

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 3, 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: James E. Bryant, District 5, Chair
Karen R. Stern, District 2, Vice Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
Bruce A. Maguire, District 4
Ben W. Adams, Jr., County Administrator
Michael D. Hunt, County Attorney
Cecelia Aldrich, Clerk

Also present: Cheryl Strickland, Clerk of Courts.

(12/03/02 - 1 - 9:07 a.m.)

The meeting was called to order by Chair Bryant.

(12/03/02 - 1 - 9:08 a.m.)

The Invocation was given by Maguire. The Pledge of Allegiance was led by Bryant.

(12/03/02 - 1 - 9:09 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were in attendance.

(12/03/02 - 1 - 9:09 a.m.)

PROCLAMATION BY THE BOARD OF COUNTY COMMISSIONERS THAT PALMER COURSE DESIGN COMPANY BE RECOGNIZED AS AN OUTSTANDING MEMBER OF THE BUSINESS COMMUNITY.

Bryant noted that Jacalone would present Palmer Course Design Company with a Proclamation of recognition for contributions to the community. Jacalone read the Proclamation and presented it to Mr. Ed Seay. Mr. Seay accepted the Proclamation, gave a brief historical account and expressed his appreciation.

(12/03/02 - 1 - 9:14 a.m.)

APPROVAL OF TODAY'S PROCLAMATION

Motion by Jacalone, seconded by Maguire, carried 5/0, to adopt the previous Proclamation.

(12/03/02 - 1 - 9:14 a.m.)

SPECIAL RECOGNITION

Adams stated that it was an honor to recognize an employee. At an earlier meeting he attended, a representative from the Planning Council complimented the County Planning Department, saying it was the best in his area, if not the entire State. Given

that statement, Adams invited Ms. Teresa Bishop, Planning Director, to the podium to accept an "Outstanding Award" from the Florida Planning and Zoning Association. Mr. Scott Clem, Director of Growth Management Services praised Mrs. Bishop and noted this was a tremendous honor by her peers.

(12/03/02 - 2 - 9:18 a.m.)

PUBLIC COMMENT

Marilyn Jacobs, 1173 Neck Road, Ponte Vedra Beach, FL 32082, described the area where she lived. She spoke regarding County Road 210 (Agenda #7). She expressed concern about the cutting of trees, retention of conservation and recreational land and the deterioration of wildlife and ecological balance. She expressed frustration and disappointment that proposed changes to this area had been previously turned down and continue to resurface.

(9:23 a.m.) Col. Ed Taylor, 3665 Crazy Horse Trail, St. Augustine, expressed his pleasure to announce an upcoming special patriotic event. He announced a D-Day Airborne Operation Exposition to take place on Saturday, December 7, 2002 from 2:00 - 5:00 p.m. at the American Legion Post 194 on Pearl Street. He stated that a local resident has a complete copy of the plans that created Airborne operations on D Day that will be available for viewing at the Exposition. He noted that the public was invited.

(9:27 a.m.) Harold Pruner, 1513 Birkdale Lane, Ponte Vedra Beach, congratulated honorees, as well as the new commissioners. He noted an upcoming three-day event (Exhibit A) sponsored by another long-standing company, the Fellowship of Christian Athletes Golf Ministry, headquartered at Ponte Vedra Beach. He stated the 18th annual International PRO-AM charity event is scheduled at the TPC at Sawgrass on Monday, December 9th.

(12/03/02 - 2 - 9:31 a.m.)

DELETIONS TO CONSENT AGENDA

Bryant noted that there is a scrivener's error on Consent Agenda Item #4. Adams suggested the figure could be corrected by removing one of the eights (Figure shown - \$172,3888.00, correct figure - \$172,388.00). Hunt requested that Consent Agenda Items 19 and 21 be pulled due to outdated title opinions.

(12/03/02 - 2 - 9:32 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report.
2. Approval of Minutes:
BCC Regular Meeting 11/12/02
BCC Special Meeting 11/19/02
3. Sheriffs Bonds:
Approve: James F. Allen, Jr.
Cancel: Vann Jones
Cancel: Richard Ferraro, II
Cancel: Linda Meador

4. Motion to enter into a Water Unit Connection Fee Refund Agreement with Cobblestone Village at St. Augustine, LLC, for a period of three years with the total refund not to exceed \$172,388.00
5. Motion to adopt **Resolution No. 2002-255** authorizing the County Administrator to execute the County Incentive Grant Agreement with the Florida Department of Transportation for the Planning Study on SR 16

RESOLUTION 2002-255

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING EXECUTION OF A COUNTY INCENTIVE GRANT PROGRAM AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

6. Motion to direct the Chairman to execute the contract with Medical Specialist of St. Augustine for the provision of clinic services in the Town of Hastings, at an annual cost of \$140,000.00
7. Motion to adopt **Resolution No. 2002-256** recognizing unanticipated revenue in the amount of \$17,555.34 and appropriating it for use by the St. Johns County Court Services Department (0023-53142) and to direct the Chair to execute the Grant-In-Aid-Agreement for Child Dependency Counsel Expense

RESOLUTION 2002-256

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY COURT SERVICES DEPARTMENT

8. Motion to adopt **Resolution No. 2002-257** approving the grant and execution of a certain Conservation Easement from St. Johns County to St. Johns River Water Management District for mitigation required for the Holmes Boulevard Transportation

RESOLUTION 2002-257

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE GRANT AND EXECUTION OF A CERTAIN CONSERVATION EASEMENT FROM ST. JOHNS COUNTY TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR MITIGATION REQUIRED FOR THE HOLMES BOULEVARD TRANSPORTATION PROJECT

9. Motion to approve the transfer of \$50,000.00 from 0079-56301 (Recreation Programs - Improvements Other than Buildings) to 0004-56100 (Administration-Land) for the purpose of completing funding for the FEC Property Acquisition

10. Motion to adopt **Resolution No. 2002-258** accepting a right-of-way Quit Claim Deed from Rayland, LLC to St. Johns County in accordance with TW Acquisitions, Inc. Development and Impact Fee Agreement

RESOLUTION 2002-258

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A RIGHT-OF-WAY QUITCLAIM DEED FROM RAYLAND, LLC TO ST. JOHNS COUNTY IN ACCORDANCE WITH THE TW ACQUISITIONS, INC. DEVELOPMENT AND IMPACT FEE AGREEMENT

11. Motion to adopt **Resolution No. 2002-259** authorizing the Clerk of Courts to file the survey of Oscar Ashton Road claiming a vested interest by St. Johns County in the right-of-way

RESOLUTION 2002-259

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP FOR OSCAR ASHTON ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHTS-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC IN ACCORD WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA. 1958)

