

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 8, 2003
(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 Stern, District 2, Vice Chair
 Nicholas Meiszer, District 1
 Marc Jacalone, District 3
 Bruce Maguire, District 4
 Ben W. Adams, Jr., County Administrator
 Laura Barrow, Assistant County Attorney
 Cecelia Aldrich, Deputy Clerk

(04/08/03 - 1 - 9:07 a.m.)

The meeting was called to order by Chairman Bryant.

(04/08/03 - 1 - 9:07 a.m.)

The Invocation was given by Jacalone. The Pledge of Allegiance was led by Meiszer.

(04/08/03 - 1 - 9:08 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(04/08/03 - 1 - 9:09 a.m.)

PROCLAMATION DESIGNATING APRIL 2003 AS SEXUAL ASSAULT AWARENESS MONTH

Stern read the proclamation and presented it to Beth Hughes, Executive Director of the Betty Griffin House. Hughes thanked the Commission and noted there is no funding for rape crisis.

(04/08/03 - 1 - 9:12 a.m.)

PROCLAMATION DESIGNATING APRIL 6-12, 2003 AS NATIONAL COUNTY GOVERNMENT WEEK

Jacalone read the proclamation and presented it to Kathy Drake with the Children's Commission.

(04/08/03 - 1 - 9:15 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Jacalone, seconded by Stern, carried 5/0, to adopt the two previous proclamations.

(04/08/03 - 1 - 9:16 a.m.)

PUBLIC COMMENT

There was no public comment.

(04/08/03 - 2 - 9:16 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested Item 2 be moved to the Regular Agenda as Item 2A.

(04/08/03 - 2 - 9:17 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. Motion to adopt a Resolution approving the terms of an Agreement and an Amendment to a Warranty Deed to allow construction of a Fire Station on County owned property *(This Item was pulled and added to the Regular Agenda as Item 2A.)*
3. Motion to authorize the County Administrator or his designee to transfer \$53,000 from 3301-56200-0684-59923 to 3301-56200-0684-56200 for floor covering in the SE Library and Administrative Center
4. Motion to approve a lease for a Drop-In Center in Hastings
5. Motion to approve the transfer of \$198,675 from the Court Facilities Trust Fund Reserve (1301-59920) to the Court Facilities Trust Fund Building Improvements (1301-56300), to allow for courtroom renovations at the Judicial Center
6. Motion to adopt **Resolution No. 2003-66**, authorizing the Parks and Recreation Department to apply for a 2003 Florida Boating Improvement Program Grant for improvements to Palmo Boat Ramp

RESOLUTION NO. 2003-66

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A GRANT APPLICATION TO THE FLORIDA BOATING IMPROVEMENT PROGRAM (A.K.A. FBIP) FOR PHASE II CONSTRUCTION OF IMPROVEMENTS TO PALMO BOAT RAMP; PROVIDING FOR THE IDENTIFICATION OF THE KEY CONTACT PERSON, AND AUTHORIZING THE PROJECT MANAGER TO ADMINISTER THE GRANT ON BEHALF OF THE COUNTY

7. Motion to adopt **Resolution No. 2003-67**, approving a final Plat for Southern Creek - Unit One

RESOLUTION NO. 2003-67

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

**APPROVING A SUBDIVISION PLAT FOR SOUTHERN
CREEK - UNIT ONE**

8. Motion to adopt **Resolution No. 2003-68**, approving a final Plat for Bartram Downs

RESOLUTION NO. 2003-68

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

9. Motion to adopt **Resolution No. 2003-69**, to set a Public Hearing for 1:30 P.M. on May 6, 2003 to consider a petition to vacate a portion of Fifth Avenue and a portion of Seventh Avenue

RESOLUTION NO. 2003-69

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
SETTING A PUBLIC HEARING FOR 1:30 P.M. ON MAY
6, 2003, TO CONSIDER A PETITION TO VACATE A
PORTION OF FIFTH AVENUE AND A PORTION OF
SEVENTH AVENUE**

10. Motion to allow the County Administrator, or his designee, to enter into contract under Bid No. 03-34, Construction of the Northwest Wellfield NW3 Test/Production Well with Partridge Well Drilling Co., Inc. in the amount of \$245,287.70 (*See Attachment A*)
11. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 03-63, for various pipe with the two (2) firms. Advanced Drainage Systems, Inc., for the purchase of High Density Polyethylene (HDPE) Pipe in the amount not to exceed \$50,000.00 and with Metal Culverts, Inc. for the purchase of Galvanized Corrugated Steel Pipe, Corrugated Aluminum Coated Pipe, Elliptical Aluminized Pipe and Elliptical Metallic Pipe in the amount not to exceed \$100,000.00 (*Attachment B*)
12. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Security and Fire Electronics, or if negotiations fail, to negotiate with and enter into a contract with the No. 2 ranked firm, Jacksonville Sound for a fire alarm system upgrade for the Health and Human Services Center

(04/08/03 - 3 - 9:17 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant noted addition of a Resolution supporting the Bert J. Harris Act as Item 4A.

Adams added the Recognition of Revenue from St. Johns Service Company as Item 4B.

(04/08/03 - 3 - 9:18 a.m.)

APPROVAL REGULAR AGENDA

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

(04/08/03 - 4 - 9:18 a.m.)

1. SEVERAL 4-H'ERS WILL SPEAK ABOUT THEIR SERVICE PROJECTS AND THE 4-H PROGRAM

Andrew Toelle, Coordinator for the St. Johns County 4-H Program, stated that he had invited three 4-H members to speak to the Board. (9:19 a.m.) Cameron Fisher, President of the 4-H Council, talked about some of the activities that have taken place throughout the year and described various programs. He commented that 4-H has a lot to offer the youth. (9:21 a.m.) Sara Sachs, a 14-year old in the Busy Bees sewing club, described the manner in which a winning speaker might begin a presentation. She talked about the opportunities of competition within the 4-H program. Sachs talked about the experience gained, self-improvement, community service, relationship building and the fun activities that 4-H offers. (9:24 a.m.) Delia Bledsoe, a third year 4-H member, talked about the benefits of being a member of the 4-H program and reviewed various projects that involved helping others. (9:26 a.m.) Toelle handed out a pamphlet explaining the achievement levels, Exhibit A. (9:27 a.m.) Maguire reminisced his own involvement with the 4-H program and stated that it is an instrumental factor in developing local children. (9:29 a.m.) Toelle reported that some of the members were involved in national contests last year. (9:30 a.m.) Jacalone agreed with Maguire and thanked the 4-H'ers for sharing their involvement and the program. (9:31 a.m.) Stern, also a former 4-H'er, commended the group and reiterated that 4-H greatly contributes to learning leadership, goals for the future, and especially public speaking. Stern congratulated Delia for being a public speaking contest winner. (9:32 a.m.) Bryant commented that there are many pictures of 4-H winners at the Agricultural Center. (9:33 a.m.) Toelle requested a photograph for the 4-H record book and Patsy Heiss administered. (Michael Hunt, Assistant County Attorney, entered the meeting.)

(04/08/03 - 4 - 9:35 a.m.)

2. UPDATE ON THE FIRE RESCUE DEPARTMENT AND ITS CAPITAL IMPROVEMENT PROGRAM

Robert V. Hall, Jr., Fire Rescue Chief, provided an overview of the department's functions and Hall reviewed the history, activities, and staffing. He identified the location of the department's facilities. Hall reported on the recommendations for future growth and reviewed the proposed five-year plan, as well as, the implementation. (9:57 a.m.) Jacalone commented that it was a thorough review and forewarning of the effect it would have on the budget. He asked about the status of talks between the County and the City on consolidation of the departments. (9:57 a.m.) Hall responded that talks could not move forward until the County's needs and the millage rates have been addressed. (9:58 a.m.) Jacalone asked what the cost of five new engines would be. (9:59 a.m.) Hall said each engine costs \$265,000. He added that 120 career staff positions have been added in the past five years and, yet, the department has not bought new engines to coincide with the increase in personnel. Discussion followed on proposed new locations. Jacalone referred to a proposed new location to replace the inadequate Bakersfield location. (10:00 a.m.) Hall noted that there had been discussion with the developer who had agreed to donate two acres of land. There was discussion about what happens to the volunteer stations when new stations are built. (10:01 a.m.) Hall noted that due to growth, some of the older stations have become obsolete and that the volunteers would be absorbed by other, or new, stations. (10:03 a.m.) Meiszer stated that he would combine Item 2 and 2A, as they are related. He questioned the relocation of the station to a County owned parcel to the south. Meiszer asked that the GIS department include scales on maps, so distances can be estimated.

