

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 22, 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
Ben W. Adams, Jr., County Administrator
Michael Hunt, Assistant County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; and Allen MacDonald, Finance Director

Commissioner Bruce Maguire, District 4, was absent due to being in Tallahassee on business.

(04/22/03 - 1 - 9:09 a.m.)

The meeting was called to order by Chairman Bryant.

(04/22/03 - 1 - 9:09 a.m.)

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

(04/22/03 - 1 - 9:09 a.m.)

ROLL CALL

Bryant mentioned that four Commissioners were present and stated that Commissioner Maguire was in Tallahassee on business.

(04/22/03 - 1 - 9:17 a.m.)

PROCLAMATION DESIGNATING APRIL 27, 2003 THROUGH MAY 3, 2003 AS VOLUNTEER WEEK IN ST. JOHNS COUNTY

Jacalone read the proclamation. Francis Neelands accepted the proclamation on behalf of all the volunteers in St. Johns County.

(04/22/03 - 1 - 9:20 a.m.)

PROCLAMATION DESIGNATING MAY 6 THROUGH 12, 2003 AS NURSES WEEK

Stern read the proclamation. Dorothy Colsen accepted it on behalf of all the nurses in St. Johns County.

(04/22/03 - 1 - 9:10 a.m.)

PROCLAMATION DESIGNATING MAY 2003 AS NATIONAL DRUG COURT MONTH

Judge Mathis introduced everyone present accepting the proclamation. Bryant read the proclamation. Judge Mathis stated this program is funded by a \$500,000 federal grant.

(04/22/03 - 2 - 9:24 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, for the approval of the previously read proclamations.

(04/22/03 - 2 - 9:24 a.m.)

PUBLIC COMMENT

Bill Jebson, 6336 Costanero Road, spoke on making the county a safer place to ride a bike. He spoke on marking different areas as bike routes; Atlantic View Avenue and Pope Road. Pictures of these routes were presented, Exhibit A.

(9:29 a.m.) Kari Hall Keating, 1 Riberia Street, Chamber of Commerce Economic Development Council, asked for the Board's support in putting a budget request into the Administrative Budget for Economic Development. (9:30 a.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Maguire absent, to accept the funding request and consider it along with the other requests they have for this upcoming budget year.**

(04/22/03 - 2 - 9:31 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested to pull Items 5 and 6 and add them to the Regular Agenda as 6A and 6B.

(04/22/03 - 2 - 9:32 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to approve the Consent Agenda as amended.

1. Approval of the Cash Requirement Report
2. Motion to approve the transfer of \$22,500.00 from the General Fund Reserve - Special Contingency (0001-0083-59902) to the Real Estate Department - Land (1111-1270-56100) for the cost of performing appraisals of properties adjacent to the Ft. Mose site
3. Motion to authorize a budget transfer of \$50,000 from the Library Expansion Fund Reserve (3301-59920) to Library Expansion Fund Office Equipment (3301-56401-0684-56400) for furnishings and equipment in the Southeast Library
4. Motion to authorize the County Administrator, or his designee, to transfer \$18,800 from General Fund Reserve (0083-59920) to NW Annex (3316-56200) for final contract pay out
5. Motion to adopt a Resolution declaring certain County owned property on Quail Drive as surplus and authorizing a private sale to an adjoining property owner

This item was moved to the Regular Agenda as Item 6A. (See page 5)

6. Motion to adopt a Resolution approving the terms of a License Agreement authorizing use of a certain public right-of-way on South Dixie Highway

This item was moved to the Regular Agenda as Item 6B. (See page 6)

7. Motion to allow the County Administrator, or his designee, to enter into a contract with Anderson Contracting Group for Bid No. 03-66, 03-67 and 03-68 for replacement of chillers at the Sheriff's Office. Combined total bid amount is \$138,902.00 (*See Attachment "A"*)
8. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, St. Johns Housing Partnership to provide housing rehabilitation services for the State Housing Initiatives Partnership (SHIP) Rehabilitation Program (*See Attachment "B"*)
9. Motion to allow the County Administrator, or his designee, to negotiate and enter into a contract with Michael Cannavo/Cypress Grille for operation of the restaurant facility at the St. Johns County Golf Course

(04/22/03 - 3 - 9:32 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested to pull Item 3 and reschedule it to next Tuesday, and move Item 2 to 12A. Hunt requested to add two Items to the agenda, a discussion on Fort Mose regarding the purchase of the Mays parcel as Item 6C and a discussion on the Aberdeen and Durbin Crossing CDD Hearing as 6D.