12. Motion to adopt **Resolution No. 2002-260** authorizing the Clerk of Courts to file the survey of Hastings Boulevard claiming a vested right by St. Johns County in the right of way

RESOLUTION 2002-260

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP FOR HASTINGS BOULEVARD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC IN ACCORD WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA.1958)

13. Motion to adopt **Resolution No. 2002-261** authorizing the Clerk of Courts to file the survey of Old Spanish Trail claiming a vested interest by St. Johns County in the right-of-way

RESOLUTION 2002-261

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP FOR OLD SPANISH TRAIL CLAIMING A VESTED INTEREST IN ST. JOHNS

**COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS
SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC
IN ACCORD WITH THE PRINCIPLES SET FORTH IN
DOWNING V. BIRD, 100 SO.2D 57 (FLA.1958)**

14. Motion to adopt **Resolution No. 2002-262** approving a 2nd Amendment to extend closing date of the Purchase and Sale Agreement for acquisition of property under the Community Development Block Agreement

RESOLUTION 2002-262

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING 2nd AMENDMENT TO PURCHASE AND
SALE AGREEMENT OT EXTEND THE CLOSING DATE**

15. Motion to allow the County Administrator, or his designee, to surplus a Leica T-101 Survey Instrument, SJC #10523, Serial Number 367660, and donate to the University of North Florida Engineering Program
16. Motion to allow the County Administrator, or his designee, to purchase from the Florida State Contract #760-840-650, one (1) new Gradall Model XL 3100 Excavator with options for the Road & Bridge Department
17. Motion to allow the County Administrator, or his designee, to purchase a Global Positioning System (GPS) Surveying Equipment from GPS Serv, Inc. in accordance with Bid No. 03-28 (*Attachment A*)
18. Motion to allow the County Administrator, or his designee, to negotiate and enter into a contact with the No. 1 ranked firm Ayres & Associates for RFP No. 02-120, Alternative SR 16 Feasibility and Corridor Study and if an agreement cannot be reached with the No. 1 firm, authorization is requested to terminate negotiations and begin with the No. 2 ranked firm and continue until an agreement is reached (*Attachment B*)
19. Motion to adopt a Resolution approving a final plat for Saddlebrook

This item, #19, was pulled from the Consent Agenda.

20. Motion to adopt **Resolution No. 2002-263** approving a Final Plat for Marshland View

RESOLUTION 2002-263

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR
MARSHLAND VIEW**

21. Motion to adopt a Resolution approving a Final Plat for Ponte Vedra Shores West Lot 31 Replat

This item, #21, was pulled from the Consent Agenda.

22. Motion to adopt **Resolution No. 2002-264** approving a Final Plat for River Oaks at Ponte Vedra Beach Replat

RESOLUTION 2002-264

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

23. Proofs:
- a. Proof, Notice of Meeting, SJC Economic Development Committee, November 14, 2002
 - b. Proof, Notice of Public Hearing, SJC Water & Sewer Authority, December 4, 2002
 - c. Proof, Notice of Public Hearing, Extension of Water/Sewer Service Area St. Johns Service Company, December 4, 2002
 - d. Proof, Notice of meeting Cancellation, November 26, 2002
 - e. Proof, Notice of Special Meeting, Administering the Oath of Office Newly Elected St. Johns County Commissioners, November 19, 2002
 - f. Proof, Request for Qualifications, RFQ No. 03-32
 - g. Proof, Notice to Bidders, Bid, No. 03-25
 - h. Proof, Notice to Bidders, Bid No. 03-26
 - i. Proof, Notice to Bidders, Bid No. 03-31
 - j. Proof, Notice to Bidders, Bid No. 03-37
 - k. Proof, Notice to Bidders, Bid No. 03-38
 - l. Proof, Certificate of Liability Insurance, Moore Sand & Septic Inc.
 - m. Proof, Certificate of Liability Insurance, Rowell Contracting Inc.
 - n. Proof, Certificate of Liability Insurance, Thigpen Heating and Cooling Inc.

(12/03/02 - 6 - 9:32 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant directed to move Regular Agenda Item #8 to the end of the day as Item #13.A.

(12/03/02 - 6 - 9:33 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone; seconded by Maguire, carried 5/0, to approve the Regular Agenda as amended.

(12/03/02 - 6 - 9:33 a.m.)

1. CONSIDER A REQUEST FOR THE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER TO THE ST. JOHNS COUNTY RECREATION DEPARTMENT ON DECEMBER 11, 2002

Dena Masters, Tourist Development Council, reviewed the request to hold an employee retreat at the Convention Center. Dan Weimer, Parks and Recreation, said there would be 30 supervisors attending the first planning retreat the department has ever had. There was discussion on the number and types of requests received for use of the space. Masters stated that most requests do not meet qualifications. Jacalone referred to the initial intent of using the convention center and expressed concern about setting a precedence with county employees. It was noted that the space is available.

(9:40 a.m.) Motion by Bryant, seconded by Jacalone, carried 4/1 with Meiszer dissenting, to use the St. Johns County Convention Center to hold the St. Johns County Recreation Department employee retreat on Wednesday, December 11, 2002

(12/03/02 - 7 - 9:40 a.m.)

2. PRESENTATION ON A PROPOSED APPLICATION BY NORTHEAST FLORIDA HEALTH SERVICES FOR A (FQHC) FEDERAL QUALIFIED HEALTH CENTER FEDERAL GRANT

Dr. Sam S. Marathe, Medical Specialists, expressed his appreciation of the Board members and their support. He submitted a hard copy of the power point presentation as well as program information (Exhibit A). Dr. Marathe reviewed historical facts, as well as, future goals. He described plans for changing the structure of the operation, from a 'dysfunctional model' to a 'symphony' model, to include electronic technology such as pharmacy services and medical records access. He reviewed County demographics, revealing the current healthcare situation, including the needs of the uninsured and underinsured.

(9:52 a.m.) Bryant noted that contributions to the primary care clinic totaled \$600,000 for last year. He noted that achieving the Federally Qualified Health Center (FQHC) status would enable access to revenue streams that could eventually make the program self-sustaining. Medicaid and Medicare reimbursement were noted as major sources of revenue. Bryant referred to a sample letter of support, from the Board, to Dr. Rueben Plant, St. Johns Health Services, Inc. to be enclosed with the Federal application for FQHC status. Bryant asked Dr. Maria Colavito, County Department of Mental Health, if she concurred in support of the application. She indicated she was in agreement with the letter. Marathe noted that the deadline for application is December 16th and asked for continued funding and support. Jacalone established there was no apparent downside to becoming a FQHC look-a-like facility. Discussion followed regarding cooperation within the community, extended hours of operation and availability of healthcare services for Veterans. Maguire had visited the clinic and stated he was impressed with the operation. It was decided that the sample letter would be revised and signed by all commissioners. (10:09 a.m.) **Motion by Stern, seconded by Meiszer, carried 5/0, to prepare a Federal Qualified Health Center grant letter of endorsement for the Northeast Florida Health Services, Inc.**

(12/03/02 - 7 - 10:09 a.m.)

