

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 26, 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
 Isabelle Lopez, Assistant County Attorney
 Judy Hamilton, Deputy Clerk

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

(03/26/02 - 1 - 9:00 a.m.)

CALL TO ORDER

Chair Jacalone called the meeting to order.

(03/26/02 - 1 - 9:03 a.m.)

Jacalone gave the Invocation. Bryant led the Pledge of Allegiance.

(03/26/02 - 1 - 9:04 a.m.)

ROLL CALL

The Deputy Clerk called the roll.

(03/26/02 - 1 - 9:05 a.m.)

PRESENTATION OF A PROCLAMATION DECLARING MARCH 26, 2002 AS BARTRAM TRAIL HIGH SCHOOL DANCE TEAM DAY

Reardon introduced Coach Patti Adams and Principal Jim Springfield of Bartram Trail High School. Reardon then read the Proclamation into the record. Introductions were made of the Dance Team.

(03/26/02 - 1 - 9:15 a.m.)

PUBLIC COMMENT

Louise Thrower, 288 Orange Avenue, spoke on \$40,000,000, affordable housing, visioning experiment and meetings.

(03/26/02 - 2 - 9:18 a.m.)
DELETIONS TO CONSENT AGENDA

Lopez requested Item #5 and Item #6 be moved to the Regular Agenda; Consent Item #5 was placed on the Regular Agenda as Item #16a and Consent Item #6 was placed on the Regular Agenda as Item #16b.

(03/26/02 - 2 - 9:20 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to allow the County Administrator, or his designee, to enter into a contract with the low bidder, D.B. Smith, Inc., in the amount of \$173,355.11 for Bid No. 02-57, Construction of Gilbert and King Streets Drainage Improvements (*See Attachment "A"*)
3. Motion to adopt **Resolution No. 2002-47**, confirming the governing body's authority to grant an exemption in its sole discretion and establishing a procedure by which a Special District may submit a written request to be exempted from depositing ad valorem revenue to fund a Community Redevelopment Agency pursuant to Section 163.387, Florida Statutes, and providing an effective date

RESOLUTION NO. 2002-47

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; CONFIRMING THE GOVERNING BODY'S AUTHORITY TO GRANT AN EXEMPTION IN ITS SOLE DISCRETION, AND ESTABLISHING A PROCEDURE BY WHICH A SPECIAL DISTRICT MAY SUBMIT A WRITTEN REQUEST TO BE EXEMPTED FROM DEPOSITING AD VALOREM REVENUE TO FUND A COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO SECTION 163.387, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

4. Motion to adopt **Resolution No. 2002-48**, authorizing the Clerk of Courts to file the survey map of North Francis Road, claiming a vested interest by St. Johns County in the right-of-way

RESOLUTION NO. 2002-48

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF NORTH FRANCIS ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW *BERGER VS. CITY OF CORAL GABLES, 101 SO. 2D 396 (FLA. DIST. CT. APP.-3D DIST. 1958)*

5. Motion to adopt a Resolution approving a final plat for Julington Creek Plantation, Parcel 17

This item was placed on the Regular Agenda as Item #16a.

6. Motion to adopt a Resolution approving a final plat for River Oaks at Ponte Vedra Beach

This item was placed on the Regular Agenda as Item #16b.

7. Motion to approve the transfer of \$4,500 from Judicial Center Building Maintenance (0032-54600) to Facilities Maintenance Salaries (0031-51200) to pay for additional painting that was completed at the Judicial Center by the Facilities Maintenance Department
8. Motion to approve the transfer of \$180,000 from the Tourist Development Fund (1146-53180, 1146-56301, 1146-53711) to the Beach Nourishment Fund (3315-56301) to accommodate higher volumes of sand than originally projected
9. Motion to adopt **Resolution No. 2002-49**, recognizing unanticipated revenue in the amount of \$48,300 from the sale of County property and appropriating it to 0054-56301 (Fairgrounds Improvements Other Than Building) for use in completing the placement and connection of the emergency generator

RESOLUTION NO. 2002-49

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 FAIR

(03/26/02 - 3 - 9:23 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Reardon requested Item #4 be pulled from the agenda. Reardon asked that Item #8 be moved to the beginning of the agenda as Item #A. Kohnke requested the addition of Item #B to the Regular Agenda – RFP 02-38, Non-Exclusive Beverage Agreement.

(03/26/02 - 3 - 9:24 a.m.)

APPROVAL OF REGULAR AGENDA

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

(03/26/02 - 3 - 9:24 a.m.)

- A. CONSIDER A RESOLUTION FOR THE “STREETSCAPE” PROJECT IN THE WEST AUGUSTINE AREA, WITH THE RECOMMENDATION OF THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY STEERING COMMITTEE, OFFICIALLY IDENTIFYING IT AS “JASMINE’S WAY”

This item was reagendaed from #8 to #A.

