THIS ROAD IS LOCATED IN NORTHWEST ST. JOHNS COUNTY OFF COUNTY ROAD 208. THE COUNTY RECEIVED A PETITION FROM THE PROPERTY OWNERS INDICATING 74% OF PROPERTY OWNERS ARE IN FAVOR OF A MSBU TO FUND THE COST OF ROAD IMPROVEMENTS AND THE MAINTENANCE NECESSARY TO INSURE ADEQUATE INGRESS AND EGRESS OF ESSENTIAL SERVICES. THE RESOLUTION DESCRIBES THE PROPERTY LOCATED WITHIN THE PROPOSED CH ARNOLD ROAD MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; DESCRIBES THE GRADING AND MAINTENANCE SERVICE TO BE PROVIDED AND ANY NECESSARY ROAD IMPROVEMENTS; ESTIMATES THE GRADING AND MAINTENANCE COST AND THE ROAD IMPROVEMENT CAPITAL COST; DETERMINES THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND THE CONSTRUCTION OF THE ROAD IMPROVEMENTS DEEMED NECESSARY TO PROVIDE SUCH ROAD GRADING AND MAINTENANCE SERVICE; ESTABLISHES THE METHOD OF APPORTIONING THE GRADING AND MAINTENANCE COST AND ROAD IMPROVEMENT CAPITAL COST AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTS THE PUBLIC WORKS DIRECTOR TO PREPARE A TENTATIVE ROAD ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH

HEREIN; ESTABLISHES A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ROAD ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTS THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDES AN EFFECTIVE DATE

Proof of publication of notice of public hearing on imposing and providing collection Non-Ad Valorem Assessments, was received having been published in The St. Augustine Record on February 27, 2002.

Joe Stephenson, Director of Public Works, reviewed this item. Mary Ann Blount, Real Estate Manager, gave a presentation reviewing the MSBU Process, preliminary assessment roll, initial cost estimate, and then the summary. Discussion followed on what the residents would expect to get on the initial construction upgrade of the road and what they would get on an annual basis in the way of maintenance.

(5:48 p.m.) Linda Yakaboski, 2875 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(5:49 p.m.) Bob MacKay, 2590 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(5:50 p.m.) Lee McKay, 2590 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road. She read a letter from Beth Masters in favor and from Courtesy Gas Company explaining how hard it was to service them because of the road.

(5:52 p.m.) Jon Schmatz, stating that his son lives at 2760 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(5:56 p.m.) Darlene Cannon, 2562 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(5:57 p.m.) Butch McCarty, 2530 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(5:58 p.m.) Vicky Andrews, 2600 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(5:58 pm.) Erik Martinson, 38 Cincinnati Street, stated that he has property on C. H. Arnold Road, and questioned being charged for two amounts because of owning two parcels. Blount replied that the Tax Collector's Office would combine the two parcels into one, so there would only be one charge.

(5:59 p.m.) Otto Williams, 2681 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(6:03 p.m.) Terry Powers, 47 Florida Avenue, spoke in opposition of improving C.H. Arnold Road.

(6:07 p.m.) Tammy Kelemen, 2400 C. H. Arnold Road, spoke in opposition of improving C.H. Arnold Road.

(6:09 p.m.) Patricia Clark, 2381 C. H. Arnold Road, spoke in opposition of improving C.H. Arnold Road.

(6:10 p.m.) Bob Kulpa, 2461 C.H. Arnold Road, spoke in opposition of improving C.H. Arnold Road.

(6:18 p.m.) Karen MacKay, 2445 Pellicer Road, in-laws live at 2590 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(6:21 p.m.) Jarrett Motes, 2740 C. H. Arnold Road, spoke in favor of improving C.H. Arnold Road.

(6:23 p.m.) Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-46, relating to the provision of Road Grading and Maintenance Service and the construction of road improvements deemed necessary to provide such service to the C. H. Arnold Road Maintenance Municipal Service Benefit Unit.

Discussion followed on what the next step would be.

RESOLUTION NO. 2002-46

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND THE CONSTRUCTION OF ROAD IMPROVEMENTS DEEMED NECESSARY TO PROVIDE SUCH ROAD GRADING AND MAINTENANCE SERVICE; DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE PROPOSE CH ARNOLD ROAD MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT, THE GRADING AND MAINTENANCE SERVICE TO BE PROVIDED AND ANY NECESSARY ROAD IMPROVEMENTS; ESTIMATING THE GRADING AND MAINTENANCE COST AND THE ROAD IMPROVEMENT CAPITAL COST; DETERMING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITTED BY THE PROVISION OF ROAD GRADING AND MAINTENACE SERVICE AND THE CONSTRUCTION OF ROAD IMPROVEMENTS DEEMED NECESSARY TO PROVIDE SUCH ROAD GRADING AND MAINTENANCE SERVICE; ESTABLISHING THE METHOD OF ASSESSING THE GRADING AND MAINTENANCE COST AND ROAD IMPROVEMENT CAPITAL COST AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITTED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ROAD ASSESSMENTS; DIRECTING THE DIRECTOR OF PUBLIC WORKS TO PREPART A TENTATIVE ROAD ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ROAD ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Motion by Bryant, seconded by Reardon, carried 5/0 to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 6:27 p.m.

REPORTS:

1. St. Johns County Commissioners Check Register Check #316321 through #316592 (03/12/02)

Approved April 2, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk