

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 15, 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
 Robin Platt, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(04/15/03 - 1 - 9:09 a.m.)

Chairman Bryant called the meeting to order.

(04/15/03 - 1 - 9:09 a.m.)

Stern gave the Invocation and Maguire led the Pledge of Allegiance.

(04/15/03 - 1 - 9:10 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(04/15/03 - 1 - 9:11 a.m.)

PROCLAMATION DESIGNATING APRIL 15, 2003 AS EQUAL PAY DAY

Maguire read the Proclamation, and it was accepted by Lucy Reep, on behalf of the Organization of Business and Professional Women, U.S.A.

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

PROCLAMATION DESIGNATING APRIL 19, 2003 AS EARTH DAY

Meiszer presented the Proclamation to Peg McIntyre, who accepted it on behalf of Earth Day.

(04/15/03 - 1 - 9:18 a.m.)

PROCLAMATION DESIGNATING APRIL 20 TO 25, 2003 AS CRIME VICTIMS' RIGHTS WEEK

Stern presented the Proclamation to Mary Alice Colson, who accepted it and outlined the events of the week.

(04/15/03 - 1 - 9:22 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Jacalone, seconded by Stern, carried 5/0, to adopt the previously read Proclamations.

(04/15/03 - 2 - 9:22 a.m.)
PUBLIC COMMENT

There was none.

(04/15/03 - 2 - 9:22 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(04/15/03 - 2 - 9:23 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
3/25/03 - BCC Regular Meeting
3. Motion to approve the transfer of \$17,290 from the General Fund Reserve (0083-59920) to the Flagler Estates CRA (1278-38101) for the purpose of accomplishing the BCC's FY 2003 funding obligation
4. Motion to approve the transfer of \$50,287 from the General Fund Reserve (0083-59920) to the Vilano Beach CRA (1282-38101) for the purpose of accomplishing the BCC's FY 2003 funding obligation
5. Motion to adopt **Resolution No. 2003-75**, recognizing unanticipated revenue in the amount of \$5,449 from various donations appropriating it to 1224-56400 (Fire Services - Equipment) and motion to adopt **Resolution No. 2003-76**, recognizing unanticipated revenue in the amount of \$5,050 from various donations appropriating it to 0048-55200 (EMS - Operating Supplies)

RESOLUTION NO. 2003-75

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

RESOLUTION NO. 2003-76

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 DONATIONS AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY EMS DEPARTMENT

6. Motion to authorize the County Administrator, or his designee, to negotiate and enter into a contract with American Contractors & Developers, Inc., for the lump sum amount of \$297,700 for construction of the St. Johns County Equestrian Center
7. Motion to adopt **Resolution No. 2003-77**, approving the terms and execution of Amendments to the Pond System Maintenance Agreement to secure a joint detention/retention facility for the A1A Beach Blvd. Three Lane Transportation Project

RESOLUTION NO. 2003-77

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF AMENDMENTS TO THE POND SYSTEM MAINTENANCE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, THE ST. AUGUSTINE OCEAN AND RACQUET CLUB CONDOMINIUM ASSOCIATION, AND ST. AUGUSTINE RESORTS, PROVIDING THAT SAID AMENDMENTS WILL MODIFY SAID AGREEMENT IN ORDER TO ACCOUNT FOR DESIGN CHANGES TO THE JOINT DETENTION/RETENTION FACILITY THAT WILL ACCOMMODATE THE STORM WATER PERMIT REQUIREMENTS FOR THE A1A BEACH BOULEVARD THREE-LANE TRANSPORTATION PROJECT

8. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Reynolds, Smith & Hills, for the CR 2209 (North-South Corridor) Preliminary Engineering Study. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm and continue until an agreement is reached
9. Proofs:
 - a. Proof, Notice of a Public Hearing, Board of County Commissioners of St. Johns County, Florida, March 25, 2003

(04/15/03 - 3 - 9:23 a.m.)
 ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant stated that he had a request from the legal department to reverse Items 1 and 2.

(04/15/03 - 3 - 9:23 a.m.)
 APPROVAL OF REGULAR AGENDA

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

(9:24 a.m.) Bryant announced that there were some special attendees at today's meeting from Ms. Dee McGraw's 5th Grade class from the Ponte Vedra Campus of the Bolles School.