Reardon made presentation and introduction of Christie Jenkins, mother of Jasmine, her nine-year-old who had died one year ago. Jasmine had cancer since she was two-years-old. Rev. Nathaniel Jackson spoke. **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-50, concerning the "Streetscape" project in the West Augustine area, in accordance with the recommendation of the West Augustine Community Redevelopment Agency Steering Committee, to be officially identified as "Jasmine's Way."**

RESOLUTION NO. 2002-50

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY STEERING COMMITTEE ON THE NAMING OF THE WEST AUGUSTINE "STREETSCAPE" BEAUTIFICATION PROJECT, DECLARING ITS NAMING TO BE IN CONFORMANCE WITH RESOLUTION 99-152 AND APPROVING THE "STREETSCAPE" NAME

(03/26/02 - 4 - 9:32 a.m.)

B. REQUEST FOR PROPOSALS 02-38 -- NON-EXCLUSIVE BEVERAGE AGREEMENT

Dan Weimer, Recreation and Parks Director, presented the RFP, which was for non-exclusive beverage sales and distribution rights and non-exclusive advertising/marketing rights at specific St. Johns County Parks (Davis Park, Treaty Park, and any other future "athletic" park constructed) while this agreement was in effect. The resulting contract would encompass product sales in vending machines in the selected parks, as well as products for concession stands and other outdoor sales locations. Brief discussion ensued. Weimer stated the opening of Davis Park was scheduled for May 19. **Motion by Kohnke, seconded by Reardon, carried 5/0, to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Pepsi Bottling Group, or if an agreement cannot be reached with the No. 1 ranked firm, to terminate negotiations and begin negotiations with the No. 2 ranked firm. (See Attachment "B")**

(9:36 a.m.) *Jacalone welcomed the Third Grade Class from Ketterlinus Elementary School.*

(03/26/02 - 4 - 9:37 a.m.)

1. PUBLIC HEARING - REQUEST FOR EXEMPTION FOR THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY TRUST FUND BY THE ST. AUGUSTINE PORT, WATERWAY AND BEACH DISTRICT AND THE ANASTASIA MOSQUITO CONTROL DISTRICT OF ST. JOHNS COUNTY

Proof of publication of notice of public hearing on requests for exemption was received, having been published in *The St. Augustine Record* on March 20, 2002.

Isabelle Lopez, Assistant County Attorney, addressed the Board, stating the agencies had requested a continuance. Attorney David Conn, on behalf of the Port and Mosquito Districts, explained the exact exemptions. They had requested that allowance be made for the CRA Steering Committee to further review the matter and that this hearing be continued to May or June. Tom Crawford, Director of Housing and Community Services, explained why the request was made to pull this item. The Board held discussion. **Motion by Kohnke, seconded by Reardon, carried 5/0, to continue**

the request for exemption from the West Augustine Community Redevelopment Agency Trust Fund by the St. Augustine Port, Waterway and Beach District and the Anastasia Mosquito Control District of St. Johns County, until after these groups have met with the CRA Steering Committee, and that it be rescheduled at a time certain as determined by Staff.

(9:48 a.m.) Lopez left the meeting and Daniel Bosanko, Deputy County Attorney, entered the meeting.

(03/26/02 - 5 - 9:48 a.m.)

2. PUBLIC HEARING - FINAL ORDER APPROVING ST. JOE UTILITIES APPLICATION FOR ESTABLISHMENT OF INITIAL RATES. THIS HEARING WAS CONTINUED FROM THE COMMISSION MEETING ON MARCH 19, 2002. THIS MATTER CAME FOR CONSIDERATION BEFORE THE ST. JOHNS COUNTY WATER AND SEWER AUTHORITY ON FEBRUARY 6, 2002. THE AUTHORITY ADOPTED PRELIMINARY ORDER 02-000001 AND RECOMMENDS FINAL APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS

Proof of publication of notice of final hearing on application for establishment of Initial Rates by St. Joe Utilities was received, having been published in *The St. Augustine Record* on March 23, 2002.

Attorney Ron Brown, Dobson & Brown, representing the Water and Sewer Authority, answered questions from the Board. Discussion was held on conservation rates, JEA, water caution areas, and other aspects of the issue. John Metcalf, Gary Davenport, Mark Ambac and Frank Seidman were also present and answered questions from the Board. **Motion by Meiszer, seconded by Jacalone, carried 4/1 via roll call vote, with Kohnke dissenting**

Reardon	yes
Jacalone	yes
Kohnke	no
Bryant	yes
Meiszer	yes

to adopt the Final Order No. 02-00002.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

**DOCKET NO.: 02-0015-0025-0002
ORDER NO.: 02-00002**

IN THE MATTER OF:

ST. JOE UTILITIES, INC.

Application for Establishment of Initial Rates

ORDER OF CONFIRMATION

(03/26/02 - 5 - 10:08 a.m.)

3. CONSIDER A LOAN OF FUNDS TO UTILITY AUTHORITY IN THE AMOUNT OF \$140,000 FOR EXPENSES INCURRED IN AN OVEREARNINGS RATE CASE AGAINST INTERCOASTAL UTILITIES, INC.

Joe Vonasek, Director of Office of Management and Budget, made a presentation to the Board of this request, in the absence of George Flint, Executive Director of the Water and Sewer Authority. Vonasek explained the shortage of budget and increased fees. *Jacalone asked Adams to have the Executive Director come and give an update on where the*

County is in this overearnings issue. Victor Martinelli, Chair of the Water and Sewer Authority, answered questions from the Board and provided further explanation on the issue. **Motion by Reardon, seconded by Kohnke, carried 5/0, to transfer \$140,000 from the General Fund Reserve (0083-59920) to the Utility Authority Fund as a loan with interest at the rate of 4.0% per annum with repayment to occur at the time of reimbursement by Intercoastal Utilities, Inc. for expenses incurred in their overearnings rate case.**

The meeting recessed at 10:21 a.m. and reconvened at 10:28 a.m.

(03/26/02 - 6 - 9:23 a.m.)

4. INFORMATIONAL PRESENTATION ON THE PROFESISONAL CADDIES ASSOCIATION (PCA) BY DENNIS CONE, PRESIDENT OF THE PCA

This item was pulled from the agenda.

(03/26/02 - 6 - 10:28 a.m.)

5. CONSIDER A RESOLUTION TO APPROVE THE TERMS OF THE PURCHASE AND SALE AGREEMENTS FOR THE ACQUISITION OF ADDITIONAL RIGHT-OF-WAY FOR THE RACETRACK ROAD PROJECT

Joe Stephenson, Director of Public Works, made a presentation of this item, with visual display. Discussion ensued on various aspects of the purchase and sale agreements and roadway design. (10:39 a.m.) Isabelle Lopez, Assistant County Attorney, entered the meeting. (10:58 a.m.) Louise Thrower, 288 Orange Avenue, spoke on this issue. (10:59 a.m.) Bill Byers, 1365 Tiber Avenue, spoke on this issue. (10:38 a.m.) **Motion by Meiszer, seconded by Reardon, carried via roll call vote, with Jacalone dissenting**

Jacalone	no
Kohnke	yes
Bryant	yes
Meiszer	yes
Reardon	yes

to approve Resolution No. 2002-51 approving the terms of the Purchase and Sale Agreements.

RESOLUTION NO. 2002-51

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF TWO PURCHASE AND SALE AGREEMENTS FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF THE RACETRACK ROAD TRANSPORTATION PROJECT

(11:03 a.m.) Lopez left the meeting.

(03/26/02 - 7 - 11:03 a.m.)

6. CONSIDER MID-YEAR FUNDING ADJUSTMENTS FOR CAPITAL IMPROVEMENT PROJECTS

Joe Stephenson, Director of Public Works, made presentation, utilizing visual display. Discussion was held on proposed mid-year fund adjustments in the Transportation Trust Fund and the Impact Fee Funds. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the rescheduling of Capital Improvement Projects, as listed in Exhibit "A."** **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve transfer of funds from Holmes Blvd. Improvements Other Than Building to Transportation Capital Projects Improvements Other Than Buildings and motion to approve transfer of funds from Impact Fees Zone B Reserves to Impact Fees Zone B Improvements Other Than Buildings.**

(03/26/02 - 7 - 11:16 a.m.)

7. CONSIDER A RESOLUTION TO AMEND THE 2002 CAPITAL IMPROVEMENT PROJECTS LIST TO INCLUDE IMPROVEMENTS TO TROUT CREEK PARK

Dan Weimer, Director of Recreation and Parks, presented the Resolution to the Board for their consideration. (11:17 a.m.) Rev. Helen Tobey, 205 East Latin St., spoke as being in support of this item. After brief discussion, **motion by Meiszer, seconded by Reardon, carried 5/0, to adopt Resolution No. 2002-52.**

RESOLUTION NO. 2002-52

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2002 CAPITAL IMPROVEMENT PLAN TO INCLUDE IMPROVEMENTS TO TROUT CREEK PARK AS AN UNANTICIPATED PROJECT AND AUTHORIZE THE PROJECT SHOULD IT RECEIVE LAND AND WATER CONSERVATION FUND (LWCF) APPROVAL

(03/26/02 - 7 - 9:24 a.m.)

8. CONSIDER A RESOLUTION FOR THE "STREETSCAPE" PROJECT IN THE WEST AUGUSTINE AREA, WITH THE RECOMMENDATION OF THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY STEERING COMMITTEE, OFFICIALLY IDENTIFYING IT AS "JASMINE'S WAY"

This item was reagendaed as Item #A.

(03/26/02 - 7 - 11:20)

9. CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD

Patsy Heiss, Assistant to the Administrator, made presentation of the applicants. *Kohnke nominated Robert D. Crenshaw, seconded by Reardon. Jacalone nominated Jan Pearce, seconded by Meiszer.* **Motion by Kohnke, seconded by Meiszer, carried 3/2 with Jacalone and Meiszer dissenting, to appoint Robert D. Crenshaw to Position No. 2 on the Ponte Vedra Zoning & Adjustment Board for a four-year term, effective April 26, 2002 and expiring April 26, 2006.**

(03/26/02 - 8 - 11:22 a.m.)
COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke reported that The Players Championship came off beautifully and was a boon to the economy.

Commissioner Meiszer:

(11:22 a.m.) Meiszer reported that 15,000 pounds of trash was picked up on River Cleanup last weekend. Volunteers had numbered 416 and it appeared there was not as much trash out there as there used to be.

Commissioner Bryant:

(11:24 a.m.) Bryant reported that April 15 was scheduled as the opening of the new Primary Care Unit at Flagler West.

Commissioner Reardon:

(11:26 a.m.) Reardon asked the Board to send a letter to the Governor regarding billboards. After discussion, *it was the consensus of the Board to direct Staff to prepare a letter for the Chair's signature to Governor Bush, supporting the City of St. Augustine and their side of the issue regarding legislation of local control of billboards; local control regulating billboards should not be diminished.*

Reardon asked for Staff to speak with Principal Jim Springfield, Bartram Trail High School, regarding acrid smoke from burnings near the school; asking the State Forestry Department to assist.

(03/26/02 - 8 - 11:34 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams reported on the concessionaire at the Golf Course.

(03/26/02 - 8 - 11:36 a.m.)
COUNTY ATTORNEY'S REPORT

No report was given.

(03/26/02 - 8 - 11:37 a.m.)
CLERK OF COURT'S REPORT

No report was given.

The meeting recessed at 11:38 a.m. and reconvened at 1:30 p.m. with Jacalone, Bryant, Meiszer, Reardon, Kohnke, Assistant County Administrator David Halstead, Assistant County Attorney Michael Hunt, and Deputy Clerk Yvonne King present.

(03/26/02 - 8 - 1:35 p.m.)

10. PUBLIC HEARING - NZVAR 01-027 FIRST COAST METROPOLITAN CHURCH NON- ZONING VARIANCE. THIS IS A NON-ZONING VARIANCE REQUEST TO THE ROADWAY DESIGN REQUIREMENTS (SECTION 6.04.07 AND 6.04.10) OF THE LAND DEVELOPMENT CODE. THE APPLICANT,

FIRST COAST METROPOLITAN CHURCH, WANT TO BUILD A 3,000 SQUARE FEET CHURCH ON 21.8 ACRES LOCATED AT 2905 CR 214. THE PROPERTY IS CURRENTLY ACCESSED VIA A 60' WIDE PRIVATE EASEMENT WITH A DIRT SURFACE APPROXIMATELY 1000' IN LENGTH. THEY HAVE ALSO STATED THAT THEY ARE IN THE PROCESS OF RECORDING A MAINTENANCE AGREEMENT THAT WILL SPECIFY THAT THEY WILL BE RESPONSIBLE FOR MAINTENANCE. THE APPLICANT HAS OFFERED TO PAVE AN ACCESS APRON TO THE RIGHT-OF-WAY LINE ON CR 214 TO ELIMINATE DAMAGE TO THE EDGE OF PAVEMENT. THE LAND DEVELOPMENT CODE REQUIRES THIS TYPE OF NEW DEVELOPMENT TO BE ACCESSED BY A ROADWAY MEETING CURRENT STANDARDS (I.E., PAVED SURFACE). STAFF CANNOT SUPPORT THIS VARIANCE REQUEST

Proof of publication of the notice of public hearing on the non-zoning variance, NZVAR 01-027, First Coast Metropolitan Church, was received having been published in The St. Augustine Record on March 11, 2002.

Darrell Locklear, Development Review Engineering Manager, explained the requested non-zoning variance to the Roadway Design requirements of the Land Development Code in order to build a 3,000 square feet church on 21.8 acres. (1:38 p.m.) Kevin Davenport, 245 River Plantation Road, St. Augustine, representing First Coast Metropolitan Community Church, made a presentation requesting the Board to approve the variance. Discussion followed regarding the access easement and maintenance of the easement. (1:53 p.m.) Rev. Helen Tobey, 205 E. Lattin Street, commented in favor of the variance. (1:54 p.m.) Rev. Ruth Jensen, 1681 US 1 South, St. Augustine, Pastor of First Coast Metropolitan Church, commented in favor of the variance. (1:55 p.m.) Rhonda Boucher, 2202 Gillis Street, Palatka, commented in favor of the variance. (1:56 p.m.) Lynne Bloemendaal, 329 Horsemans Club Road, Palatka, commented in favor of the variance. (1:57 p.m.) Sean Smith, 348 Jasmine Lane, Jacksonville, commented in favor of the variance. (1:58 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve NZVAR 2001-027, based upon the evidence provided for the Five Findings of Fact as evidenced and stated on page 3.**

(03/26/02 - 9 - 1:58 p.m.)