(04/22/03 - 3 - 9:34 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to approve the Regular Agenda as amended. McDonald left the meeting.

(04/22/03 - 3 - 9:35 a.m.)

1. CONSIDER ENTERING INTO AN AGREEMENT WITH FPL FOR FEASIBILITY STUDY OF COUNTY FACILITIES TO EXAMINE POTENTIAL UTILITY SAVINGS

Gene Burns, Director, Facilities Maintenance, reviewed the reason for this item. Jacalone asked if the Feasibility Study was to be done only for the jail complex. Burns replied that there are actually three studies involved; 1) energy audit involving retrofitting the lighting systems of the whole complex, 2) water conservation measures involving the water systems of the jail complex, and 3) traffic signalization throughout the county. Meiszer mentioned that the Florida Power and Light Company has nothing to do with the water at the jail. Burns replied that they do indirectly and explained.

(9:40 a.m.) Scott Lewis, Customer Manager for St. Johns County, gave the first part of the presentation, Exhibit A, reviewing the background process, and the audit report results.

(9:46 a.m.) Jim Quinn, 9001 Ellis Road, Melbourne, continued the presentation reviewing the next steps: the Feasibility Study, the construction phase and then the next phase would be the savings guarantee. Discussion followed on savings and energy cost. Lewis stated that they will bring back to the Board a two option proposal, 1) funding the improvements upfront out of the Capital Budget, or 2) use the savings guarantee to pay for the capital improvements. (9:56 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/0 with Maguire absent, to direct the County Administrator to execute the FPL Agreement For Feasibility Study to examine potential savings in utilities cost involving the Sheriff's Administrative Complex, County Jail, and Traffic Signals, and to transfer \$7,500.00 from the General Fund Reserve (0083-59920) to Facilities Maintenance - Contractual Services (0031-53120).**

(9:57 a.m.) Bryant mentioned there are light signals out at Mizell and A1A. Jacalone mention the speed limit at West 16th still has not been increased.

(04/22/03 - 4 - 9:34 a.m.)

2. CONSIDER APPOINTMENTS TO THE LAMP CONSERVATION BOARD

This item was moved to 12A.

(04/22/03 - 4 - 9:34 a.m.)

3. CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD

This item was pulled and rescheduled to next Tuesday.

(04/22/03 - 4 - 9:57 a.m.)

4. CONSIDER AN APPOINTMENT TO THE NORTH COASTAL CORRIDOR DESIGN REVIEW BOARD

Patsy Heiss, Assistant to the Administrator, reviewed this item. **Motion by Bryant, seconded by Stern, carried 4/0 with Maguire absent, to reappoint Ronald Horst to the North Coastal Corridor Design Review Board.**

(04/22/03 - 4 - 9:58 a.m.)

5. CONSIDER A MOTION TO REMOVE COUNTY ROAD 13 FROM THE STATE ROAD 13 EXISTING ELIGIBILITY APPLICATION AND PROPOSED DESIGNATION APPLICATION AS MAY BE SUBMITTED TO THE FLORIDA DEPARTMENT OF TRANSPORTATION SCENIC HIGHWAY PROGRAM

Teresa Bishop, Planning Director, reviewed this item, asking the Board for their direction on removing CR 13 from the existing SR 13 Eligibility Application and proposed Designation Application. (10:00 a.m.) **Motion by Meiszer, seconded by Jacalone, to delete CR 13 from the application.**

(10:02 a.m.) Stan Kamys, 1315 CR 13 South, spoke in opposition of removing CR 13 from the application.

(10:07 a.m.) D. W. Parker, 13870 CR 13 North, spoke in favor of removing CR 13 from the application.

(10:10 a.m.) Ron Sanchez, 724 CR 13 South, spoke in favor of removing CR 13 from the application.

(10:13 a.m.) Mary Cornwell, 2652 SR 13, spoke in opposition of removing CR 13 from the application.

(10:18 a.m.) Louise Thrower, 288 Orange Avenue, spoke in opposition of removing CR 13 from the application.

(10:19 a.m.) Sanchez mentioned that their group was not out to forget all the history and throw it out. (10:22 a.m.) **The motion carried 4/0 with Maguire absent.**

(04/22/03 - 4 - 10:22 a.m.)

6. DISCUSSION REGARDING USE OF MEETING ROOM AT NORTHWEST COUNTY SERVICE CENTER

Michael Hunt, Assistant County Attorney, reviewed this item, stating that they were asked to come up with a modularized, or uniform, policy for these types of meetings in this complex and the Northwest County Service Center. Jacalone spoke on the intent of the use of the room and the availability to all groups. Adams stated that the Board could do whatever it wanted to do. He mentioned that it closes at 5:15 p.m. and the cleanup crew, with proper notice, would stay for around \$18.00 an hour. If the Board chooses, the County could put one of their maintenance people up there. Bryant suggested making the library the primary meeting site and if the group is over 100 people, then go to the alternate site, the Northwest Annex. Adams asked if the Board wanted to consider letting the groups use it during the day and if they wanted to look at each request for the use. Or, they can approve them and if the request is unusual, then bring it to the Board for approval. Jacalone responded that if a group wanted to use the Northwest Complex, it would come before the Board for approval and sometimes the library could be the accommodating meeting space. Adams replied that they could handle it during the day, and during the evening, if there is funding to pay a security person. Meiszer mentioned if there is a consecutive meeting every month, then the Board should approve that once and they shouldn't have to come back every month for approval. Jacalone mentioned giving the person a key and he/she would be responsible for locking up and if something goes wrong, they don't get to use the room again. Adams stated from his perspective, we want to let the people use it. Jacalone stated that the room was built for use by the public for functions, gatherings, and events. He stated that the request for that space be authorized by the Board on a case-by-case basis.

(10:45 a.m.) Cheryl Strickland, Clerk of Courts, spoke on how her employee handled the scheduling of the room in the Northwest Complex. Adams mentioned handling it as first come first serve, bringing it before the Board for approval with a worksheet on who the people are and what they represent. Jacalone stated to bring all the applications to the Board and the Board will make the decision. Strickland mentioned that she wanted to make her employee aware of all the rules. Jacalone recommended bringing back some revised policies and incorporating into it what the Board talked about today and they will vote on those policies. Hunt mentioned that the direction given from the Board should include making sure that the County's liabilities are shielded as much as possible.

The meeting recessed at 10:48 a.m. and reconvened at 10:59 a.m.

(04/22/03 - 5 - 10:59 a.m.)

6A. MOTION TO ADOPT A RESOLUTION DECLARING CERTAIN COUNTY OWNED PROPERTY ON QUAIL DRIVE AS SURPLUS AND AUTHORIZING A PRIVATE SALE TO AN ADJOINING PROPERTY OWNER (*This was Item 5 from the Consent*)

Mary Ann Blount, Real Estate Manager, reviewed this item, stating that it is a resolution declaring a certain County owned property on Quail Drive as surplus property and also authorizing a private sale to an adjoining property owner. She reviewed the background on this issue. She stated that the price of the property is \$28,000. Meiszer questioned whom the property was acquired from. Blount replied that it was acquired from Nick and Maria Mantas. Blount stated that they paid \$28,000 for the two lots and was only selling one. (11:02 a.m.) **Motion by Meiszer, seconded by Bryant, carried 4/0 with Maguire absent, to adopt Resolution No. 2003-79 declaring certain County owned property on Quail Drive as surplus and authorizing a private sale to an adjoining property owner.**

RESOLUTION NO. 2003-79

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING CERTAIN COUNTY OWNED PROPERTY ON

**QUAIL DRIVE AS SURPLUS AND APPROVING A
PRIVATE SALE TO AN ADJOINING PROPERTY OWNER.
PURSUANT TO THE PROVISIONS SET FORTH IN
SECTION 125.35(2) FLORIDA STATUTES**

(04/22/03 - 6 - 11:03 a.m.)