3. UPDATE ON THE STRATEGIC PLAN FOR ST. JOHNS COUNTY

Bryant stated that the County's Economic Development Committee made a motion to support the Strategic Plan effort.

(10:10 a.m.) John Hewins, Chairman, St. Johns Vision Steering Committee, introduced himself and Jim Sutton, the Executive Director. Hewins noted that the Committee met for the first time one year ago this date. He thanked the Board for its support as a founding Vision partner. He stated the final Vision document was released in August. Hewins reported there was considerable community input at meetings held over the summer and the plan was now in its implementation phase. He gave an account of the activities to date and commented on the newly formed foundation teams (Exhibit A). Hewins asked the Board for its continued support and asked that County departments become active Vision Partners. He noted that the Board appointed members to the initial steering committee and there is currently a vacancy from District 4, which he asked Maguire to consider filling.

(12/03/02 - 7 - 10:16 a.m.)

Bryant commented that attendance was down from the 600 attendees at the first meeting. He expressed concern that 'stakeholders' are now driving the vision and specifically expressed concern in regard to fragmented healthcare services. Hewins

responded that those items are included in the vision document. Stern stressed the importance of keeping the Board apprised of the vision process. There was discussion about the life span of the Visioning Committee. Hewins noted the current contract will end on May 31st and said funding sources are currently being sought along with application for 501c3 status. He said St. Johns Vision should continue to go on for 15-20 years.

(12/03/02 - 8 - 10:23 a.m.)

4. CONSIDER A REQUEST FOR FUNDING FROM GENERAL FUND RESERVES IN THE AMOUNT OF \$54,310 TO FUND THE CLINICAL MANAGEMENT INFORMATION SYSTEM FOR THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT

Bryant stated that he had met with Dr. Colavito, Mental Health Director, and she was going to withdraw her request. Bryant said he did not want to accept her request and hoped the Board would agree. Joe Vonasek, Director of Management and Budget, explained that the Mental Health budget was trimmed substantially and any further reduction would cause a cut in services. He stated that Management and Budget fully endorses the acquisition of the new software. Bryant pointed out that the Mental Health Department does not currently have a computer. There was discussion regarding cost being higher than what was initially budgeted because specifications had to be expanded. Meiszer wanted to ensure that the proposed software would interface with related systems and/or that there be no obstacles to transferring data. Danny Phillips, MIS, was not familiar with the system, but said that it was part of the proposal that the company would work with them to be able to transfer data. Maguire noted that he had toured the facility and applauded staff for good attitudes, indicating that the environment in which they work in is not very good. (10:35) **Motion by Jacalone, seconded by Bryant, carried 5/0, to transfer \$54,310 from General Fund Reserves 0083-59920 to Mental Health Software 1101-55102 .**

(12/03/02 - 8 - 10:36 a.m.)

5. CONSIDER AWARDDING RFQ 02-122 TO THE CREATIVE SOCIO-MEDICS CORPORATION FOR THE CLINICAL MANAGEMENT INFORMATION SYSTEM FOR THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT

Joe Burch, Purchasing Manager, explained the process in selecting Socio-Medics Corporation (CAM) and requested that staff be authorized to enter into a contract. Maguire had concerns about the contract and asked a series of questions relating to the terms. He ascertained that CSM drafted the contract and a bond was not required. It was noted that the firm will provide training to use the program. Burch noted that legal had reviewed the contract. There was discussion regarding costs for modifications and payment milestones. Burch indicated that staff has the option to meet with CSM to resolve issues that may arise and that there are legal means in the event services are not provided. Meiszer commented that this is an excellent example for the performance standards bid process; tell the bidder what is needed, bidder responds with product and cost. There was discussion between Meiszer and Burch about the system interfacing. Burch ensured this issue will be specifically addressed, and requirements met, before the contract is signed. Maguire suggested the contract be modified. Hunt interjected that he had reviewed the contract. He said it was not perfect, but one the County could adopt and it does have quantifiable limits from a legal standpoint. Discussion followed regarding the financial viability and reputation of the company. It was noted the firm has provided good performance with a private firm in Clay County. (10:59 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to allow the County Administrator, or his designee, to enter into a contract with Creative Socio-Medics Corporation in an amount not to exceed \$220, 810.00.**

(10:59 a.m.) Bryant called a five-minute recess.

(12/03/02 - 9 - 11:11 a.m.)

6. DISCUSSION OF FRUIT COVE ROAD IMPROVEMENTS BY THE PUBLIC WORKS DEPARTMENT

Joe Stephenson, Public Works Director, introduced a new Engineering staff member, Dale Barro, and noted he is Project Manager for this project. Stephenson stated that Fruit Cove Road is a major collector roadway, 2.6 miles long. He gave background information leading to this project and rationale for the proposed changes. Stephenson identified the area and described the three options, including costs, using the overhead screen. He noted there is a Public meeting, December 16th at 5:30 p.m. at the Bartram Trail Public Library. Stephenson said he would report back to the Board after the Public Meeting to make a final recommendation. (11:15 a.m.) Bryant left the meeting.

(11:19 a.m.) Jacalone commented that he would like Public Works to recommend what should be built. (11:20 a.m.) Bryant returned to the meeting. Jacalone said he was in favor of improving the driving surface first and foremost. Discussion followed regarding bicycle lanes, safety and which option provides the best resolution. Meiszer said many residents have requested bike trails over sidewalks. Members indicated they are interested in hearing more public comments.

(12/03/02 - 9 - 11:27 a.m.)

7. CONSIDER SEVERAL OPTIONS FOR THE COUNTY ROAD 210 RESURFACING PROJECT (EAST END OF THE NEW PALM VALLEY BRIDGE TO MICKLER ROAD) AWARDED THROUGH A FDOT SMALL COUNTY OUTREACH GRANT

Public Comment Cards were submitted before meeting (Exhibit A).

Joe Stephenson, Public Works Director, reported a public meeting had already taken place regarding this project. He noted that three Commissioners were present at that meeting. Stephenson presented the three alternatives to the Board using the overhead screen. He noted the deterioration of the roadway, the rights-of-way, and the associated costs to accomplishing each alternative plan. He noted that County Staff recommends Option 1, as it provides greatest safety. He said Option 1 is the most expensive and the Department of Transportation will pay about half of the cost. Stephenson commented that attendance was good at the public meeting on November 25th. He referred to Public Comment Cards, that were submitted at the start of the meeting (Exhibit A), which indicated 40 people wanted Option #3, and five wanted Option #1. He said all cited increased safety and bicycle access. It was noted that the biggest concern of the homeowners is losing the trees, or buffer from the road. Maguire asked if this project is on the list of the County's safety improvement projects. Stephenson said it was part of normal maintenance from the list of roads that need resurfacing.

(12/03/02 - 9 - 11:51 a.m.)

PUBLIC COMMENT

William Kerr, 625 Lake Stone Circle, Ponte Vedra Beach, FL 32082, introduced himself as the President of the Sawmill Lakes Association, Inc. He depicted the effect of removing the trees and undergrowth buffer. He urged the Board to approve Option 3.

(11:55 a.m.) Christopher Bonnevier, 4455 Avenue A., St. Augustine, FL 32095, read an excerpt from a website, Human Transport.org, regarding non-motorized transportation

issues. He also read a quote from Supreme Court Justice William Douglas about freedom of movement.

(11:56 a.m.) Motion by Maguire, seconded by Meiszer, carried 4/1 with Jacalone dissenting, to construct the project using Option 3.

(11:57 a.m.) Bryant moved the Commissioner Reports to the end of the day.

8. CONSIDER PROPOSED AMENDMENTS TO THE COUNTY'S POLICY GUIDELINES FOR BOARDS, COMMITTEES, COMMISSIONS & AUTHORITIES

Item moved to afternoon Agenda as Item #13A (See page 18).

The meeting recessed at 11:57 a.m. and reconvened at 1:38 p.m. with Bryant, Jacalone, Stern, Meiszer, Maguire, Adams, Isabelle Lopez, Assistant County Attorney and Robin Platt, Deputy Clerk present.

(12/03/02 - 10 - 1:38 p.m.)

9. PUBLIC HEARING - NZVAR 02-0018 - AQUILLA BAKER NON-ZONING VARIANCE. THIS IS A NON-ZONING VARIANCE REQUEST TO THE ROADWAY DESIGN (SECTION 6.04.07.B) REQUIREMENTS OF THE LAND DEVELOPMENT CODE. THE APPLICANT OWNS SEVEN PLATTED LOTS ON BREVARD STREET BETWEEN 8TH AND 9TH STREETS. THIS PORTION OF BREVARD STREET HAS NEVER BEEN OPENED TO ANY STANDARD, BUT IS CURRENTLY USED AS AN UNMAINTAINED, CUT-THROUGH ROAD. THE APPLICANT'S REQUEST IS TO USE THE ROAD IN AN AS-IS CONDITION FOR ACCESS TO NO MORE THAN TWO RESIDENTIAL UNITS ON THE SEVEN LOTS. THE APPLICANT HAS SUBMITTED A HOLD-HARMLESS AND MAINTENANCE AGREEMENT FOR THIS PORTION OF BREVARD STREET. ROAD AND BRIDGE HAS COMMENTED THAT THIS AREA HAS A HISTORY OF FLOODING AND IS NOT MAINTAINED BY THE COUNTY. SECTION 6.04.07.B OF THE LAND DEVELOPMENT CODE REQUIRES THAT PREVIOUSLY PLATTED, UNOPENED RIGHT-OF-WAYS ARE REQUIRED TO BE OPENED TO CURRENT COUNTY STANDARDS, THEREFORE, STAFF CAN NOT SUPPORT THIS VARIANCE REQUEST.

Proof of Publication of the Notice of Public Hearing regarding a non-zoning variance for Aquilla Baker was received, having been published in *The St. Augustine Record* on November 18, 2002.

Darrell Locklear, Chief Project Engineer, presented the item and stated that Staff does not recommend approval. (1:40 p.m.) Jacalone questioned Locklear as to the current status of the roadway and Locklear explained the condition of the road. (1:42p.m.) Tom Crawford, Director of Housing and Community Services, addressed the CRA's intentions to open other roadways like this one in the future. (1:43 p.m.) Jacalone stated, and Locklear concurred, that this request would allow for no more than two structures on the seven lots and further development would also require special permission or require the road to be opened. (1:44 p.m.) Stern asked how this would affect other properties in the same situation. (1:45 p.m.) Locklear explained that they would have to be addressed on a case-by-case basis. Discussion followed regarding taxation, location and access to the lots. (1:48 p.m.) Crawford stated that he has been assisting the applicant with obtaining the variance as part of the West Augustine Redevelopment Plan and that the two residences will qualify as affordable housing. (1:49 p.m.) George McClure, 170 Malaga St., representing the applicant, reviewed the history of the property and asked the Board to consider the road to be a driveway that services two

residences. Discussion followed. (1:55 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to approve NZVAR 2002- 0018 based upon the evidence provided in the Five Findings of Fact.** (1:56 p.m.) McClure addressed the size of the lots and Bryant recommended that the residences be placed far enough back on the lots to allow for the possibility that the road might be improved at sometime in the future.

(12/03/02 - 11 - 1:57 p.m.)

10. PUBLIC HEARING - NON-ZONING VARIANCE 2002-21, TROPIC TERRACE CONDOMINIUMS. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.07.05.A.5 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT) SEEKING TO REDUCE THE NORTH AND SOUTH SIDE YARD REQUIREMENTS FROM 50 FEET TO 30 FEET. THIS PROVISION REQUIRES THAT WHERE A PROPOSED BUILDING ADJOINS AN EXISTING RESIDENTIAL LAND USE OR RESIDENTIALLY ZONED LANDS, THE MINIMUM ADJOINING YARD REQUIREMENT IS 50 FEET FOR A TWO-STORY BUILDING AND 30 FEET FOR A SINGLE-STORY. THE APPLICANT PROPOSES TO CONSTRUCT A TWO-STORY CONDOMINIUM BUILDING ON PROPERTY THAT IS ZONED RESIDENTIAL GENERAL (RG-1) AND LOCATED ON THE WEST SIDE OF STATE ROAD A1A SOUTH. THE SUBJECT DEVELOPMENT SITE CONSISTS OF A COMBINATION OF LOTS THAT MEASURE A TOTAL OF APPROXIMATELY 1.25 ACRES; 209' ALONG A1A (EAST), 198' (WEST), 207' (NORTH) AND 328' (SOUTH). STAFF DOES NOT OBJECT TO THE REDUCTION IN THE SETBACK ON THE NORTH AND SOUTH PROPERTY LINES. THE SOUTH ANASTASIA DESIGN REVIEW BOARD HAS PRELIMINARILY REVIEWED THE PROJECT AND THE CHAIR HAS ISSUED A MEMORANDUM SHOWING THE DESIGN REVIEW BOARDS SUPPORT CONDITIONED UPON APPROVAL OF THIS NON-ZONING VARIANCE, AND THAT THE PROJECT SHALL RETURN TO THE DESIGN REVIEW BOARD FOR FINAL APPROVAL.