11. PUBLIC HEARING - NZVAR 02-002 TAYLOR NON-ZONING VARIANCE. THIS IS A NON-ZONING VARIANCE REQUEST TO THE ROADWAY DESIGN REQUIREMENTS (SECTION 6.04.07 AND 6.04.10) OF THE LAND DEVELOPMENT CODE. THE APPLICANT OWNS 3.0 ACRES AT 1665 WOODLAWN ROAD. CURRENTLY A PRIVATE 30' DIRT EASEMENT IS USED TO ACCESS THEIR RESIDENCE AND ONE OTHER RESIDENCE. THE APPLICANT WISHES TO DIVIDE-OFF A 1 ACRE PARCEL ADJACENT TO WOODLAWN ROAD FOR THEIR DAUGHTER TO BUILD A HOUSE. A TOTAL OF 3 RESIDENTIAL UNITS WOULD THEN BE SERVED BY THE EASEMENT. THE DEED RESTRICTIONS PROVIDED BY THE APPLICANT STATE THAT THE EASEMENT IS TO BE USED FOR RESIDENTIAL ACCESS ONLY AND THAT THE ROAD MAINTENANCE IS TO BE SHARED BY THE ABUTTING LAND OWNERS. THE DIVISION OF THE PROPERTY REQUIRES THE ACCESS TO BE IMPROVED TO CURRENT STANDARDS THAT INVOLVE A 60' RIGHT-OF-WAY AND A PAVED SURFACE. ALTHOUGH STAFF CANNOT SUPPORT THE REQUESTED VARIANCE BASED ON THE REQUIREMENT OF THE LAND DEVELOPMENT CODE, ALL APPLICABLE DEPARTMENTS HAVE REVIEWED THE APPLICATION AND STAFF HAS NO OTHER OBJECTIONS

Proof of publication of the notice of public hearing on the non-zoning variance NZVAR 02-002, Taylor, was received having been published in The St. Augustine Record on March 11, 2002.

Darrell Locklear, Development Review Engineering Manager, explained the requested non-zoning variance to the Roadway Design requirements of the Land Development Code. (2:00 p.m.) Kohnke temporarily left the meeting. (2:00 p.m.) Julia Taylor, Applicant, requested the Board approve the variance. (2:00 p.m.) **Motion by Reardon, seconded by Jacalone, carried 4/0 with Kohnke absent, to approve NZVAR 2002-002 based upon the evidence provided for the Five Findings of Fact as listed on page 3.**

(03/26/02 - 10 - 2:01 p.m.)

12. CONSIDER A REQUEST TO WAIVE THE \$200.00 APPLICATION FEE FOR A NON-ZONING VARIANCE APPLICATION FOR ROBERT & SHIRLEEN WILSON

(2:02 p.m.) Kohnke returned to the meeting. Danielle Mayoros, Planner II, explained the request to waive the fees for the non-zoning variance application because in 1999, a clearance sheet was issued that allowed the placement of a residential mobile home on the adjacent lot, even though the lot was zoned Commercial Neighborhood. This action triggered additional setback requirements for the property in question for commercial development due to its location in the South Anastasia Island Overlay District. (2:09 p.m.) Robert Wilson, 9171 August Circle, St. Augustine, requested the Board waive the fees for the non-zoning variance application. Discussion followed regarding the requested waiver. (2:16 p.m.) **Motion by Reardon, seconded by Jacalone, carried 4/1 with Meiszer opposed, to approve a waiver of the non-zoning variance application fee, finding that the waiver of said fees is in the best interest of the County and will serve a public purpose in that it was the initial oversight of the County in allowing a residential mobile home in a CN zoning area.**

(03/26/02 - 10 - 2:18 p.m.)

13. PUBLIC HEARING - NON-ZONING VARIANCE 2002-06 ROBERT & SHIRLEEN WILSON PROJECT. THE PROPERTY IS LOCATED AT 5991 A1A SOUTH. THE APPLICANT SEEKS A NON-ZONING VARIANCE TO WAIVE SEC 3.07.05.A.5 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DIST) SEEKING TO REDUCE A (WEST) REAR YARD REQUIREMENT FROM 30 FEET TO 10 FEET. THIS PROVISION REQUIRES THAT WHERE A PROPOSED BUILDING ADJOINS AN EXISTING RESIDENTIAL LAND USE OR RESIDENTIALLY ZONED LANDS, THE MINIMUM ADJOINING YARD REQUIREMENT (WHETHER IT IS A SIDE OR REAR YARD, OR BOTH) IS THIRTY FEET FOR A ONE-STORY BUILDING. THE APPLICANT PROPOSES TO CONSTRUCT A SINGLE-STORY OFFICE BUILDING ON PROPERTY THAT IS ZONED COMMERCIAL NEIGHBORHOOD (CN) AND LOCATED ON THE WEST SIDE OF SR A1A SOUTH. THE DEVELOPMENT SITE CONSISTS OF ONE LOT THAT IS APPROXIMATELY 125 FT DEEP AND 75 FT WIDE. SINCE THE SUBJECT SITE ADJOINS RESIDENTIALLY USED LAND, THE THIRTY-FOOT REAR YARD REQUIREMENT APPLIES. STAFF DOES NOT OBJECT TO THE REDUCTION IN THE SETBACK ON THE WEST PROPERTY LINE SO LONG AS THE APPLICANT IS PREPARED TO MAINTAIN THE BUFFER REQUIREMENTS SET FORTH IN SECTION 3.07.06.A.4 OF THE LDC WHICH STATES: "WHERE A (1) ONE STORY BUILDING IS TO BE CONSTRUCTED WITHIN SIXTY (60) FEET OF A RESIDENTIALLY-ZONED PROPERTY, A LANDSCAPED VISUAL SCREEN SHALL BE PROVIDED AND MAINTAINED BETWEEN THE BUILDING AND RESIDENTIALLY-ZONED PROPERTY,