6B. MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING USE OF A CERTAIN PUBLIC RIGHT-OF-WAY ON SOUTH DIXIE HIGHWAY (*This was Item 6 from the Consent*)

Blount stated that this is a resolution to approve the terms of a license agreement that will authorize use of a certain public right-of-way on South Dixie Highway. She reviewed the background on this issue. Meiszer questioned why they wouldn't sell this outright instead of a license agreement. Blount replied that the only way they can divest themselves of the road right-of-way, is through the vacation process. (11:05 a.m.) Daniel Bosanko, County Attorney stated that he come up to the podium because he had worked on some of the original license agreements on this road, so he had some of the history on it. The reason they did these was because they had been informed earlier that there may be a need to widen that road in the future, therefore, you don't want to get rid of it and then have to buy it back at a higher price. He stated there was no problem with letting the people use it, as long as they understood that the public might need it back for right-of-way proposed in the future. (11:06 a.m.) **Motion by Meiszer, seconded by Stern, carried 4/0 with Maguire absent, to adopt Resolution No. 2003-80 approving the terms of a License Agreement authorizing use of a certain public right-of-way on South Dixie Highway.**

RESOLUTION NO. 2003-80

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS OF A LICENSE AGREEMENT
AUTHORIZING USE OF A CERTAIN PUBLIC RIGHT-OF-
WAY ON SOUTH DIXIE HIGHWAY**

(04/22/03 - 6 - 11:06 a.m.)

6C. DISCUSSION OF FORT MOSE PURCHASE OF MAYS PARCEL (HUNT)

Bosanko, at the podium, reviewed this item, stating that negotiations had not gone well on the acquisition of the Kinnard parcel. He mentioned that they are in the process of getting two appraisals as required by law. The first appraisal came in much below what the owner was asking and at this time, they have not been able to negotiate a lower price for it. Therefore, Bosanko stated that he was here to ask the Board for their direction to proceed with the acquisition of the northern parcel only, the Mays parcel. He mentioned what the Board approved before was to take action to buy both parcels. But he is letting them know that the other one is off the table right now and they are still trying to work out something with the southerly parcel. He stated that it would make a big difference in the loan documents and they would only borrow the money necessary at this time, to buy the northerly parcel. He mentioned that he would also need permission to use \$10,000 from the General Fund Special Contingency Account (0083-59902) for the nonrefundable deposit that the Trust for Public Lands requires when contracting to buy this land. If for some reason they were not able to close on the property and buy it, they would not get that \$10,000 back. He stated there is no reason to believe that there would be any problem, and everything seems to be falling into place. Jacalone mentioned that there are other property owners in that area that have contacted him that are interested in maybe complimenting that site with the sale of their property to the County. He stated that he will get with Blount to let her know who those people are and if she can, and the Board supports it, look at the other parcels that the people are interested in selling the County

and see if it is something they should look at. (11:14 a.m.) **Motion by Stern, seconded by Jacalone, carried 4/0 with Maguire absent, to direct the County Administrator and the County Attorney to take action to borrow necessary funds for and acquire only the "Mays" parcel adjoining the Fort Mose historical site, and to pay a \$10,000 nonrefundable deposit to the Florida Trust for Public Lands from the County's #0083-59902 account for such payment at the time of execution of the contract.** (11:15 a.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to amend the financial requirements report to include the check for the \$10,000 to the Trust for Public Lands.**

(04/22/03 - 7 - 11:16 a.m.)

6D. DISCUSSION CONCERNING THE ABERDEEN AND DURBIN CROSSING CDD HEARING (HUNT)

Scott Clem, Director of Growth Management, reviewed this item, stating that the County has received two new petitions for Community Development Districts for the projects known as Aberdeen and Durbin Crossing. He stated that the County does have the option to hold a public hearing and make recommendations, if they so desire, to that body. He asked the Board if they wanted to have that optional hearing, and if they did, by Statute, they would have to hold it within 45 days of the State receiving the petition. The recommended date would be May 20. Clem spoke on the reason for the hearings. Jacalone questioned how the statute addresses the two items, regarding the applicants wanting to have eminent domain power and the power to use funds to construct schools. Clem replied that Chapter 190 gives CDS certain powers by right and also lists extra powers or optional powers which are at the discretion of the County. Discussion followed on eminent domain.

(11:30 a.m.) Louise Thrower, 288 Orange Avenue, spoke on the number of hearings and on not electing a CDD.

(11:31 a.m.) Cheryl Stuart, Hopping, Green, and Sams, Tallahassee, representing the petitioners for the district, spoke on the request being filed. Discussion followed on eminent domain. Clem explained that at the PZA there was language in the Development Order that said the County would exercise eminent domain on behalf of the projects and that language was removed.

(11:34 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke on the eminent domain language being removed. Jacalone requested a copy of the section of the hearing regarding eminent domain.

(11:36 a.m.) Mary Cornwell, 2652 SR 13, Switzerland, spoke on the eminent domain issue.

(04/22/03 - 7 - 11:37 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer spoke on the lease payments that the County would receive, regarding the contract for the golf course restaurant.

(11:38 a.m.)

Commissioner Stern:

No report.

(11:38 a.m.)

Commissioner Bryant:

Bryant announced that Maguire is in Tallahassee all week regarding the MPO.

Bryant spoke on getting request from entities to support resolutions or to support various issues. He asked for the Board's opinion on what to do with these requests.

(11:41 a.m.)

Commissioner Jacalone:

Jacalone mentioned having a meeting this morning with people from the West Augustine Development Agency regarding getting the County owned lots available to these people who are approved and ready to go.

Jacalone asked for support from the Board to direct Adams to ask Mary Ann Blount to contact the people regarding buying property adjacent to the Fort Mose site. Bryant stated that he had his support.

(04/22/03 - 8 - 11:42 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced there would be a joint workshop tomorrow at 9:00 a.m. between the BCC and the School Board.

(04/22/03 - 8 - 11:43 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(04/22/03 - 8 - 11:43 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:43 a.m. and reconvened at 1:39 p.m. with Bryant, Stern, Jacalone, Meiszer, Adams, Isabelle Lopez, Assistant County Attorney, and Robin Platt, Deputy Clerk present.

(1:39 p.m.) Bryant requested that everyone move through his or her items as swiftly as possible as the Board members have other commitments this afternoon.

(04/22/03 - 8 - 1:40 p.m.)

7. CONSIDER A PROPOSED SETTLEMENT AND COMPLIANCE AGREEMENT FOR WORLD COMMERCE CENTER/RING POWER/SOUTH FRANCIS ROAD IMPROVEMENTS/REESES

Proof of publication regarding the Settlement and Compliance Agreement was received, having been published in *The St. Augustine Record* on April 11, 2003.

Isabelle Lopez, Assistant County Attorney, presented the details of the proposed settlement agreement, stating that this would formalize the end of the litigation that has been on going for the past two months. Discussion followed regarding the monies and time involved with completing the improvement project and the sidewalks that will be considered as a possible future project. (1:43 p.m.) Meiszer reminded everyone that he voted against the project initially, but stated that he would vote in favor of the agreement.

(1:44 p.m.) **Motion by Jacalone, seconded by Meiszer, to authorize execution of the proposed settlement agreement.**

(1:44 p.m.) Almarie Colee, P.O. Box 604, St. Augustine, stated that she does not intend to donate any property for a sidewalk, as she does not want the sidewalk, she wants the area to remain rural. She also stated that she is concerned with the water that is being channeled onto her property with no way to drain. She made reference to an old deed that was granted in 1953 as a drainage easement.

(1:49 p.m.) Stern stated that she spoke with Mrs. Colee yesterday, as well as Joe Stephenson, about the current drainage issues. (1:50 p.m.) Bryant stated Ivan Burrell, Don Hallman and Marlin Pryor tried to call Mrs. Colee earlier in the day, but there was no answer. (1:51 p.m.) **The motion carried 4/0, with Maguire absent.**

(04/22/03 - 9 - 1:51 p.m.)

8. **CONSIDER A RESOLUTION VACATING A PORTION OF THE PLATS FOR RIVERDALE AND RIVERDALE LAND COMPANY**

Proof of publication regarding the Notice to Vacate was received, having been published in *The St. Augustine Record* on February 8 and 15, 2003.

Kathy Nielsen, Applications Review Coordinator, presented the details of the item, stating that both Items 8 and 9 relate to the same issue.

(1:52 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0, with Maguire absent, to approve Resolution No. 2003-81, adopting Findings 1 through 4 contained within the packet to support the motion.**

RESOLUTION NO. 2003-81

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF THE PLAT OF RIVERDALE AND A PORTION OF THE PLAT OF RIVERDALE LAND COMPANY

(04/22/03 - 9 - 1:53 p.m.)

9. **PUBLIC HEARING - VACROA 02-004, VACATING A PORTION OF ST. JOHNS AVENUE WITHIN THE RIVERDALE SUBDIVISION - THE APPLICANT WISHES TO VACATE A PORTION OF AN OLD, UNNECESSARY RIGHT OF WAY FOR ST. JOHNS AVENUE, TO BE ABLE TO COMBINE HIS LOTS INTO ONE PARCEL FOR A SINGLE-FAMILY RESIDENCE. THE PLAT FOR RIVERDALE LAND COMPANY WAS RECORDED IN 1909, PRIOR TO THE CONSTRUCTION OF CR 13, WHICH ONCE BUILT, LEFT LOTS 1 AND 20, BLOCK 13 AS NON-CONFIRMING SLIVERS OF LOTS. IT IS THE APPLICANT'S DESIRE TO COMBINE HIS PROPERTY ON THE WEST SIDE OF ST. JOHNS AVENUE (WHICH IS IN RIVERDALE PLAT) WITH THE PROPERTY ON THE EAST SIDE OF ST. JOHNS AVENUE (WHICH IS IN THE RIVERDALE LAND COMPANY PLAT) AND PROVIDE ONE RESIDENTIAL HOME SITE WITH ACCESS PROVIDED OFF CR 13. AS THIS ROAD VACATION WILL PROVIDE A CONTIGUOUS PARCEL FOR DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE, EFFECTIVELY REDUCING THE NUMBER OF NON-CONFORMING LOTS IN THIS AREA, STAFF IS RECOMMENDING APPROVAL**

Proof of publication regarding the Petition to Vacate St. Johns Ave. was received, having been published in *The St. Augustine Record* on April 5, 2003.

Item 9 was reviewed along with Item 8.

(1:53 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to approve Resolution No. 2003-82, vacating a portion of St. Johns Avenue in the Riverdale Subdivision.**

RESOLUTION NO. 2003-82

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF ST. JOHNS AVENUE

(04/22/03 - 10 - 1:53 p.m.)

10. PUBLIC HEARING TO CONSIDER THE RENEWAL OF AQUACULTURE LEASE NO. 55-AQ-338 - ST. JOHNS COUNTY HAS RECEIVED NOTICE FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES THAT A REQUEST HAS BEEN RECEIVED TO RENEW AQUACULTURE LEASE NO. 55-AQ-338. CURRENTLY, THIS LEASE AUTHORIZES 2.31 ACRES OF SOVEREIGNTY-SUBMERGED LANDS IN THE MATANZAS RIVER TO BE USED FOR THE PURPOSE OF CULTIVATING CLAMS. THE LEASE WAS ORIGINALLY APPROVED BY THE STATE ON JULY 9, 1996, FOR A SIX-YEAR TERM WITH AN OPTION TO RENEW. IF THE BOARD OBJECTS TO RENEWAL OF THIS LEASE, THE FORMAL OBJECTION MUST BE RECEIVED BY THE STATE NO LATER THAN MAY 5, 2003, IN ORDER TO BE VALID

Proof of publication regarding Agriculture Lease #55-AQ-338/ Matanzas River was received, having been published in *The St. Augustine Record* on April 7, 2003.