Proof of Publication of the Notice of Public Hearing regarding the proposed non-zoning variance for Tropic Terrace Condominiums was received, having been published in *The St. Augustine Record* on November 18, 2002.

Danielle Mayoros, Planner II, presented the item and reviewed the related correspondence. (2:00 p.m.) Meiszer stated that the problem is that the design of the structure is too large for the size of the lot. Discussion followed. (2:03 p.m.) Winston Radford, 122 Marshside Dr., applicant, addressed the design and configuration of the building. (2:05 p.m.) Jacalone asked the applicant if he was aware of the architectural requirements of the overlay when he started this project. (2:06 p.m.) The applicant responded yes, but that he was not aware of the 50-foot setback requirement. Discussion followed regarding the surrounding properties, the proposed buffers and the maximum density. (2:09 p.m.) Meiszer addressed the other options available to the applicant and how he would accomplish the buffering requirements if the variance was approved. (2:10 p.m.) Radford stated that the buffering requirements could still be met and that a variance like he is requesting was granted to Sunset Harbor about two months ago. Mayoros confirmed that Sunset Harbor was granted a waiver in September, 2002. (2:12 p.m.) Maguire addressed the lot size and the proposed site configuration, including green space and parking.

(2:15 p.m.) Marion Cook, 7265 A1A South, spoke in opposition to the variance, as there is too little room for the planned project.

(2:20 p.m.) Mary Helen McCallum, 7327 Middleton Ave., spoke in opposition to the variance as she feels that the applicant should abide by the law. There was a brief discussion regarding garages that already exist on the property.

(2:23 p.m.) Ellen Banob, 7225 A1A South, spoke in opposition to the variance. She stated that there are already 14 garages on the property that serve the people who live in Point Matanzas. She feels that the building is too big for the lot. Discussion followed, for the purpose of clarification, regarding the site plan.

(2:27 p.m.) George Hin, 7265 A1A South, representing the Point Matanzas Condo Board, spoke in opposition to the variance. He is concerned that the set-back would interfere with vehicular access to the Point Matanzas lift station and other utilities that require servicing.

(2:30 p.m.) Bill Hamilton, 7000 Charles St., member of South Anastasia ARC, explained that the ARC did not offer support or criticize this project in any way when it was presented to them for review, but they agreed to continue his application until he came before the Commission and then they would review the project.

(2:32 p.m.) Maguire questioned a letter that was included in his packet signed by Lucy Ann Ferran, Chairperson of the ARC that states support for this project.

(2:35 p.m.) Ann Ferran, 8840 Old A1A, Chairperson of the South Anastasia ARC, commented that the ARC is opposed to changing the set-backs but that they are not opposed to the design of the building.

(2:36 p.m.) Motion by Meiszer, seconded by Maguire, carried 4/1, with Jacalone dissenting, to deny PNZVAR 2002-21, Tropic Terrace Condominiums with Findings of Fact 2 and 3.

(2:41 p.m.) Bryant clarified that Finding of Fact 2 should read: There are not practical difficulties in carrying out the strict letter of the regulation because, as stated, the same project could be rotated 90 degrees and comply with the buffer and the set-backs; Finding of Fact 3 should read: The variance request is based exclusively upon a desire to reduce the cost of developing the site because if it was facing A1A it would probably bring a higher price, if turned 90 degrees it may not, but it would satisfy the set-back requirements.

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

11. PUBLIC HEARING - MAJMOD 2001-05 HERITAGE PUD (HERITAGE PARKE PUD). THE SUBJECT PROPERTY IS LOCATED AT 575 WOODLAWN ROAD AND IS COMPRISED OF 392.58 ACRES. THE APPLICANT HAS REQUESTED MODIFICATIONS TO THE ORIGINAL DEVELOPMENT PLAN, INCLUDING: REMOVAL OF THE GOLF COURSE, ADDITION OF A DAY CARE FACILITY, EXPANSION OF THE RECREATION AREAS, AN INCREASE IN THE SIZE OF SOME OF THE RESIDENTIAL LOTS, AND CORRECTION OF THE LEGAL DESCRIPTION. THE PROJECT IS ALSO BEING RENAMED HERITAGE PARKE PUD. THE HERITAGE PARKE PUD IS LOCATED WITHIN THE RESIDENTIAL-C FUTURE LAND USE DESIGNATION. THE PREVIOUSLY APPROVED PUD INCLUDES 774 RESIDENTIAL UNITS (BOTH SINGLE FAMILY AND MULTI-FAMILY) AND ASSOCIATED RECREATIONAL AMENITIES. IT IS STAFF'S OPINION THAT THE REQUESTED MAJOR MODIFICATION COMPLIES WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF RESIDENTIAL-C. THIS REQUEST SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE OF THE COMPREHENSIVE PLAN, SPECIFICALLY RELATED TO PROVIDING

DIVERSE LIVING OPPORTUNITIES AND MANAGED GROWTH. SUBJECT TO THE APPROVAL OF THE BOARD FOR THE WAIVERS REQUESTED, THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03.05, WHICH PROVIDES STANDARDS FOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVAL OF THIS MAJOR MODIFICATION, SUBJECT TO THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS FOR THE WAIVERS REQUESTED. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR OCTOBER 17, 2002 MEETING WITH A VOTE OF 3-1.

Proof of Publication of the Notice of Public Hearing regarding the Heritage PUD was received, having been published in *The St. Augustine Record* on November 18, 2002.

Nicolle Clayton, Planner II, presented the item addressing the Master Development Plan, utilizing visual display, and detailed the requested waivers. She stated that they have full concurrency and reviewed the changes included in the modification, i.e. omitting the golf course, adding a daycare facility, changing the name of the PUD and the phasing.

(2:51 p.m.) Pam Drury, 5300 Emerson St., spoke on behalf of the applicant, explaining the details of the proposed changes to the PUD, including giving the county additional right-of-way along Woodlawn Rd. for the future four-laning project.

(2:54 p.m.) Diane Mills, 3455 Lewis Speedway, an adjacent property owner, spoke in opposition to the modification. She illustrated with Exhibit A, MDP-3 map, Exhibit B, MDP text, Exhibit C, MDP-1 map, her objections to the requested waivers. She stated that without a Master Development Plan she is subjected to a lack of information and that the Code requires an MDP for a PUD. She is concerned with the lack of an MDP for E-1 because her home and land is adjacent to E-1. She questioned what the common area that is adjacent to her home would be used for. She stated that she objects to a waiver to buffering and landscaping.

(3:03 p.m.) Drury stated that the common area would be dedicated to the Homeowners Association to be left as open space. The location of the buildings and parking areas are not yet set and that is why they are doing an incremental MDP. Discussion followed regarding the location of the entrance roads, timbering, landscaping and set-backs.

(3:07 p.m.) Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2002-69, known as MAJMOD 2001-05, Heritage Parke PUD, adopting the Findings contained within the informational packet.

ORDINANCE NO. 2002-69

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA APPROVING A MAJOR
MODIFICATION TO THE HERITAGE PUD,
ORDINANCE NO. 2000-4, AS AMENDED, (NOW
KNOWN AS HERITAGE PARKE), MAKING FINDINGS
OF FACT; REQUIRING RECORDATION; AND
PROVIDING AN EFFECTIVE DATE**

The meeting recessed at 3:08 p.m. and reconvened at 3:20 p.m.

(12/03/02 - 14 - 3:20 p.m.)

12. STETSON TRACT E APPEAL TIMING - REQUEST TO FILE APPEAL 31 DAYS AFTER ISSUANCE OF VESTING DETERMINATION. ON APRIL 30, 2002, THE COUNTY ISSUED A VESTING DETERMINATION FOR TRACT E OF THE STETSON TRACT. THE APPLICANT APPEALED THE VESTING DETERMINATION. SECTION 9.07.02 OF THE LAND DEVELOPMENT CODE REQUIRES THAT AN APPEAL OF DECISIONS OF THE COUNTY ADMINISTRATOR BE FILED WITHIN 30 DAYS. THE APPLICANT FILED THIS APPEAL ON MAY 31, 2002, ONE DAY AFTER THE APPEAL PERIOD EXPIRED. SECTION 9.00.05 OF THE LAND DEVELOPMENT CODE PROVIDES THAT THE BOARD OF COUNTY COMMISSIONERS MAY WAIVE ANY TIME PERIOD OR LIMITS UPON A FINDING OF GOOD CAUSE.

Cathy Ardito of St. Augustine Court Reporters was in attendance.

Teresa Bishop, Planning Director, presented the item to the Board stating that it was a procedural type issue.

(3:22 p.m.) Michael Hunt, Assistant County Attorney, representing the interest of Staff in this matter, reviewed the section of LDC regarding Time Periods. He stated that the Board could waive any time periods or limits upon a finding of good cause. He outlined the two general guidelines for hearing the appeal: 1) that one day is not a "big deal" or 2) the Board has the authority to waive the time period. (3:28 p.m.) Lopez explained that Mr. Hunt is advocating for Staff and she is representing the Boards interest in regard to this issue. (3:29 p.m.) Meiszer asked if May 30th or 31st was a holiday. Hunt responded that Memorial Day was observed on May 27th this year. Discussion followed regarding counting the days with holidays. (3:31 p.m.) McClure explained the reason that the appeal was not filed timely was due to the fact that the staff member in his firm who was responsible for the paperwork for this appeal walked out at 10:00 a.m. and never returned. (3:33 p.m.) Bishop stated that if the appeal is denied the applicant's next option would be to go to Circuit Court or to comply with the Code requirements. She outlined the applicable provisions, previous and current, of the Code per Bryant's request. McClure, also responding to Bryant, stated that Robert J. L. Laurence was the property owner at the time that the land was illegally cleared. (3:37 p.m.) Lopez stated that the current property owner would be responsible for Code violations, but that McClure feels that the previous property owners paid the fine and the matter should be moot. (3:38 p.m.) McClure stated that the property is not subject to a violation, but the act of clearing is. There is nothing about the land that is illegal now, the clearing was done before his client ever owned the property and that owner was cited, fined and paid the fine. (3:40 p.m.) Hunt explained that the issue before the Board is the 31 days and these other issues are beyond the realm of the issue and are getting in to the sum and substance of the applicant's appeal. (3:43 p.m.) Meiszer stated that the time factor is a procedural matter and the appeal is a substantive matter. (3:45 p.m.) Jacalone commented that he feels that the applicant has demonstrated good cause. (3:46 p.m.) Hunt stated that hearing this appeal would set a precedence.

(3:47 p.m.) Al Hadeed, P.O. Box 190, Flagler Beach, representing the South Anastasia Communities Association, explained that there is a perception that there are some people who want absolutely no development on that tract, but the civic activism has been to support the County when it attempted to buy this project as a county park with the Florida Communities Trust. The citizens objected to a previous attempt to build condos on the tract, but they have no objection to single-family homes being built if the upland buffer is kept to preserve the water quality of the Class-2 waters that are part of the National Estuarine Research Reserve.

(3:49p.m.) Evelyn Kahrs, 5172 Atlantic View, commented that Item 13 is clouding the issue of Item 12 and that item should not be discussed until Item 12 has been decided upon.

(3:52 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0 by Roll Call vote, to waive the 30-day time limit for filing an appeal to a decision of the County Administrator for the Stetson Tract E Appeal Application finding good cause as demonstrated and presented by Mr. McClure.** Discussion ensued regarding this setting a precedence and legal representation.

Roll Call Vote:

Meiszer	aye
Stern	aye
Jacalone	aye
Maguire	aye
Bryant	aye

The motion carried 5/0.

(12/03/02 - 15 - 3:56 p.m.)

13. PUBLIC HEARING - STETSON TRACT E VESTING - APPLICANT APPEAL OF VESTING DETERMINATION DATED APRIL 30, 2002. ON APRIL 30, 2002, THE COUNTY ISSUED A VESTING DETERMINATION FOR TRACT E OF THE STETSON TRACT. PURSUANT TO PART 9.07.00 OF THE LAND DEVELOPMENT CODE, ON MAY 31, 2002 THE APPLICANT FILED AN APPEAL TO THE VESTING DETERMINATION. IN 1999, THE STETSON TRACT, ALSO KNOWN AS THE LAURENCE/GRAUBARD PARCELS WERE APPROVED BY A SERIES OF CLEARANCE SHEETS SHOWING MULTI UNIT DEVELOPMENT ON EACH FIVE AND SIX ACRE TRACTS. PURSUANT TO THE ISSUANCE OF THE CLEARANCE SHEETS, DEVELOPMENT WAS ALLOWED TO PROCEED ACCORDING TO THE PROPERTY'S ZONING AND THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION. THE PROPERTY IS DESIGNATED AS RESIDENTIAL - B ON THE 2015 FUTURE LAND USE MAP AND ZONED OPEN RURAL (OR). AFTER THE EFFECTIVE DATE OF THE LAND DEVELOPMENT CODE (SEPTEMBER 15, 1999), THE STETSON TRACT DEVELOPER SOUGHT APPROVAL OF A SUBDIVISION SITE PLAN FOR THE STETSON TRACT SHOWING 28 LOTS. ALTHOUGH THE SUBDIVISION SITE PLAN WAS APPROVED, THE BOARD OF COUNTY COMMISSIONERS REVOKED THE APPROVAL AFTER IT WAS DISCOVERED A UTILITY EASEMENT EXISTED ON THE PROPERTY. ACCORDING TO THE CODE, A PUBLIC EASEMENT WAS NOT ALLOWED WITHIN A SUBDIVISION SITE PLAN, BUT RATHER, A SUBDIVISION PLAT WAS REQUIRED. HOWEVER AS THESE ISSUES WERE UNFOLDING, PROPERTY WITHIN THE STETSON TRACT WAS BEING SOLD AND PERMITS WERE BEING REQUESTED. MANY OF THESE PROPERTY OWNERS HAVE WORKED WITH STAFF TO OBTAIN BUILDING PERMITS.

Proof of Publication of the Notice of Public Hearing regarding the Stetson Tract was received, having been published in *The St. Augustine Record* on November 18, 2002.

Teresa Bishop, Planning Director, presented the item stating that there was a discrepancy in the Board's packet regarding the location/address of the property, but that the item was advertised correctly. (4:00 p.m.) Jacalone questioned whether a land clearing permit was issued when the applicant got his clearance sheet. Bishop

responded no and discussed clearing into the buffer, stating that the applicant feels that the buffer requirement has not been applied consistently and the bulkhead, which was not constructed during the exemption time frame.

(4:03 p.m.) Jacalone stated that if this vesting determination would give the property owner relief from having to comply with the current 50-foot buffer requirement, he would only have to comply with the 25-foot buffer requirement. (4:04 p.m.) Bishop stated that the applicant is contending that even the 25-foot buffer does not apply to this property. Discussion followed regarding the exemption period, which was from October 19, 1999 to April 18, 2000 and the County's suggested replanting plan.

(4:11 p.m.) George McClure, 170 Malaga St., representing the applicant, stated that he and the applicant have been working with Staff but have been unable to resolve certain issues; therefore they had to come before the Board. He presented a timeline of the ownership of the property and the citation that was issued to Mr. Laurence for clearing his property before the Clearance Sheet was issued. Mr. Laurence paid his fine and this should have resolved that issue. He highlighted the documents regarding ownership, permitting and lot clearing for the years 1999 and 2000 and the issues with the bulkhead. He further reviewed the details of the replanting plan. He showed photographs, as part of his power point presentation, of neighboring properties that have received building permits and the homes that have been constructed. He does not object to a 50-foot set-back from the bulk-head line or the wetland jurisdiction line.

(4:41 p.m.) Bryant asked McClure if he brought any evidence to the hearing that the applicant's property value had been diminished by this situation. McClure responded no. Discussion followed regarding the permit to build the bulkhead and the applicable section of the LDC. (4:46 p.m.) Scott Clem, Director of Growth Management, explained that the State Agency (DEP) permits bulkheads when they affect wetlands, but they do not permit bulkheads on uplands, as it is not their jurisdiction. (4:48 p.m.) Stern asked when the bulkhead was built, McClure responded that it was built within the last year and it is continuous across six lots that are all about 100 feet in width.

(4:50 p.m.) Deputy Clerk Robin Platt left the meeting and Deputy Clerk Lenora Newsome entered the meeting.

(4:50 p.m.) Jacalone spoke on bulk headed lots, the drainage features on the lot being adjusted to make up for the lack of a buffer and exempting existing bulk headed lots from complying with current buffer regulations if anything was done on that lot. Clem responded that currently the exemptions only applies to pre-existing bulkheads and bulkheads that are built on canals. Maguire questioned how many other owners are in the same situation as Mr. Angyalffy and if they started their operations back in the 2000 time frame. McClure replied that there were seven others and explained. McClure spoke on building the bulkhead. Maguire questioned the true benefit of forcing Mr. Angyalffy and the other seven owners to putting in 25 feet of natural vegetation. Bishop responded that the three have been reconstructed and the others that will come in, in the future when the lots sale, will be subject to the fifty-foot buffer. Discussion followed on Young building the bulkhead, and if replanting was ever an option for Mr. Angyalffy.

(5:08 p.m.) Al Hadeed, P. O. Box 190, Flagler Beach, spoke on the clearing occurring prior to the new Land Development Code. Bishop stated that the clearing was in violation of the Comprehensive Plan. Hadeed spoke on the retaining wall discussion. Bishop mentioned a stack of letters (Exhibit "A") regarding Stetson Tract "E" Vesting dated April 17, 2001, LDC Interpretation dated August 31, 2000, and Code Interpretation dated August 17, 2000. Hadeed mentioned a letter dated August 31, 2000 regarding an appeal and asked if there was a notice of appeal provision provided if

there was a dispute from the interpretation, and if there was an appeal within that thirty days filed. Bishop stated that she was not aware of any appeal being filed. Bishop read the conclusion in the interpretation made by Clem that was binding and not appealed. Hadeed stated there is, as the Code provides, a process for resolving certain issues. He spoke on a clearance sheet and provided context to this case, the statement about the law for everyone to see. (Exhibit "B")

(5:28 p.m.) Gordon Lohman, 7848 A1A South, spoke on keeping the buffers and keeping the Matanzas River a class 2 waterway.

(5:29 p.m.) Bill Hamilton, 1690 A1A South, spoke on keeping the buffers at fifty feet.

(5:33 p.m.) Meiszer left the meeting.

(5:33 p.m.) Kristin Alligood, 36 Beachside Drive, Palm Coast, spoke in favor of replanting the fifty-foot buffer in the Stetson Tract.

(5:36 p.m.) Doris Davis, 31 Orange Avenue, spoke on preserving the buffer zones and the waterways.

(5:37 p.m.) Billy Mitchell, 7072 Middleton Avenue, spoke on the original lots not included in the proposed subdivision and not being able to get a building permit.

(5:43 p.m.) Melvine McCall, 952 Deer Chase Drive, spoke on being confused and not knowing what she is suppose to do to be able to build a home.