WHICH PROVIDES SEVENTY-FIVE PERCENT (75%) OR GREATER OPACITY TO A SIX (6) FOOT HEIGHT". THE REQUESTED NON-ZONING VARIANCE, THE BOARD MUST CONSIDER WHETHER THE APPLICANT HAS DEMONSTRATED THAT THE PROVISIONS AS SET FORTH IN SECTION 10.04.03.B OF THE LDC APPLY TO DEVELOPMENT OF THIS SITE

Proof of publication of the notice of public hearing on the non-zoning variance, 2002-06 Wilson Project, was received having been published in The St. Augustine Record on March 11, 2002.

Danielle Mayoros, Planner II, explained the requested non-zoning variance to the Land Development Code in order to reduce a west rear yard requirement from 30 feet to 10 feet. Discussion followed regarding the surrounding zoning uses. (2:26 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve PNZVAR 2002-06, making findings of fact 1-5 on page 2 to support the motion.**

(03/26/02 - 11 - 2:27 p.m.)

14. PUBLIC HEARING - NOPC 2002-01 NOTICE OF PROPOSED CHANGE ST. JOHNS DEVELOPMENT OF REGIONAL IMPACT. THIS NOTICE OF PROPOSED CHANGE (NOPC) TO THE ST. JOHNS DRI TO THE SAINT JOHNS DRI RESTATED DEVELOPMENT ORDER SEEKS TO AMEND DEVELOPER COMMITMENTS 42-44 AND SPECIFIC CONDITION II, AND REPLACE THEM WITH A REVISED SPECIFIC CONDITION II REQUIRING THE DEVELOPER TO PAY \$300,000 IN THREE INSTALLMENTS TO ST. JOHNS COUNTY FOR AN AFFORDABLE HOUSING PROGRAM IN WEST AUGUSTINE. SPECIFICALLY, THE PAYMENT SCHEDULE WOULD BE AS FOLLOWS: A) \$75,000 WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THE APPROVED RESOLUTION, B) \$100,000 BY JAN 31, 2004, C) \$125,000 BY JAN 31, 2006. THERE ARE NO CHANGES IN LAND USES OR ANY PHASING IN THE SAINT JOHNS DRI. THE EXISTING DEVELOPMENT ORDER REQUIRES THE DEVELOPER TO CONDUCT AN AFFORDABLE HOUSING STUDY BY EITHER 2002, OR UPON REACHING 1,471 FULL-TIME EMPLOYEES. IT IS THE OPINION OF ST. JOHNS COUNTY HOUSING & COMMUNITY SERVICES THAT THE MONIES EARMARKED FOR THE AFFORDABLE HOUSING STUDY WOULD BE BETTER USED TO ASSIST THE WEST AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY. A \$300,000 CONTRIBUTION EXCEEDS THE CURRENT APPLICANT COMMITMENT OF \$0.02 PER SQ FT OF NON-RESIDENTIAL USES FOR AFFORDABLE HOUSING PROVISIONS, AND IS MORE IN LINE WITH THE RECENT PAYMENT OF \$0.05 PER SQUARE FOOT BY OTHER DRI'S. STAFF HAS NO OBJECTIONS TO THIS NOPC AND FINDS IT CONSISTENT WITH THE COMP PLAN AND APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT CODE. THIS REQUEST IS A PRE-SET HEARING AND WAS HEARD BEFORE THE PLANNING AND ZONING AGENCY ON MARCH 21, 2002

Proof of publication of the notice of public hearing on the notice of proposed change, was received having been published in The St. Augustine Record on March 6, 2002.

Joseph Borstein, Planner III, explained the Notice of Proposed Change to the St. Johns DRI to the Saint Johns DRI Restated Development Order. Discussion followed regarding the installment payment schedule. (2:33 p.m.) John Metcalf, 1104 Mill Creek Drive, addressed the notice of proposed change. (2:34 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-53, approving a Notice of Proposed Change to the Saint Johns DRI Development Order, Resolution No. 91-130; and adopting Findings of Fact 1-3 that support the motion.**

RESOLUTION NO. 2002-53

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, RESTATING, INCLUDING AND MODIFYING THE SAINT JOHNS DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY RESOLUTION NOS. 91-130, 91-183, 94-211, 95-06, 96-102, 96-233 AND 98-126; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting thereupon recessed at 2:34 p.m. and reconvened at 2:42 p.m. County Administrator Ben W. Adams, Jr. entered the meeting.

(03/26/02 - 12 - 2:42 p.m.)

15. PRESENTATION OF A PROPOSAL BY BROWNING FERRIS INDUSTRIES (BFI) FOR THE PURPOSE OF RENEGOTIATING THE RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION FRANCHISE FOR THE SOUTHERN PORTION OF ST. JOHNS COUNTY

Agenda Item #15 and #16 were addressed in one discussion. John Schwab, Special Projects Manager, relayed that BFI and Seaboard Waste Systems has requested to present proposals to renegotiate their existing contracts. Their existing franchises will terminate July 31, 2003. They are asking for the existing franchises to take effect April 1, 2002 and to last for a period of 6 ½ additional years. (2:44 p.m.) Sherry Larger, BFI, presented the franchise restructure proposal as follows: reduce the residential rate to \$7.55 per home per month; extend the franchise five years through July 2008; and open the commercial services to open competition between the two franchise holders. Larger then reviewed the savings per month; reviewed the savings on the remainder of the contract; shared the advantages of continuing relationship with BFI; and relayed the community contributions. (2:50 p.m.) Jud Durrell, District Manager for BFI, addressed the similarities in the figures from both companies. Discussion followed regarding the rates and community contributions.

(2:54 p.m.) Jim Arnold, Seaboard Waste Systems, made a presentation requesting the Board extend the franchise through September 30, 2008, which currently expires July 31, 2003. Arnold then offered the following: to reduce the residential rate by \$1.00 per month; open commercial waste collection to competition between Seaboard and BFI; update the franchise ordinance; and develop a new franchise agreement. Arnold then reviewed the savings per month; reviewed the savings through the end of the current term; then, reviewed a residential waste collection survey conducted of cities and counties in northeast Florida. Discussion followed regarding whether to accept the proposals or go out for competitive bids. The discussion also included commercial services, residential rates, and community contributions. (3:36 p.m.) Janie Coleman, Waste Management, requested the Board go out for competitive bids for the solid waste collection services. (3:41 p.m.) Bill Redman, 7017 S. Atlantic Avenue, New Smyrna Beach, requested the Board go out for competitive bids for the solid waste collection services. (3:46 p.m.) Mary O'Brien, 4314 Chippewa Drive, Jacksonville, requested the Board go out for competitive bids for the solid waste collection services. Discussion followed regarding the proposals. (4:15 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 3/2 with Bryant and Meiszer opposed, not to accept the proposals from BFI nor Seaboard Sanitation.** (4:22 p.m.) **Motion by Jacalone, seconded by**

Kohnke, carried 5/0, to authorize the County Administrator, or his designee, to prepare and advertise a Request for Proposals by qualified waste collection firms on a county wide residential collection franchise.

(03/26/02 - 13 - 2:42 p.m.)

16. PRESENTATION OF A PROPOSAL BY SEABOARD WASTE SYSTEMS RENEGOTIATING THE RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION FRANCHISE FOR THE NORTHERN PORTION OF ST. JOHNS COUNTY

Agenda Item #15 and #16 were addressed in one discussion. John Schwab, Special Projects Manager, relayed that BFI and Seaboard Waste Systems has requested to present proposals to renegotiate their existing contracts. Their existing franchises will terminate July 31, 2003. They are asking for the existing franchises to take effect April 1, 2002 and to last for a period of 6 ½ additional years. (2:44 p.m.) Sherry Larger, BFI, presented the franchise restructure proposal as follows: reduce the residential rate to \$7.55 per home per month; extend the franchise five years through July 2008; and open the commercial services to open competition between the two franchise holders. Larger then reviewed the savings per month; reviewed the savings on the remainder of the contract; shared the advantages of continuing relationship with BFI; and relayed the community contributions. (2:50 p.m.) Jud Durrell, District Manager for BFI, addressed the similarities in the figures from both companies. Discussion followed regarding the rates and community contributions.

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(03/26/02 - 14 - 4:24 p.m.)

- 16a. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR JULINGTON CREEK PLANTATION PARCEL 17 (This item was removed from the Consent Agenda as Item #5.)

Kathy Nielsen, Applications Review Coordinator, explained that a new title opinion has been received, and all other issues have been resolved. (4:25 p.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-54, approving a Final Plat for Julington Creek Plantation, Parcel 17.**

RESOLUTION NO. 2002-54

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 17

(03/26/02 - 14 - 4:25 p.m.)

16b. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR RIVER OAKS AT PONTE VEDRA BEACH (This item was removed from the Consent Agenda as Item #6.)

Kathy Nielsen, Applications Review Coordinator, explained that a new title opinion has been received, and all issues have been resolved. (4:25 p.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to adopt Resolution No. 2002-55, approving a Final Plat for River Oaks at Ponte Vedra Beach.**

RESOLUTION NO. 2002-55

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR RIVER OAKS AT PONTE VEDRA BEACH

The meeting recessed at 4:26 p.m. and reconvened at 5:30 p.m. with Jacalone, Bryant, Kohnke, Reardon, Meiszer, Adams, Lopez, MacDonald, and Deputy Clerk Lenora Newsome present.