(9:25 a.m.) Nick Belcher, 416 Clearwater Dr., Ponte Vedra Beach, thanked the Board for the beaches and parks, and especially the Davis Park area.

(9:25 a.m.) David Williams, 3731 Duval Dr., Jacksonville Beach, thanked the Board for the future installation of a stoplight at the intersection of ATP Blvd. and A1A South and for maintaining the Bridge of Lions and beaches.

The meeting moved to Item 2.

(04/15/03 - 4 - 9:58 a.m.)

1. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE AND ENTER INTO A CONTRACT WITH VALLENCOURT CONSTRUCTION COMPANY, INC., FOR THE LUMP SUM AMOUNT OF \$1,289,000 FOR CONSTRUCTION OF A1A WIDENING, AND EXECUTE CHANGE ORDER #1 DEDUCTING \$61,548 FOR VALUE ENGINEERING

Mike Rubin, Construction Manager, stated that an item like this is usually a Consent Item, but since they only received one bid they brought it to the Board for direction as to whether to award the bid or to rebid. He stated that it is a difficult project and that other contractors in the County are busy with other larger projects, like the interstate project, and that is a possible reason why only one bid was received. There was discussion regarding the costs and budget of the project. (10:02 a.m.) **Motion by Maguire, seconded by Jacalone, to authorize the County Administrator, or his designee, to negotiate and enter into a contract with Vallencourt Construction Company, Inc., for the lump sum amount of \$1,289,000 for construction of A1A widening, and execute Change Order #1 deducting \$61,548 for value engineering.** (10:02 a.m.) Meiszer questioned the \$655 per day fee charged to the contractor, on page 5, paragraph 3.1.2, for each and every calendar day of unexcused delay in achieving substantial completion, and on page 9, Section 5.6.11, it states that the contractor shall pay the owner \$250 per day for each calendar day of unexcused delay in achieving final completion. He questioned the difference in the fees. (10:03 a.m.) Rubin stated the \$655 is what was advertised and the \$250 figure was an error, and since the \$655 is what was advertised that is the correct figure. He stated that Section 5.6.11 would have to be changed. He also explained the differences between final and substantial completion. (10:06 a.m.) Meiszer also questioned from Section 3.3.1, on page 5, the verbiage, all limitations of time set forth in the contract documents are of the essence of this contract. (10:06 a.m.) Barrow explained that it means that the time limitations set in this particular contract must be complied with, and that it is standard language. Rubin stated that it could affect any possible damages if that phrase were not in the contract. Discussion followed regarding the fact that only one bid was received. (10:09 a.m.) Meiszer questioned if an incentive could be offered for early completion, rather than a penalty for failure to complete on time. Rubin stated that he would be in favor of that idea. Discussion followed regarding the history of the project, the legalities of incentives and the penalty fees. (10:12 a.m.) **The motion carried 5/0, with the correction that the penalty fee in Section 5.6.11 be changed to \$655.**

(04/15/03 - 4 - 9:26 a.m.)

2. CONSIDER A MOTION TO APPROVE AN ORDINANCE SETTING MAXIMUM RATES FOR CERTAIN WRECKER/TOWING SERVICES

Laura Barrow, Assistant County Attorney, stated that the County is required to set maximum rates for certain services related to the towing of vehicles. She informed the Board that the proposed Ordinance contained blanks where the Board needed to insert the rates. Also included were the related Ordinances from Volusia and Orange Counties, that could be used for guidelines. (9:29 a.m.) Jacalone stated that he hoped they would adopt the same maximums as those of Volusia and Orange Counties. (9:30 a.m.) Maguire commented that Volusia County does not use immobilization, and asked if it was done here in this County. Barrow responded that she was not sure but that the statute requires

that a rate be set regardless. Discussion followed regarding restitution to property owners for damages that may occur, and possible related statutes.

(9:32 a.m.) Riad Chatila, 1875 SR 207, representing Fulkerson Towing, stated that he has been in the towing business since 1979, and that costs have gone up, but the rates have not been increased in 15 years. He feels that the rates used by Volusia and Orange Counties are reasonable, but that a few things were left out of the proposed Ordinance, i.e. having to use special equipment for beach tows and having to extract vehicles from the woods after an accident.