He expressed concern that enough consideration wasn't being given to response time and commented that a five-mile radius in a rural area would be very different than in an urban area. He said he would like to see more emphasis on response time and expressed concern about locating fire stations along the ocean and/or the waterways. Meiszer remarked that the plans incorrectly show the City limits as being in the County service area and he expressed disappointment that negotiations with the City are at a standstill. There was discussion about medical emergency situations, how services are currently divided, and the dispatch of units. (10:12 a.m.) Hall explained the procedure on dispatching. (10:14 a.m.) Meiszer stated that he hoped a fire engine never left the station without a minimum of two people. (10:15 a.m.) In response to the advantage of moving Station 9 a few miles south on A1A, Hall commented that Station 9 would soon be out of volunteers. Discussion followed about the rationale for locating a new fire station in this area. (10:21 a.m.) Stern commended Hall on the well put together presentation and asked about call volume as a determinant. (10:22 a.m.) Hall explained that in addition to call volume, they look at medical calls, auto accidents and various other factors. (10:24 a.m.) Maguire asked what role the fire department plays with the lifeguards. Hall said they conduct the dispatching and have a good working relationship with them. He said some of the lifeguards are certified as Emergency Medical Technicians (EMT) and paramedics. Discussion followed on communications and the need to have all related departments inter-communicating. (10:26 a.m.) Maguire and Hall talked about the number of volunteers and the training they receive. They also talked about the difficulty in retaining personnel, though the retention is getting better. (10:29 a.m.) Hall stated that they are researching the possibility of combining Fire and Rescue into one budget. He guesstimated that it would require a little over a mil to support this proposal. (10:30 a.m.) Bryant asked about infection control as it relates to the Health Insurance Privacy and Accountability Act compliance and Hall responded that HIPAA training is currently being accomplished. Discussion followed regarding emergency communications and Hall noted he and the Sheriff have been discussing compatibility within a communications system. (10:33 a.m.) Jacalone determined that potential fire station sites have been reviewed and determined feasible by both the Fire Department and the Real Estate Staff before being presented to the Board. Jacalone spoke in favor of combining the funding. (10:38 a.m.) Adams said it might be against Florida Statue, he is checking to see if it could be done, as some counties are doing it. (10:39 a.m.) Meiszer said the Medicare and Medicaid reimbursement is a problem in that scenario.

(04/08/03 - 5 - 10:40 a.m.)

2A. RESOLUTION APPROVING THE TERMS OF AN AGREEMENT AND AN AMENDMENT TO A WARRANTY DEED TO ALLOW CONSTRUCTION OF A FIRE STATION ON COUNTY OWNED PROPERTY

(10:40 a.m.) *Motion by Meiszer to approve Item 2A, the Agreement.* Meiszer queried the necessity to amend the deed since the County owns the property. Barrow said the original owner gave permission as the original deed had restrictions, and didn't specifically authorize construction. (10:41 a.m.) *Motion by Meiszer, seconded by Maguire, to move adoption of the Agreement and the Amendment of the Warranty Deed.* (10:41 a.m.) Stern questioned if the Resolution should be included in the vote. Barrow stated that the Resolution includes the adoption of the Agreement and the amendment to the Warranty Deed, which is needed. (10:42 a.m.) **Motion by Meiszer, seconded by Jacalone, carried 5/0, to approve Resolution No. 2003-70.**

RESOLUTION NO. 2003-70

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

**APPROVING THE TERMS OF AN AGREEMENT AND
AN AMENDMENT TO A WARRANTY DEED TO
ALLOW CONSTRUCTION OF A FIRE STATION ON
COUNTY OWNED PROPERTY**

(10:42 a.m.) Bryant called a break and the meeting reconvened at 10:51 a.m.

(04/08/03 - 6 - 10:51 a.m.)

3. MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY ADJACENT TO TILLMAN RIDGE LANDFILL

Mary Ann Blount, Real Estate Manager, explained that the owner has agreed to convey the subject property. As part of the negotiations the seller is requesting that the County Utility Department install a sewer line from the end of their existing project, at the railroad tracks behind Vermont Heights, to the Landfill, within a five-year period. (10:53 a.m.) Maguire asked about movement of money from the solid waste fund to the long term care account. (10:54) Blount said money from the unrestricted reserve account will be transferred into the long term care account of the landfill. John Schwab, Special Projects Manager, reported that the County has 7.8 million dollars in unrestricted reserve and will move \$420,000 into the long term care line item in the solid waste budget. He said acquiring the additional buffer is a part of the maintenance. (10:55 a.m.) Maguire asked how far the utility line would go. Schwab said approximately 1 ¼ mile, about \$250,000 worth of utility work. (10:55 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-71, approving the terms of a Purchase and Sale Agreement for the acquisition of property adjacent to Tillman Ridge Landfill.**

RESOLUTION NO. 2003-71

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS OF A PURCHASE AND SALE
AGREEMENT FOR THE ACQUISITION OF PROPERTY
ADJACENT TO TILLMAN RIDGE LANDFILL**

(04/08/03 - 6 - 10:56 a.m.)

4. MOTION TO TRANSFER \$420,000 FROM THE SOLID WASTE RESERVE (4407-59920) TO LONG TERM CARE-LAND (4399-56100) FOR ACQUISITION OF 96 ACRES ADJACENT TO THE TILLMAN RIDGE LANDFILL

Motion by Jacalone, seconded by Stern, carried 5/0, to transfer \$420,000 from the Solid Waste Reserve (4407-59920) to Long Term Care-Land (4399-56100).

(04/08/03 - 6 - 10:57 a.m.)

- 4A. A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY EXPRESSING OPPOSITION TO SENATE BILL 1164 AND HOUSE BILL 113

Bryant read the short title of the Resolution and explained that the two Bills would put more liability on local governments. (10:58 a.m.) **Motion by Meiszer, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2003-72.**

RESOLUTION NO. 2003-72

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXPRESSING OPPOSITION TO SENATE BILL 1164 AND HOUSE BILL 113 WHICH SET FORTH AMENDMENTS TO THE BERT J. HARRIS, JR. ACT AND ANY AND ALL OTHER PROPOSED AMENDMENTS THAT WOULD SUBJECT LOCAL AND STATE GOVERNMENTS TO FURTHER LIABILITY FOR THE CONSTITUTIONAL EXERCISE OF THEIR LEGISLATIVE AND QUASI-JUDICIAL RESPONSIBILITIES AND POWERS; TRANSMITTING THE RESOLUTION TO THE PRESIDENT OF THE SENATE, SPEAKER OF THE HOUSE AND GOVERNOR; SETTING AN EFFECTIVE DATE

(04/08/03 - 7 - 11:00 a.m.)

4B. RECOGNITION OF REVENUE - FUNDING FOR PRELIMINARY DUE DILIGENCE

Joe Vonasek, reported that, at its last meeting, the Board directed Staff to proceed with a preliminary study relating to the St. Johns Service Company. He stated that the St. Johns Service Company submitted a check to begin that process. (11:01 a.m.) Bryant asked about the legality of the arrangement. Hunt replied that the study would cover some aspects of it. (11:01 a.m.) Since the Resolution language did not reference the cost, Jacalone stated that, should the Board choose not to move forward with an acquisition, St. Johns Service Company would not be reimbursed for the cost of the due diligence. On the other hand, if the acquisition takes place, St. Johns Service Company would be reimbursed. (11:02 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-73.**

RESOLUTION NO. 2003-73

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 GENERAL FUND REVENUE BUDGET TO RECEIVE UNANTICIPATED REVENUE FROM CONTRIBUTIONS AND AUTHORIZE ITS EXPENDITURE FOR THE ACCOMPLISHMENT OF A PRELIMINARY DUE DILIGENCE STUDY

(04/08/03 - 7 - 11:02 a.m.)

COMMISSIONERS' REPORTS

(11:02 a.m.)

Commissioner Meiszer:

No report.

(11:02 a.m.)

Commissioner Stern:

No report.

(11:02 a.m.)

Commissioner Bryant:

No report.

(11:02 a.m.)

Commissioner Jacalone:

No report.

(11:02 a.m.)

Commissioner Maguire:

Maguire reported that he wouldn't be present at the afternoon meeting, as he and Scott Clem would be making a presentation to the Clay County Board of County Commissioners on the Metropolitan Planning Organization. (11:03 a.m.) Maguire reported that he would be at the Nassau County Board of Commissioners the following day to give the same presentation. He said he was also trying to get on the City of Jacksonville's agenda between Thursday and the 30th.