(03/26/02 - 14 - 5:30 p.m.)

17. PUBLIC HEARING - RUSTY ANCHOR/WENDOVER ROADS/MUNICIPAL SERVICE BENEFIT UNIT. THIS HEARING WAS CONTINUED FROM THE MARCH 5, 2002 COMMISSION MEETING. THIS CONTINUED HEARING IS TO RECONSIDER A RESOLUTION RELATING TO THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND THE CONSTRUCTION OF ROAD IMPROVEMENTS FOR RUSTY ANCHOR & WENDOVER ROADS. THESE ROADS ARE LOCATED IN NW ST. JOHNS COUNTY OFF COLEE COVE ROAD. THE COUNTY RECEIVED A PETITION IN AUG 2001 FROM THE OWNERS OF SAID PROPERTY INDICATING THAT 62% ARE IN FAVOR OF A MSBU TO FUND ROAD IMPROVEMENTS & THE MAINTENANCE NECESSARY TO INSURE ADEQUATE INGRESS AND EGRESS OF ESSENTIAL SERVICES. THE RESOLUTION DESCRIBES THE PROPERTY LOCATED WITHIN THE RUSTY ANCHOR/WENDOVER ROAD MAINTENANCE MSBU; DESCRIBES THE GRADING AND MAINTENANCE SERVICE AND ROAD IMPROVEMENTS; ESTIMATES THE GRADING AND MAINTENANCE COST AND THE ROAD IMPROVEMENT CAPITAL COST; DETERMINES THAT CERTAIN REAL PROPERTY WILL BE BENEFITED BY THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND THE CONSTRUCTION OF THE ROAD IMPROVEMENTS DEEMED NECESSARY TO PROVIDE 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; ESTABLISHES A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE 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 Rusty Anchor/Wendover Roads/Municipal Service Benefit, was received having been published in The St. Augustine Record on February 5, 2002.

Mary Ann Blount, Real Estate Manager, reviewed this item, using visual display, showing the changes made in cost estimate, and recapping the estimate summary. Reardon mentioned making sure the residents know that there was a change in the amount and what the total amount would be. Discussion followed on the changed amount and the residents being notified of it. Jacalone voiced concern on the changes and the amount the residents would be responsible for. Stephenson mentioned that a mistake was made, they found it, corrected it, and he explained how they made the mistake. He recommended for the Board to pass this, give the people time to review it and give their opinion about it before the next hearing. Jacalone suggested going with the cost originally presented to the people and the County could handle the additional payment as a public purpose. Lopez stated that the process that was outlined in the overall ordinance that the County has, allows for these kinds of discrepancies to be dealt with and explained why. Meiszer stated that he supported the recommendation of circulating a new petition with the correct figures, have people sign it, then reconvene the public meeting. Discussion followed on circulating another petition before the final meeting, sending a letter by registered mail, and then having another meeting.

(5:52 p.m.) Victor Jackson, 7855 Rusty Anchor Road, spoke on doing a meeting instead of another petition and going the easiest route. He stated that the people needed to hear how a double charge came about.

(5:55 p.m.) Wayne Whitehead, 7910 Rusty Anchor Road, spoke in favor of this item. He stated that he didn't think \$16.00 would be a big issue. Stephenson presented a course of action that would move this forward, stating that it takes two public hearings to adopt a MSBU. If the Board took action to adopt this MSBU tonight contingent on the findings of the mailings and the meeting, then send a letter stating the change and then hold a second public hearing. Lopez relayed that this is not a two public hearing procedure to adopt the resolution and one does have to adopt the initial resolution to be able to move forward to schedule a second hearing. **Motion by Kohnke, seconded by Reardon, carried 4/1 with Meiszer opposing, to adopt Resolution No. 2002-56, relating to the provision of Road Grading and Maintenance Service and the construction of road improvements deemed necessary to provide such service to the Rusty Anchor/Wendover Road Maintenance Municipal Service Benefit Unit.**

RESOLUTION NO. 2002-56

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 PROPOSED RUSTY ANCHOR/WENDOVER 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; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITTED BY THE PROVISION OF ROAD GRADING AND MAINTENANCE 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 ASSESSMENT COORDINATOR TO PREPARE 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 Kohnke, seconded by Reardon, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 6:03 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #316593 through #316901 dated 03/19/02.
2. St. Johns Board of County Commissioners Check Register, Check #316902 through 316927 dated 03/21/02.

CORRESPONDENCE:

1. Letter dated March 15, 2002, to Adam Ashbaugh regarding an original and one copy of the Clarification to Permit and Hold Harmless Julington Creek Plantation.
2. Letter to Noble Enge, Jr. regarding filing a financial disclosure form for being on the Metropolitan Planning Organization's Citizens Advisory Committee.
3. Letter dated March 19, 2002, to Jeff Sneed regarding filing a financial disclosure form for being on the Metropolitan Planning Organization's Citizens Advisory Committee.

Approved April 16, 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