(9:37 a.m.) Barrow pointed out that paragraph III, Additional Fees, on page three of the proposed Ordinance, addresses additional fees. (9:37 a.m.) Jacalone read, from the proposed Ordinance, that no additional charges may be assessed for special equipment or services, and gave examples. He suggested that this language be removed by eliminating paragraph (B). Barrow stated that beach towing would not be covered by this Ordinance, only trespass and nonconsensual towing. Jacalone disagreed and stated that if a call were received from law enforcement for a tow on the beach, then it would apply. Discussion followed regarding licensing of towing services and beach towing.

(9:44 a.m.) John Rogers, 10205 US 1 South, stated that, under Florida Law, the towing services are responsible for damages. Jacalone questioned Rogers about his opinion of the rates and stated that the rates could be readdressed at any time. Rogers concurred that the rates were okay for now. Rogers continued, stating that the Florida Legislature passed a bill last week implementing a wrecker license. He addressed special circumstances, explaining the time, high tech equipment and the legal requirements involved in towing. It was determined that the rates were sufficient for standard tows, but allowances would need to be made for special circumstances.

(9:52 a.m.) Jacalone recommended that the Board establish the same rates as Volusia and Orange Counties, and remove under the Additional Fees section, paragraph (B). Bryant and Stern concurred. (9:55 a.m.) Barrow stated that she would have to advertise the Ordinance and it could be brought back to the Board in two to three weeks. She will delete paragraph (B), insert the fees, and adjust the effective date. (9:57 a.m.) Maguire questioned the immobilization fee and Rogers stated that this County does not immobilize, it impounds. Barrow stated that a fee still needed to be set and Jacalone suggested \$100.

The meeting moved to Item 1.

(04/15/03 - 5 - 10:13 a.m.)

3. MOTION TO AUTHORIZE THE COUNTY ATTORNEY TO FILL A TEMPORARY LEGAL INTERN POSITION FOR 40 HOURS PER WEEK DURING THE MONTHS OF MAY, JUNE, JULY AND AUGUST, 2003

Dan Bosanko, County Attorney, asked the Board for permission to hire a summer intern, as it was not in this year's budget. He commented that it is a worthwhile position for the County, as well as, for the County Attorney's Office, as it would be a cost saver. The legal intern could help with several items that otherwise would have to be handled by outside attorneys. He has already identified several potential applicants. Discussion followed regarding increased productivity and costs. (10:17 a.m.) **Motion by Stern, seconded by Maguire, carried 5/0, to authorize the County Attorney to fill and equip a temporary legal intern position for 40 hours per week during the months of May, June, July and August, 2003, at a cost not to exceed \$10,880.**

(04/15/03 - 5 - 10:18 a.m.)

4. UPDATE ON ASPECTS OF THE ORIGINAL TARGET INDUSTRY STUDY REPORT

Kari Hall, Economic Development Council Director, presented the details of, and highlighted some of the changes to, the study. She stated that they would recommend at some point that the Board adopt the amended study into the incentive Ordinance so that the Ordinance contains the latest information. They plan to use the study for marketing purposes. They are now hosting Site Selection Committees for businesses that may be looking to locate here. (10:27 a.m.) Maguire questioned how the target list was obtained from the data and how it would be implemented. Hall explained that the rationale for the selection criteria of the industries was on page 42. She also explained that they have a partnership with Cornerstone, who has the major advertising budget and markets regionally, and the EDC uses their budget locally for things like hosting the Site Selection Committees.

(04/15/03 - 6 - 10:31 a.m.)
COMMISSIONERS' REPORTS

Commissioner Maguire

Maguire stated that he would not be at next week's meeting as he will be in Tallahassee all week long. (10:32 a.m.) Bryant commended the work Maguire did on the MPO. Maguire continued by stating that there would be a rally for the troops this Saturday in the downtown plaza.

(10:33 a.m.)

Commissioner Jacalone

Jacalone stated that he received a note from Ron Sanchez regarding concerns of the property owners along CR 13 South relating to the scenic highway designation process. Jacalone reported that, according to Adams, there would be an item scheduled for next week's meeting to discuss that issue.

(10:34 a.m.)

Commissioner Bryant

Bryant stated that there would be a fundraiser golf tournament to benefit the West Augustine CRA at the Ponce Resort on Friday, April 25. The cost is \$75 per person to participate.

(10:34 a.m.)