(5:45 p.m.) William Angyalffy, 3830 Laurel Street, spoke on purchasing his property.

(5:50 p.m.) Phillip Russell, 62 Saragossa Street, spoke on having to replant a buffer that his adjacent neighbors don't have to replant.

(5:52 p.m.) Davron Cardenas, 6730 Strawberry Lane, Jacksonville, spoke on the oyster beds approved for harvesting in St. Johns County.

(5:57 p.m.) Alan Younge, 2340 Old NC 20, Marshall, NC, spoke on options. Bryant spoke on the landowners wanting to get on with building their houses. Bishop stated that Staff considers the re-planting plan as being adequate. Bryant questioned if it was the will of the Board to deny the vesting but do a modified re-planting, could the statements of facts by Staff on page 2 of the Agenda packet be considered as Finding of Facts. Lopez replied that the Board could choose to deny the appeal according to the April 30 letter. Hunt stated that if the Board decided to deny the appeal but want to have some sort of less cumbersome plan, they would like direction as related to the overall intent of the Board with respect to the buffer. Discussion followed on having a 25-foot restored buffer area, requiring a undisturbed 50-foot buffer, and requiring a replanting plan. (6:10 p.m.) McClure spoke on the Land Development Code regarding the upland buffer and presented the following back-up information, (Exhibit "C") a certified letter in violation of code to Roger and Carol Harris, clearance sheet, and insert from the Land Development Code. Jacalone questioned if the Board grants this vesting determination that the applicant is seeking, does it bind the Board on the other lots as far as vesting them. Bishop replied that the vesting determination is only for the Angyalffy property. McClure stated that they did a notice to the surrounding property owners within 300 feet of the Stetson Tract. (6:22 p.m.) **Motion by Jacalone, seconded by Maguire, carried by roll call vote 3/1 with Bryant opposing and Meiszer absent, to approve the appeal of the vesting determination dated April 30, 2002, for the Stetson Tract, Tract "E" adopting Findings of Fact 1 and 2 that are contained in the**

information packet and the record will show the findings that the applicant's representative presented to the Board.

Roll Call Vote

Stern	Aye
Jacalone	Aye
Maguire	Aye
Bryant	Nay
Meiszer	Absent

The motion passed 3/1.

(12/03/02 - 18 - 6:23p.m.)

13A. CONSIDER PROPOSED AMENDMENTS TO THE COUNTY'S POLICY GUIDELINES FOR BOARDS, COMMITTEES, COMMISSIONS & AUTHORITIES
(*This item was moved from Regular Agenda Item 8*)

Patricia Heiss, Assistant to the Administrator, reviewed this item, explaining the changes. She mentioned the staggered terms under Vacancies; Attendance; Limitations of Terms of Service, recommending Alternative B. *It was a consensus of the Board to accept Heiss' recommendation on Alternative B.* (6:27 p.m.) Lopez left the meeting and Michael Hunt, Assistant County Attorney entered the meeting. Discussion followed on attendance. (6:27 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Meiszer absent, to approve the amendments to the Policy Guidelines for Boards, Committees, Commissions and Authorities as presented and the final draft by Ms. Heiss.**

(12/03/02 -18- 6:28 p.m.)

COMMISSIONERS' REPORTS

Commissioner Maguire:

No report.

(6:28 p.m.)

Commissioner Jacalone:

No report.

(6:28 p.m.)

Commissioner Stern:

Stern congratulated Teresa Bishop again on her award that she received from her peers.

Stern announced that she will possibly be missing the January 7, BCC Meeting because that day is Inauguration Day in Tallahassee and she was invited to go.

(6:29 p.m.)

Commissioner Bryant:

Bryant spoke on having a lot of gifted citizens and employees in St. Johns County receiving awards; Vilano Beach Waterfront Community Partnership, The First Coast Planning and Zoning Association, and The Vilano Beach Government and Citizen Partnership.

Bryant spoke on him signing a letter supporting the initiative from the St. Johns River Water Management District and got a consensus from the Board.

Bryant asked Adams about the County Christmas party. Adams replied that there would not be a party this year by the advise of the Legal Staff because of the liability caused by drinking. Discussion followed by the Commissioners.

Bryant mentioned, for the Board to consider, dissolving the Economic Development Committee. He directed Adams to place this item on the agenda for discussion.

Bryant spoke on incidences with an Industrial Development Authority member's behavior at the meetings.

Bryant mentioned bringing to the Board a contract amendment with the Department of Health for consideration. Hunt mentioned placing it on the Agenda of December 17, 2002.

(12/03/02 - 19 - 6:39 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced that there is not a BCC Meeting scheduled for December 24 and 31, 2002. He mentioned that they might need to call a special meeting to approve the cash report.

Adams mentioned having a Joint School Board Meeting on January 15, 22 or 29 at 9:00 a.m. Bryant directed Adams to pick one of the dates and let the Board know.

Adams stated that he would have the Taxi Cab Ordinance ready by mid January.

(12/03/02 - 19 - 6:41 p.m.)

COUNTY ATTORNEY'S REPORT

Hunt reported on the agreement between the Junior Service League and the County with respect to the St. Augustine Lighthouse as related to expenses is solid.

(6:42 p.m.) Maguire announced that in the second weekend in January, the Classic Car Club of America is hosting their annual nationwide convention at the World Golf Village. He stated that he is a member of the club and the club asked him if he would write a letter of welcome to put in the program. Bryant delegated to Maguire to write the letter.

(6:43 p.m.) Bryant mentioned an article in the St. Augustine Record regarding municipalities relying on the County to solve their problems.

(6:44 p.m.) Bryant directed Adams to check with Clem or Bishop regarding the beach purchasing land to use for parking with TDC money. Discussion followed.

(12/03/02 - 19 - 6:45 p.m.)

CLERK OF COURT'S REPORT

No report.

(6:45 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Meiszer absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 6:46 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 327206 through 327465 totaling \$1,323,065.84 (11/19/02)
2. St. Johns County Board of County Commissioners Check Register, Check No. 327466 in the amount of \$51,435.47 (11/21/02)
3. St. Johns County Board of County Commissioners Check Register, Check No. 327467 through 327485 in the amount of \$40,793.21 (11/26/02)

CORRESPONDENCE:

1. Letter dated November 14, 2002 to Christopher M. Traber of Nabors, Giblin & Nickerson, P.A., forwarding certified copies of Resolution Nos. 2002-244 and 2002-245.
2. Letter dated November 19, 2002 to Department of State, Division of Elections, forwarding original Oaths of Office for SJC Commissioners Karen R. Stern and Bruce A. Maguire.

Approved December 17, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Gwenae King
Deputy Clerk