(04/08/03 - 8 - 11:03 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reported that a joint meeting of the Board of County Commissioners and the School Board has been scheduled for April 23, 2002 at 9:00 a.m.

(04/08/03 - 8 - 11:04 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(04/08/03 - 8 - 11:05 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:05 a.m. and reconvened at 1:39 p.m. with Jacalone, Bryant, Stern, Meiszer, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

Commissioner Maguire was not present at the meeting.

(04/08/03 -8 - 1:39 p.m.)

5. PUBLIC HEARING - VACROA 2002-001, CORUNNA & ZAMORA ALLEYWAY VACATION- MOTION TO APPROVE A RESOLUTION VACATING THE ALLEYWAY BETWEEN CORUNNA STREET & ZAMORA ON VILANO BEACH

Proof of publication of the Notice of Public Hearing on the petition to vacate the alleyway between Corunna and Zamora Streets, was received having been published in *The St. Augustine Record* on March 15, 2003.

Darrell Locklear, Chief Project Engineer, reviewed this item, stating that the Engineering and Road and Bridge Department recommended not vacating any portion of this alley. The neighborhood has a history of drainage problems and an alleyway

such as this could be used to help alleviate this problem. Also, a rear alleyway such as this could be used for other utilities such as potable water or sanitary sewer, etc.

(1:42 p.m.) Al Aldrich, 3512 Sheldon Road, Orange Park, applicant, explained the portion of the alleyway that he wanted to vacate. Jacalone spoke on addressing drainage issues in that area and on not being very supportive in giving up the right-of-way, which may be needed to address those drainage issues. Lopez spoke on encroachments. Discussion followed on if the alleyway was open, how the encroachment occurred, the drainage problems, the County retaining the utilities easement, and the property being platted as an alley and never being open. (2:03 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to deny vacating the alleyway between Corunna Street and Zamora on Vilano Beach.**

(04/08/03 - 9 - 2:04 p.m.)

6. PUBLIC HEARING - PUD 2002-25, ISLAND COTTAGES PLANNED UNIT DEVELOPMENT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 7.49 ACRES, LOCATED AT 4605 A1A SOUTH FROM COMMERCIAL GENERAL (CG) AND RESIDENTIAL GENERAL TWO (RG-2) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR THE DEVELOPMENT OF TWENTY-FOUR (24) SINGLE FAMILY RESIDENTIAL DWELLING UNITS WITH ASSOCIATED RECREATION AND ANCILLARY FACILITIES AND 3,000 SQUARE FEET OF PROFESSIONAL OFFICE SPACE. THE FUTURE LAND USE DESIGNATION OF THE SUBJECT PROPERTY IS RESIDENTIAL-C COASTAL, THE SURROUNDING FUTURE LAND USE DESIGNATION IS RESIDENTIAL-C COASTAL AND THE SURROUNDING ZONING IS PLANNED UNIT DEVELOPMENT (PUD) AND RESIDENTIAL SINGLE FAMILY THREE (RS-3). THIS ITEM APPEARED BEFORE THE PLANNING AND ZONING AGENCY AT THEIR FEBRUARY 20, 2003 PUBLIC HEARING WHERE IT RECEIVED A VOTE OF 5-1 (MANUEL) TO RECOMMEND APPROVAL

Proof of publication of the Notice of Public Hearing on Notice of Proposed Rezoning, File # PUD 2002-25, Island Cottages, was received having been published in *The St. Augustine Record* on March 24, 2003.

Teresa Bishop, AICP, Planning Director, stated that this request seeks to rezone approximately 7.49 acres, located at 4605 A1A South from Commercial General (CG) and Residential General Two (RG-2) to Planned Unit Development (PUD) to allow for the development of twenty-four (24) single-family residential dwelling units with associated recreation and ancillary facilities and 3,000 square feet of professional office space. Discussion followed on how many units could be placed on the property, the requested waivers, what the side yard is in RS-1, 2 and 3, and on the front set backs.

(2:12 p.m.) Karen Taylor, 3070 Harbor Drive, explained on behalf of Island Cottages PUD, utilizing visual display, the requirement in the PUD language. She also reviewed the site plan, Exhibit A, and showed pictures of the area, Exhibit B, and spoke on parking, and 50x94 being the average lot size.