Commissioner Stern

Stern reported that this past Saturday the West Augustine CRA hosted their 2nd Annual Take Pride in West Augustine Day and Awareness Parade, and there was a very good turnout. She also addressed the CR 13 issue concerns.

(10:36 a.m.)

Commissioner Meiszer

Meiszer commented that he has attended every meeting that has been held regarding the CR 13 designation. He stated that the residents on the northern portion of CR 13 are in favor of the designation, and the opposition to the designation is being made by the residents along the southern portion.

He also addressed some feedback that he has been receiving regarding use of the meeting room at the County Service Center. He passed out a list of rules regarding use of County meeting rooms. He stated that it has been reported to him, by various County affiliated civic groups, that they do not feel very welcome when trying to reserve the room at the Service Center. They are told that they would have to meet during normal business hours, which is difficult for most groups. They have also been told that they could not use the restrooms. He requested that the rules be revised so that the room can be utilized for the purpose for which it was built.

(10:40 a.m.) Michael Hunt, Assistant County Attorney, entered the meeting.

(10:45 a.m.) Bryant asked Adams to workshop this item. Adams remarked that he would put this item on next week's Morning Agenda.

(04/15/03 - 7 - 10:45 a.m.)

COUNTY ADMINISTRATOR'S REPORT

There was no report.

(04/15/03 - 7 - 10:46 a.m.)

COUNTY ATTORNEY'S REPORT

There was no report.

(04/15/03 - 7 - 10:46 a.m.)

CLERK OF COURT'S REPORT

There was no report.

The meeting recessed at 10:46 a.m. and reconvened at 1:30 p.m. with Bryant, Jacalone, Stern, Maguire, Meiszer, Adams, Bosanko and Deputy Clerk Lenora Newsome present.

(04/15/03 - 7 - 1:41 p.m.)

5. PUBLIC HEARING - MAJMOD 2002-20, WINCHESTER - THE SUBJECT PROPERTY IS LOCATED AT 915 GREENBRIAR ROAD AND IS COMPRISED OF 250.34 ACRES. THIS REQUEST IS TO MODIFY THE APPROVED PUD TO REVISE THE DEVELOPMENT PHASING PLAN BY EXTENDING THE COMMENCEMENT DATE FROM "ON OR BEFORE 2002" TO "ON OR BEFORE 2004". COMMENCEMENT SHALL BE DEFINED AS "FINAL APPROVAL OF ENGINEERING/CONSTRUCTION PLANS"

Proof of Publication of Notice of Public Hearing on Notice of Proposed Rezoning on File # MAJMOD 2002-20, 915 Greenbriar Road, Winchester PUD, was received having been published in *The St. Augustine Record* on March 31, 2003.

Bruce Ford, Chief Planner, stated that this request is to modify the approved PUD to revise the development phasing plan by extending the commencement date from "on or before 2002" to "**on or before 2004.**" He mentioned that the applicant is requesting that Phase I begin on or before 2004 for 130 units, and Phase II begin on or before 2005 for 13 units. Jacalone mentioned the reason for the delay on the project was for permitting problems, but questioned from which agencies. Ford replied it was from wetland permitting with the Corps of Engineers, and possibly DEP. Jacalone asked if the application was submitted before the commencement date expired. Ford replied that he believed it was. Meiszer asked if the permitting problems would result in a modification to the PUD. Ford responded that that was a question for the applicant, and Bryant suggested the applicant come up and answer the questions.

(1:45 p.m.) George McClure, 170 Malaga Street, on behalf of the applicant, addressed the three points that were raised by the Commissioners. (1:47 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2003-37, adopting Findings 1 through 5 to support that motion.**

ORDINANCE NO. 2003-37

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE WINCHESTER PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2001-50, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/15/03 - 8 - 1:48 p.m.)

6. PUBLIC HEARING - CONCURRENCY AND IMPACT FEE AGREEMENT FOR OLD MOULTRIE OFFICE COMPLEX (CONMAJ 2002-08) AND HIDEAWAY AT OLD MOULTRIE PUD (CONMAJ 2002-10) - THE OLD MOULTRIE OFFICE COMPLEX (REZ 2002-08) IS PROPOSED FOR REZONING FROM OR TO CN AND THE HIDEAWAY AT OLD MOULTRIE PUD (PUD 2002-10) IS PROPOSED FOR REZONING FROM OR TO PUD TO ALLOW SINGLE FAMILY RESIDENTIAL WITH ASSOCIATED RECREATIONAL USES. THE PROPOSED CONCURRENCY AGREEMENT WILL GRANT CONCURRENCY APPROVAL FOR BOTH PROJECTS IF APPROVED. IF THE CONCURRENCY AGREEMENT IS DENIED, THEN THE PROPOSED REZONINGS CANNOT BE APPROVED

Proof of Publication of Notice of Public Hearing on Concurrency and Impact Fee Agreement, SJC, Pantheon Land Group, and Hideaway at Old Moultrie, was received having been published in *The St. Augustine Record* on March 29, 2003.

Teresa Bishop, AICP, Planning Director, stated that this item is a Concurrency and Impact Fee Agreement for the Old Moultrie Office Complex and the subdivision, Hideaway at Old Moultrie. Both projects have a certificate of concurrency, which was conditioned upon the Concurrency and Impact Agreement being approved. She mentioned that the applicants have requested impact fee credits for the improvements and the improvements are needed to allow the certificate of concurrency to continue and the project to be developed. She reviewed the estimated cost of the improvements, and the road impact fees. Discussion followed on if the Board has any discretion when it comes to granting impact fee credits for these types of required concurrency related projects, and why the wetlands aren't in the PUD.

(2:01 p.m.) George McClure, 170 Malaga Street, the applicant's representative, stated that he thought it was a good idea that the Board had a workshop on the issue of the Concurrency Management Ordinance, as well as, the Development Agreement and Impact Fee Ordinance. He spoke on impact fee credits and reviewed the different shops in the area. Jacalone suggested looking at the Concurrency Management Ordinance and the Impact Fee and Agreement Ordinance. Adams mentioned there was a workshop on the morning of May 13, to cover those Ordinances.

(2:08 p.m.) Dante Salamone, 5225 Datil Pepper Road, spoke on the final implementation plan of the CR 5A Capacity Improvement Study on Old Moultrie Road. Jacalone stated there was not a capacity problem at the Lewis Point intersection, but there is at the SR 312-Old Moultrie Road intersection and project access issues are addressed. Maguire questioned the amount of road impact fee credits that would be allowed. (2:16 p.m.) Scott Clem, Director of Growth Management Services, responded to Maguire's question. McClure mentioned that they do not get credit for site-related expenditures. Discussion followed on the comments letters regarding the rezoning and PUD from Legends Golf, Exhibits A and B. (2:21 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to adopt Resolution No. 2003-78, authorizing the County Administrator to execute the Concurrency and Impact Fee Credit Agreement with Pantheon Land Group, LLC and Hideaway at Old Moultrie, LLC.**

RESOLUTION NO. 2003-78

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH PANTHEON LAND GROUP, LLC AND HIDEAWAY AT OLD MOULTRIE, LLC

The meeting recessed at 2:22 p.m., due to technical difficulties, and reconvened at 2:30 p.m.

(04/15/03 - 9 - 2:30 p.m.)

7. PUBLIC HEARING - REZ 2002-08, OLD MOULTRIE REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 9.9 ACRES, LOCATED AT 2385 OLD MOULTRIE FROM OPEN RURAL (OR) TO COMMERCIAL NEIGHBORHOOD (CN). THIS REQUEST SEEKS TO ALLOW FOR THE DEVELOPMENT OF UP TO 90,000 SQUARE FEET OF OFFICE AND PROFESSIONAL SPACE. ONE ACCESS IS BEING PROPOSED FROM OLD MOULTRIE ROAD

Proof of Publication of Notice of Public Hearing on Notice of Proposed Rezoning of File # REZ 2002-08, Old Moultrie Road, was received having been published in *The St. Augustine Record* on March 31, 2003.

Ford stated that this is a request to rezone 9.9 acres, located at 2385 Old Moultrie Road from Open Rural (OR) to Commercial Neighborhood (CN). It will allow for the development of up to 90,000 square feet of office and professional space and there will be one proposed access from Old Moultrie Road. Jacalone spoke on the access to this site. Ford responded by displaying a site geometry plan map of the Hideaway, Exhibit A.

(2:35 p.m.) Tom Atkins, 200 West Forsythe Street, Jacksonville, reviewed the map. He stated that they know where they are going to have excel and decel lanes along Old Moultrie Road. Discussion followed on the Corridor Study for CR 5A, the backside of the property relating to the retention pond, flying golf balls, a Hold Harmless Agreement, and the difference between Commercial General and Commercial Neighborhood. Lopez mentioned that any agreement drafted by George McClure is on behalf of his client only.

(2:45 p.m.) Maryann Davidson, 890 A1A Beach Blvd. #7, representing Legends Golf, read the letter regarding comments on rezoning for The Hideaway at Old Moultrie, File Number PUD 2002-10, Exhibit B.

(2:48 p.m.) Dr. Dan Ditmore, 83 Water Street, stated that they own the area between the two access areas at the office complex and questioned what impact it would have on their zoning and use.

The meeting recessed at 2:49 p.m. and reconvened at 2:57 p.m.

(2:56 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to continue this item until after the next item.**

(3:29 p.m.) Subsequently, Atkins stated that he conferred with his clients and they concur with the issue of a covenant on the property, holding harmless the Legends Golf from any damage that might occur to any buildings. Stern spoke on retention ponds. (3:31 p.m.) **Motion by Stern, seconded by Jacalone, to enact Ordinance No. 2003-39, adopting**

Findings of Fact 1 through 4 to support the motion and add the Hold Harmless Agreement as Finding of Fact 5.

ORDINANCE NO. 2003-39

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 COMMERCIAL NEIGHBORHOOD (CN); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/15/03 - 10 - 2:57 p.m.)

8. PUBLIC HEARING - PUD 2002-10, HIDEAWAY AT OLD MOULTRIE REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 39.6 ACRES LOCATED ON OLD MOULTRIE ROAD FROM OPEN RURAL (OR), TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR THE DEVELOPMENT OF 126 SINGLE-FAMILY RESIDENTIAL DWELLING UNITS AND ASSOCIATED RECREATIONAL AMENITIES

Proof of Publication of Notice of Public Hearing on Notice of Proposed Rezoning on File # PUD 2002-10, 2385 Old Moultrie Road, The Hideaway at Old Moultrie, was received having been published at *The St. Augustine Record* on March 31, 2003.

Ford stated that this is a request to rezone 39.6 acres from Open Rural (OR) to Planned Unit Development (PUD) for 126 single-family units and a 1.5 acre recreational amenity. This item is located just south and west of the office complex, which was the previous item. He reviewed the waivers that the applicant requested. Jacalone disclosed ex-parte communication with Mr. Young about the project, transportation issues on Old Moultrie, and affordable-type homes. Bryant disclosed ex-parte communication, by e-mail, from the Legends. Stern disclosed ex-parte communication with James Spata on his concerns with the Hideaway. Meiszer made a general comment about waiving these requirements. Bryant stated that he didn't have any problems with the setbacks. (3:03 p.m.) George McClure, 170 Malaga Street, on behalf of the Young Land Group, reviewed the Master Development Plan for the Hideaway at Old Moultrie, Exhibit A, and an aerial map, Exhibit B. He stated as a condition for the PUD approval, 1) they agreed that they would have all purchasers in the subdivision sign a disclosure of written acknowledgement that there would be the existence of the Legends, 2) they would include in their covenants and restrictions in the subdivision which would be recorded, an acknowledgement of the privately owned driving range next door and each owner would grant a flying golf ball easement, and 3) would propose, at the developers expense, an opaque screening on the poles to diminish the light. He spoke on the waivers that deal with the front yard setbacks, and addressing the concerns of everyone. Stern stated that her main concern was the lighting and buffering.

(3:14 p.m.) Don Smith, 14775 St. Augustine Road, England, Thims, and Miller, stated that there would be a 10-foot buffer around the whole perimeter of the site and there would be fencing along the perimeter. Meiszer spoke on setbacks.

(3:18 p.m.) Maryann Davidson, 890 A1A Beach Road, Blvd. #7, stated that James Spata, Legends Golf, just wanted everyone to be aware of his concerns, letter on comments from him, Exhibit C. She spoke on the back lot and front lot.

(3:20 p.m.) Dante Salamone, 5225 Datil Pepper Road, spoke on access, concurrency and compatibility. (3:27 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact**

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