Jan Brewer, Environmental Manager, presented the details of the item and cited other Resolutions of objection and leases that were approved in the past. (1:58 p.m.) **Jacalone recommended that the Board take no action and the other Commissioners concurred.** Discussion followed regarding the safety of the harvested clams.

(04/22/03 - 10 - 1:59 p.m.)

11. PUBLIC HEARING - PUD 2002-22, SUNNYSIDE HOUSE REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY .57 ACRES, LOCATED AT 525 WEST KING STREET, FROM RS-3 (RESIDENTIAL, SINGLE FAMILY) TO PUD (PLANNED UNIT DEVELOPMENT). THE APPLICANT IS REQUESTING THE ZONING CHANGE TO ALLOW FOR THE RENOVATION OF THE FORMER SUNNYSIDE HOUSE HOTEL, A HISTORIC COUNTY LANDMARK, AND TWO (2) OTHER EXISTING STRUCTURES INTO OFFICE SPACE AND ASSOCIATED SERVICES AND USES FOR THE ST. JOHNS HOUSING PARTNERSHIP. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT, SPECIFICALLY RELATED TO THE PROVISION OF EFFICIENT AND COMPACT DEVELOPMENT (OBJECTIVE A.1.11) AND THE RESIDENTIAL-D PROVISIONS OF THE COMPREHENSIVE PLAN THAT ALLOWS COMMUNITY COMMERCIAL USES APPROVED THROUGH PLANNED LAND DEVELOPMENT REGULATIONS (PUD) AND ON A SIZE AND SCALE COMPATIBLE WITH THE SURROUNDING RESIDENTIAL AREA. THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST SUBJECT TO THE BOARD OF COUNTY COMMISSIONERS

APPROVAL OF THE REQUESTED WAIVERS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL UNANIMOUSLY AT THEIR MARCH 6, 2002 MEETING

Proof of publication regarding Sunnyside House was received, having been published in *The St. Augustine Record* on April 7, 2003.

Bruce Ford, Chief Planner, presented the details of this item and outlined the six waivers that were being requested. (2:02 p.m.) Jacalone questioned if any new buildings were going to be constructed. Ford responded that they are just renovating the building to office space. Discussion followed as to why the property has to be rezoned, with waivers, and could not just be remodeled. (2:05 p.m.) Teresa Bishop, Planning Director, explained that it is a requirement of the Comprehensive Plan.

(2:05 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to enact Ordinance No. 2003-40, adopting the Findings contained within the packet to support the motion.**

ORDINANCE NO. 2003-40

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL, SINGLE FAMILY (RS-3) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/22/03 - 11 - 2:06 p.m.)

12. PUBLIC HEARING - MDP 2002-20, BARTRAM SPRINGS (BARTRAM PARK PUD/DRI) - THE BARTRAM PARK PUD PROVIDES THAT AN INCREMENTAL MASTER DEVELOPMENT PLAN (MDP) SHALL BE PROVIDED TO THE BOARD OF COUNTY COMMISSIONER'S FOR CONSIDERATION AND APPROVAL. THIS REQUEST SEEKS APPROVAL OF AN INCREMENTAL MASTER DEVELOPMENT PLAN, WHICH DEPICTS THE RACE TRACK ROAD WIDENING, ENTRY ROAD AND ENTRANCE FEATURES TO THE RESIDENTIAL PORTION. THE ROAD WIDENING WAS PERMITTED THROUGH THE D.O., RESOLUTION 2000-139; HOWEVER, THE ENTRANCE ROAD AND ENTRY FEATURES REQUIRE MDP APPROVAL BY THE PUD. THE COMMERCIAL AREAS ARE DEPICTED AS FUTURE DEVELOPMENT AND WILL BE DEVELOPED IN ACCORDANCE WITH THE PUD. INCREMENTAL MASTER DEVELOPMENT PLANS SHALL BE REVIEWED AND APPROVED PRIOR TO THE ISSUANCE OF DEVELOPMENT PERMITS. A FINAL CERTIFICATE OF CONCURRENCY (00-CD-13) WAS ISSUED FOR WATER, SEWER, SOLID WASTE AND DRAINAGE FOR PHASE 3 OF THE BARTRAM PARK DRI CONSISTING OF 374,084 SF OF RETAIL/COMMERCIAL AND 44,830 SF OF OFFICE SPACE. IN ADDITION, TRANSPORTATION CONCURRENCY HAS BEEN APPROVED PURSUANT TO THE BARTRAM PARK DRI DEVELOPMENT ORDER, RESOLUTION 2000-139. THE REQUESTED MDP COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE COMMUNITY COMMERCIAL (CC) PROVISIONS OF THE COMPREHENSIVE PLAN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 5.03.02.G.2, WHICH PROVIDES STANDARDS FOR MASTER DEVELOPMENT PLANS. THE MASTER DEVELOPMENT PLAN IS ALSO

CONSISTENT WITH THE APPROVED BARTRAM PARK PUD, ORDINANCE NO. 2001-3. THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR MARCH 6, 2003 MEETING, WITH A VOTE OF 5-0

Proof of publication regarding the Bartram Springs MDP was received, having been published in *The St. Augustine Record* on April 7, 2003.

Nicole Clayton, Planner II, presented the details of the Master Development Plan for the Bartram Springs/Bartram Park PUD. (2:08 p.m.) Meiszer questioned if this was the same parcel where the owners had an access problem, and he wanted to know if there has been a resolution to that problem. (2:09 p.m.) Joe Stephenson, Public Works Director, responded that there has not been a resolution to the matter, to his knowledge, but he believes that the resident still continues to voice his belief that he was denied left turn access inappropriately. Discussion followed. (2:11 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, to adopt Resolution No. 2003-83, known as MDP 2002-20, adopting Findings 1 through 4 to support the motion.**

RESOLUTION NO. 2003-83

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MASTER DEVELOPMENT PLAN TO THE BARTRAM PARK PLANNED UNIT DEVELOPMENT; ORDINANCE NO. 2001-3, AS AMENDED

(04/22/03 - 12 - 2:11 p.m.)

12A. CONSIDER APPOINTMENTS TO THE LAMP CONSERVATION BOARD

(This Item was moved from Item 2)

Stern requested that this item be continued until next week as they were still waiting for recommendations from the Hastings Town Council regarding one of the vacancies. (2:12 p.m.) Meiszer stated that he would be agreeable to postponing the nominations for Hastings, but he wanted to go ahead and vote on the reappointments. (2:13 p.m.) Patsy Heiss, Administrative Assistant, stated that there was a total of six terms that were up and the Town of Hastings was considering the District 2 application that is currently on file. Discussion followed as to whether to proceed with the reappointments or to table the entire item. It was agreed to proceed with the reappointments. Heiss stated that **Sarah Bailey, Paul Geiser and Roger Van Ghent** were up for reappointment at this time. (2:14 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0 with Maguire absent, that the three previously named LAMP Board members be reappointed.**

(2:15 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 2:15 p.m.

REPORTS:

1. St. Johns County Check Register approving checks number 333323 through 333609 totaling \$1,557,339.67 (04/15/03)
2. St. Johns County Check Register approving checks number 333610 through 333635 totaling \$46,277.14 (04/16/03)

CORRESPONDENCE:

1. Letter to Senator Anthony Hill regarding a copy of Resolution 2003-72, dated April 11, 2003.
2. Letter to Senator Stephen Wise regarding a copy of Resolution 2003-72, dated April 11, 2003.
3. Letter to Senator Jim King regarding a copy of Resolution 2003-72, dated April 11, 2003.
4. Letter to Representative Don Davis regarding a copy of Resolution 2003-72, dated April 11, 2003.
5. Letter to Representative Dick Kravitz regarding a copy of Resolution 2003-72, dated April 11, 2003.
6. Letter to Representative Douglass Wiles regarding a copy of Resolution 2003-72, dated April 11, 2003.
7. Letter to Governor Jeb Bush regarding a copy of Resolution 2003-72, dated April 15, 2003.

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