(2:33 p.m.) Dorothy DuBrow, 330 Tradewind Lane, stated that she believed in progress and going forward, but not dangerously.

(2:35 p.m.) Steven DuBrow, 330 Tradewind Lane, stated that he has 12 lots that abut this proposed PUD and has no problem with this development going on as single-family houses. He displayed pictures of the area, Exhibit C, and a location map and lot layout, Exhibit D. He spoke on runoffs and setbacks. Taylor spoke on the vegetated buffer and the sanitary system. Bryant handed in, for the record, Adjacent Property Owner

Response Forms, Exhibit E. (2:57 p.m.) **Motion by Jacalone, seconded by Stern, carried 3/1 with Meiszer dissenting and Maguire absent, to enact Ordinance No. 2003-34, known as PUD 2002-25, Island Cottages PUD adopting Findings within the packet 1 through 6 to support the motion.**

ORDINANCE NO. 2003-34

AN ORDINANCE OF THE COUNTY OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM COMMERCIAL GENERAL (CG) AND RESIDENTIAL GENERAL (RG) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 2:58 p.m. and reconvened at 3:12 p.m.

(04/08/03 - 10 - 3:12 p.m.)

7. PUBLIC HEARING - REZ 2003-02, REEDS NURSERY - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 3.121 ACRES, LOCATED AT 6340 COUNTY ROAD 208 (OR 2355 JOE ASHTON ROAD) FROM COMMERCIAL GENERAL (CG) TO OPEN RURAL (OR). THE REQUESTED ZONING CHANGE WOULD ALLOW FOR THE SITE TO BE BROUGHT INTO COMPLIANCE WITH THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF RURAL SILVICULTURE (RS) FOR THE USE OF A NURSERY WITH WHOLESALE RIGHTS. THE PLANNING AND ZONING AGENCY HEARD THIS ITEM AT THEIR FEBRUARY 20, 2003 PUBLIC HEARING WHERE IT RECEIVED A UNANIMOUS VOTE OF APPROVAL

Proof of publication of the Notice of Public Hearing on the Notice of Proposed Rezoning, File # REZ 2003-02, Reeds Nursery, was received having been published in *The St. Augustine Record* on March 24, 2003.

Bruce Ford, Chief Planner, reviewed this item, stating that this request seeks to rezone approximately 3.121 acres, located at 6340 County Road 208 from Commercial General (CG) to Open Rural (OR) in order to allow for the use of a wholesale plant nursery and for consistency with the Future Land Use Designation of Rural Silviculture. (3:14 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0 with Maguire absent, to enact Ordinance No. 2003-35, adopting Findings contained within the packet 1 through 4 to support the motion.**

ORDINANCE NO. 2003-35

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG) TO OPEN RURAL (OR) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/08/03 - 10 - 3:15 p.m.)

8. PUBLIC HEARING - REZ 2002-26, WESTER REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1 ACRE LOCATED AT 661 HOWARD

PLACE FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-2) TO ALLOW THE PROPERTY TO BE SUBDIVIDED INTO TWO (2) CONFORMING LOTS TO ACCOMMODATE THE EXISTING STRUCTURES ON THE PARCEL. CURRENTLY THE PROPERTY IS ZONED OPEN RURAL (OR) WHICH REQUIRES A MINIMUM LOT SIZE OF ONE ACRE PER DWELLING UNIT. THE SUBJECT PROPERTY IS CURRENTLY ONE (1) ACRE IN SIZE WITH TWO (2) DWELLING UNITS LOCATED ON THE SITE. THE APPLICANT IS PROPOSING A REZONING FROM OR TO RS-2 TO ALLOW THE SUBDIVISION OF THE PROPERTY TO CREATE TWO CONFORMING LOTS MEETING THE REQUIREMENTS OF THE RS-2 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

Proof of publication of the Notice of Public Hearing on the Notice of Proposed Rezoning, File # REZ 2002-26, Wester Property, was received having been published in *The St. Augustine Record* on March 24, 2003.

Ford reviewed this item, stating that this request seeks to rezone approximately 1 acre located at 661 Howard Place from Open Rural (OR) to Residential Single Family (RS-2), to allow the property to be subdivided into two conforming lots to accommodate the existing structures on the parcel. Discussion followed on the division of the lots, federal regulations, and issuing permits after standards are met. (3:18 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0, with Maguire absent, to enact Ordinance No. 2003-36, adopting Findings 1 through 4 to support the motion.**

ORDINANCE NO. 2003-36

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-2); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/08/03 - 11 - 3:21 p.m.)

9. PUBLIC HEARING - NOTICE OF PROPOSED CHANGE (NOPC) FOR ST. AUGUSTINE CENTER DRI - THIS NOTICE OF PROPOSED CHANGE (NOPC) TO THE ST. AUGUSTINE CENTRE DRI RESTATED DEVELOPMENT ORDER SEEKS TO EXTEND THE APPROVED BUT UNBUILT DEVELOPMENT RIGHTS FROM PHASES I AND II BY ONE (1) YEAR. WITH NO CHANGE IN THE APPROVED COMPLETION DATE. SPECIFICALLY, THE APPLICANT PROPOSES TO: EXTEND THE BUILD-OUT DATE FOR PHASE I BY ONE YEAR. THIS WILL RESULT IN A CUMULATIVE EXTENSION OF FOUR (4) YEARS FOR PHASE I TO DECEMBER 31, 2003. EXTEND THE BUILD-OUT DATE FOR PHASE II BY ONE YEAR. THIS WILL RESULT IN A CUMULATIVE EXTENSION OF TWO (2) YEARS FOR PHASE II TO DECEMBER 31, 2004. PHASE III IS TO BE KEPT WITH THE SAME BUILD-OUT DATE DECEMBER 31, 2006. THE TRAFFIC STUDY METHODOLOGY MUST BE AGREED UPON NO LATER THAN NOVEMBER, 2003, FOR THE TRAFFIC STUDY DUE IN MAY 2004. THE REPORTING PERIOD WILL BE CHANGED FROM ANNUALLY TO BIENNIALY, AS PER THE CHANGES IN FLORIDA STATUTE 380.06. NO CERTIFICATES OF OCCUPANCY SHALL BE ISSUED FOR DEVELOPMENT WITH A RESIDENTIAL OR INDUSTRIAL PARCEL

ADJACENT TO INMAN ROAD UNTIL THE COMPLETION OF A CONNECTION TO INMAN ROAD

Proof of publication of the Notice of Public Hearing regarding the Notice of Proposed Change, File # NOPC 2002-06, St. Augustine Centre, was received having been published in *The St. Augustine Record* on March 24, 2003.

Sherri Smith, Court Reporter, was present. Bishop reviewed this item, stating that this proposed change to the St. Augustine Centre DRI Restated Development Order seeks to extend the approved, but unbuilt development rights from Phases I and II by one year, with no change in the approved completion date. She stated that Staff has no objection to this change. Jacalone disclosed ex-parte communication with the representatives of the development regarding their requests and traffic study requirements. Jacalone spoke on phasing tied to units rather than years and on tracking phasing periods for projects. He suggested having a workshop to discuss the phasing. Bryant disclosed ex-parte communication with Mr. Bailey, one of the attorneys on the Traffic Study Methodology. Stern disclosed ex-parte communication with Spencer Phelps and Frank Cannon of St. Augustine Associates, regarding the project, the various phases and the Traffic Study Methodology. (3:28 p.m.) **Motion by Meiszer, seconded by Jacalone, carried 4/0 with Maguire absent, to approve Resolution No. 2003-74, approving a Notice of Proposed Change to the St. Augustine Centre DRI and adopting the Findings of Fact to support the Motion.**

RESOLUTION NO. 2003-74

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

(3:29 p.m.) Bryant read a card from Emily Trapnell, Ponte Vedra Recorder, thanking the BCC for the nice presentation to her on last Tuesday, and for their help and willingness to work with her over the years.

(3:30 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 3:30 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #332640-332916 totaling \$949,206.39 (04/01/03)
2. St. Johns Board of County Commissioners Check Register, Check #332917-332923 totaling \$106,954.15 (04/01/03)
3. St. Johns Board of County Commissioners Check Register, Check #332924-332963 totaling \$41,220.73 (04/03/03)
4. St. Johns Board of County Commissioners Check Register, Check #332964-333322 totaling \$883,870.82 (04/08/03)

CORRESPONDENCE:

1. Letter dated April 1, 2003 to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinances Number 2003-23 through 2003-31.

Approved May 6, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk

