

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 3, 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
 Dan Bosanko, County Attorney
 Robin Platt, Deputy Clerk

Also present: Jolie Tillis, Assistant Finance Director

(06/03/03 - 1 - 9:03 a.m.)

Chairman Bryant called the meeting to order.

(06/03/03 - 1 - 9:03 a.m.)

The Invocation was given by Bryant and the Pledge of Allegiance was led by Stern.

(06/03/03 - 1 - 9:04 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(06/03/03 - 1 - 9:04 a.m.)

PROCLAMATION DESIGNATING JUNE 6, 2003 AS HUGH BALBONI DAY

Stern presented the Proclamation to Dr. Hugh Balboni, and his wife, who stated that it was an honor to have served the County.

(06/03/03 - 1 - 9:10 a.m.)

PROCLAMATION DESIGNATING JUNE 2-7, 2003 AS CODE ENFORCEMENT OFFICERS APPRECIATION WEEK

Jacalone presented the Proclamation to James Acosta, Code Enforcement Director, and his Staff.

(06/03/03 - 1 - 9:15 a.m.)

RECOGNITION OF NATIONAL D-DAY

Col. Edwin Taylor, 3665 Crazy Horse Trail, Chairman of the Veterans Council, gave an overview of the events surrounding D-Day and read a Proclamation that he was proposing to the City of St. Augustine and St. Johns County in honor of the "Boys of Bedford," Exhibit A. Bryant agreed that it was a good gesture for the BCC to participate.

(06/03/03 - 2 - 9:24 a.m.)

ACCEPTANCE OF PROCLAMATIONS

Motion by Jacalone, seconded by Stern, carried 5/0, to accept the previously presented Proclamations.

(06/03/03 - 2 - 9:25 a.m.)

PUBLIC COMMENT

There was none.

(06/03/03 - 2 - 9:25 a.m.)

DELETIONS TO CONSENT AGENDA

Bosanko requested that Item 6 be moved to the Regular Agenda as Item 7A.

(06/03/03 - 2 - 9:25 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 **Resolution No. 2003-103**, expressing the County's intention to be reimbursed from the proceeds of tax-exempt obligations issued for certain transportation capital expenditures

RESOLUTION NO. 2003-103

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXPRESSING THE COUNTY'S INTENTION TO BE REIMBURSED FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS FOR CERTAIN TRANSPORTATION CAPITAL EXPENDITURES TO BE PAID BY THE COUNTY PRIOR TO THE ISSUANCE OF SUCH TAX-EXEMPT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE

3. Motion to approve the transfer of \$863,835 from the Holmes Boulevard CIP-Reserves (3342-3308-59920) to Improvements Other Than Buildings (3342-3308-56301) for use in the Holmes Boulevard Capital Improvement Project (CIP)
4. Motion to adopt **Resolution No. 2003-104**, recognizing unanticipated revenue in the amount of \$1,821 and increasing the expenditure budget of the Emergency Management Department (#0001-0046-55304) in the same amount

RESOLUTION NO. 2003-104

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

5. Motion to authorize the County Administrator, or his designee, to execute contracts between the City of St. Augustine and St. Johns County for the Spanish Nightwatch and the Changing of the Guard
6. Motion to adopt a Resolution approving a Final Plat for Stonehurst Plantation Unit One-E.

This item was moved to the Regular Agenda as Item 7A.

7. Motion to adopt **Resolution No. 2003-105**, to accept Temporary Construction Easements and Grant of Easements for drainage on Circle Drive

RESOLUTION NO. 2003-105

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TEMPORARY CONSTRUCTION EASEMENTS TO RELOCATE THE EXISTING OUTFALL DITCH AND GRANT OF EASEMENTS TO PERFORM MAINTENANCE ON THE OUTFALL DITCH ON CIRCLE DRIVE

8. Motion to adopt **Resolution No. 2003-106**, accepting an Easement for Utilities and Bill of Sale for sewer service to the residents in Whispering Oaks Subdivision, Phases I, II and III

RESOLUTION NO. 2003-106

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES AND BILL OF SALE FOR SEWER SERVICE IN WHISPERING OAKS SUBDIVISION PHASES I, II AND III

9. Motion to allow the County Administrator, or his designee, to enter into contract with BGCO, Inc. under Bid No. 03-72 for the Construction of the Holmes Boulevard Extension. The bid amount of \$1,858,600 includes the base bid and additive alternate *(See Attachment A)*
10. Motion to allow the County Administrator, or his designee, to enter into contract with Petroleum Traders Corporation for Annual Gasoline and Diesel Fuel Requirements *(See Attachment B)*
11. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 03-18
 - b. Proof, Notice to Bidders, Bid No. 03-77
 - c. Proof, Notice to Bidders, Bid No. 03-81
 - d. Proof, Notice to Bidders, Bid No. 03-82
 - e. Proof, Notice of Hearing, Ordinance/Traffic Violation Fee
 - f. Proof, Notice of Hearing, Ordinance/Lawn Turf
 - g. Proof, Certificate of Liability Insurance, South East Personnel Leasing
 - h. Proof, Certificate of Liability Insurance, United Service Companies
 - i. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.

(06/03/03 - 3 - 9:26 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

ST. JOHNS COUNTY BID TABULATION



BID TITLE

CONSTRUCTION OF HOLMES
BOULEVARD EXTENSION

OPENED BY
CHERYL ALBERTSON

TABULATED BY
LEIGH DANIELS

BID NUMBER

BID NO. 03-72

VERIFIED BY

OPENING DATE/TIME

May 21, 2003 3:00 P.M.

FROM

UNTIL

POSTING TIME/DATE

05/21/2003 4:00 PM

05/27/2003 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

PAGE (S) 1 OF 1 PAGE (S)

BIDDERS	BASE BID PRICE	ADDITIVE ALTERNATE BID PRICE	BID BOND	ADDENDUM # 1	ADDENDUM # 2	ADDENDUM # 3
BGCO, INC.	\$1,574,600.00	\$284,000.00	X	X	X	X
WESTWIND CONTRACTING, INC.	\$1,869,084.80	\$389,557.00	X	X	X	X
JACKSONVILLE EIGHTEEN CONSTRUCTION	\$1,794,205.41	\$261,482.89	X	X	X	X
ACE CONSTRUCTORS, INC.	\$1,655,931.00	\$216,117.00	X	X	X	X
JOHN CARLO, INC.	\$1,825,880.00	\$213,300.00	X	X	X	X
R. B. BAKER CONSTRUCTION, INC.	\$1,662,416.00	\$316,000.00	X	X	X	X

BID AWARD DATE -

6/3/03 - Consent 9 - Attachment A

ST. JOHNS COUNTY BID TABULATION



BID TITLE

**PURCHASE OF ANNUAL
GASOLINE & DISTILLATE
REQUIREMENTS**

OPENED BY

CHERYL ALBERTSON

BID NUMBER

BID NO. 03-82

TABULATED BY

LEIGH DANIELS

OPENING DATE/TIME

May 21, 2003 3:00 P.M.

[Signature]

POSTING TIME/DATE

05/21/2003 4:00 PM

**UNTIL
05/27/2002 4:00 PM**

PAGE(S) 1

OF

1 PAGE(S)

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

BIDDERS	ESTIMATED TOTAL BID PRICE FOR FIX FEE	ADDENDUM # 1				
PETROLEUM TRADERS CORP.	\$10,916.70	X				
COOMES OIL & SUPPLY	\$6,790.00	X	(LESS THAN TRANSPORTS ONLY)	PARTIAL BID		
CLARKSVILLE OIL & GAS CO.	\$3,821.70	X	(TRANSPORT LOADS ONLY NO BOBTAILS)	PARTIAL BID		
DELCO OIL, INC.	\$11,371.00	X				

BID AWARD DATE -

6/3/03 - Consent 10 - Attachment B

Meiszer requested that a Resolution regarding a Conceptual Trail Map be added as Item 2A. Bryant added as Item 4A, the Community Based Care Contract, Adams requested that Item 4B be added, considering the emergency purchase of a commercial grade refrigerator for the Ag. Center. Bosanko requested that an item be added as a request for continuance of Item 15, the Hughes Rezoning, as Item A1.

(06/03/03 - 4 - 9:29 a.m.)

APPROVAL OF REGULAR AGENDA

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

(06/03/03 - 4 - 9:29 a.m.)

A1. CONTINUANCE REQUEST FOR THE HUGHES PROPERTY REZONING HEARING

Jeff Snead, 599 Atlantic Blvd., Ste. 4, Atlantic Beach, representing Mr. and Mrs. George Scrogin, requested a continuance of the rezoning hearing as his clients, nor he, would be able to attend the hearing that afternoon due to previous commitments. He stated that their request for a continuance was filed timely and that his clients have a right to due process, as they are adversely impacted landowners. He commented on a memo to the Commission from George McClure that addressed the fact that there was no showing of hardship for the continuance and he outlined the evidence that he intended to present at the hearing and discussion followed regarding that evidence and when he was retained as council. Jacalone addressed the other residents who have made arrangements to be at the hearing and stated that they have to consider everyone's interest, not just his client's.

(9:40 a.m.) George McClure, 170 Malaga Street, representing the Semblar Company, who is the contract purchaser of the Hughes property, stated that at no time has his client ever asked for a continuance, or has one resulted from any action on the part of his client. He further addressed noticing of public hearings and stated that since Mr. Snead intends to present expert testimony at the hearing the presence of the Scrogins would not be required.

(9:45 a.m.) Maguire stated that he was considering the continuance then took the other Commissioner's comments into consideration, i.e. the other resident's rights to have the hearing when advertised and noticed. He questioned Snead about what his evidence would include. Snead responded that his clients have hired environmental impact and property value experts and that his client would be presenting testimony that has not been previously presented.

(9:49 a.m.) Meiszer stated that the parties to the action should get together and set the date of the hearing that they all could be present, as opposed to the County setting an arbitrary date. Discussion followed regarding the other residents who made plans to attend the afternoon hearing.

(9:52 a.m.) McClure stated, regarding the parties setting the hearing date, that he could not anticipate who the parties are who were planning to attend the hearing. He stated that the hearing date was posted on the property, an ad was placed in the newspaper, and the adjacent property owners were notified by mail. Discussion followed.

(9:55 a.m.) Stern stated that she had received an e-mail from Mrs. Scrogin requesting the hearing date be set for June 17, and questioned whether McClure had received the e-mail as well. He stated that he had received it, but to continue the hearing on the day of

the hearing is what creates a hardship, and that each delay creates difficulty for his client as they have other contractual obligations. Stern pondered whether the continuance was considered at the time of the Scrogin's first request. Bryant questioned the current zoning, and stated that the impact to the Guana and the property value arguments may have merit.

(9:59 a.m.) *Motion by Jacalone that the request for continuance be denied.* Motion died for lack of a second.

(10:01 a.m.) **Motion by Maguire to extend [the hearing] for one week, with only new material, of a factual nature, to be presented.**

(10:01 a.m.) Meiszer stated that he was confused about the "only new material" part of the motion as there has not yet been a hearing.

(10:02 a.m.) Bosanko explained that the Board would only receive the Minutes from the PZA hearing, not a full transcript, and that legally the Board could not restrict the testimony. He suggested that the motion be amended to: **"encourage people not to repeat anything that has been said before."** Maguire accepted the change to the motion, and Stern seconded the motion.

(10:04 a.m.) Jacalone stated that the BCC has not heard this rezoning request, therefore everything that was presented to the PZA better be presented at the BCC hearing, as they are obligated to hear it all, since this is not a rehearing, the Board would need all of the previous evidence and testimony that was presented to the PZA.

(10:04 a.m.) Adams stated that this item could be heard on the afternoon of June 10, at 1:30 p.m. **The motion carried 4/1, with Jacalone dissenting.**

(10:05 a.m.) Snead stated that he would do his best to inform the public of the continuance.

(06/03/03 - 5 - 10:06 a.m.)

1. PRESENTATION OF THE SHERIFF'S OFFICE BUDGET

Sheriff Neil Perry presented the needs of the Sheriff's Department and addressed the shortfalls in the budget. He explained the need for new personnel and the need to adjust salaries for personnel, as current salaries are inadequate, and he also addressed uncontrollable increases, including taxes and insurance. He stated that they are expanding the PSA program and touted its success. Perry stated that there was a typo, stating that he did not have the entire facility open, but the entire jail is open.

(10:16 a.m.) Jacalone questioned where St. Johns County ranks with salaries statewide. Perry responded that we are \$1,500 to \$2,000 below starting salaries in comparable markets, as the starting salary for a Deputy Sheriff is \$27,100. He explained that a Deputy Sheriff could not qualify to purchase an average (\$158,000) priced house in St. Johns County on the starting salary.

(10:21 a.m.) Jacalone questioned what the percentage increase of this year's requested budget is over last year's. (10:21 a.m.) Joe Vonasek, Department of Management and Budget, replied that it would be about a 10% increase.

(10:22 a.m.) Maguire stated that he supports the salary increases and questioned Mutual Aid Agreements with other counties. Perry gave an overview of the way the agreements work. Discussion followed regarding the collection of the funds from the

other counties. Perry continued by stating that they are requesting seven new positions in the Corrections area. Stern commented on starting salaries and housing costs.

(10:28 a.m.) Bryant questioned if the delayed hire positions have been filled. Perry responded that all but two have been filled and explained that they only hire three times a year, due to their training schedule. Discussion followed regarding how grant and match monies are reflected in the budget.

The meeting recessed at 10:33 a.m. and reconvened at 10:39 a.m. with Tillis no longer in attendance.

(06/03/03 - 6 - 10:39 a.m.)

2. PRESENTATION OF THE LAND ACQUISITION GRANTS UNDERWAY FOR THE 2003 FLORIDA COMMUNITIES TRUST APPLICATION CYCLE: FORT MOSE AND WINDSWEPT ACRES

Shorty Robbins, Recreation Department Administrative Manager, reviewed the details of the grant application, including the acquisition of additional acreage at the Fort Mose' Site, points and the Windswept Acres purchase. (10:41 a.m.) Michael Hunt, Assistant County Attorney, entered the meeting. Discussion followed regarding the members of the in house team, having to use the City's Comp Plan for the Fort Mose' site point scoring and the future trail systems. (10:49 a.m.) Jacalone stated that he is not supportive of increasing the match money beyond 25% for Fort Mose'. (10:50 a.m.) Robbins continued stating that there is a scrub jay, which is an endangered species, on Windswept Acres, and the potential score is 155 points with a 50% match, with a potential reimbursement of \$598,100. She further explained the time line of the grant process. (10:52 a.m.) Jacalone questioned if the County would have representation before the approval panel, and stated that the representatives should explain the historical and environmental significance of the Fort Mose' site.

(06/03/03 - 6 - 10:55 a.m.)

2A. A RESOLUTION ADOPTING A CONCEPTUAL MAP FOR A TRAIL PLAN AS A LOCALLY DESIGNATED TRAIL SYSTEM

Shorty Robbins, Recreation Department Manager, stated that this is part of a statewide initiative to provide trail maps in all Florida counties. She pointed out that by submitting the trail plan with the FCT Application it would qualify for extra points and explained that the map illustrates where the public would like to have the trails placed in the future. (10:59 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to approve Resolution No. 2003-107.**

RESOLUTION NO. 2003-107

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, ADOPTING THE CONCEPTUAL MAP FOR A TRAIL PLAN AS A LOCALLY DESIGNATED TRAIL SYSTEM

(06/03/03 - 6 - 10:59 a.m.)

3. CONSIDER AN APPOINTMENT TO THE WATER & SEWER AUTHORITY

Patsy Heiss, Assistant to the Administrator, presented the item. **Motion by Jacalone, seconded by Maguire, carried 5/0, to nominate Albert Aftoora.** Discussion followed on the applicants and districts.

(06/03/03 - 7 - 11:03 a.m.)

4. MOTION TO ADOPT A RESOLUTION EXPRESSING CONCEPTUAL SUPPORT FOR THE CITY OF ST. AUGUSTINE'S EFFORTS TO PRESERVE THE PONCE DE LEON GOLF COURSE AND EXPRESSING CONCEPTUAL SUPPORT FOR A CITY CREATED COMMUNITY REDEVELOPMENT AGENCY IN THE IMMEDIATE VICINITY OF THE PONCE DE LEON GOLF COURSE FOR THE PURPOSE OF FUNDING ITS IMPROVEMENT

Dan Bosanko, County Attorney, explained the language contained in the Resolution and strongly recommended that the Board, reserve final approval until seeing how the final application is written and, carefully scrutinize the boundaries of the CRA, as it is critical.

(11:07 a.m.) Jacalone questioned who the final authority in the establishment of a CRA would be. Bosanko explained that there are two methods for creating a CRA and the criteria. He stated that there is no involvement by the State, only local governments, and that the City would be the authority.

(11:11 a.m.) Joe Vonasek, Office of Management and Budget, addressed the estimated property values. Jacalone applauded the City for coming up with this plan to save the golf course. Meiszer endorsed Jacalone's comments supporting the City's efforts, and Maguire thanked the civilians who supported this issue.

(11:16 a.m.) Bryant questioned an arrangement offered by the Riverside Group to pay \$100,000 per year, in lieu of taxes. Vonasek replied that he was not aware of this offer and therefore it was not included in any of his estimates. Jacalone stated that would be a contractual agreement between the hired operators of the golf course and the City. Discussion followed on which taxes would be affected.

(11:21 a.m.) Christopher H. Smith, 225 Canon Court East, Ponte Vedra, addressed the possibility of taxes going down, as the hotel has been closed and is slated for demolition, and other expenses related to operating the golf course. He further addressed a City/County agreement in regard to district boundaries and taxes, and the preservation and historical significance of the golf course.

(11:32 a.m.) **Motion by Jacalone, seconded by Meiszer, to adopt Resolution No. 2003-108.** Bosanko suggested adding the word "purchase" in the second paragraph. **Jacalone accepted the language change in the second paragraph, adding the word "purchase."** Discussion followed on the tax agreement, revenue and bond funds.

(11:36 a.m.) Janet Cragg, 264 S. Matanzas Blvd., spoke in favor of the County giving its conceptual support to the golf course purchase and the CRA.

(11:37 a.m.) **The motion carried 5/0.**

RESOLUTION NO. 2003-108

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXPRESSING CONCEPTUAL SUPPORT FOR THE CITY OF ST. AUGUSTINE, IN EFFORTS TO PRESERVE THE PONCE DE LEON GOLF COURSE WITHOUT COMMITMENT OF COUNTY FUNDING OR SPECIFIC ACTION, AND EXPRESSING CONCEPTUAL SUPPORT FOR A CITY CREATED COMMUNITY REDEVELOPMENT AGENCY ("CRA") IN THE

**IMMEDIATE VICINITY OF THE PONCE DE LEON
GOLF COURSE FOR THE PURPOSE OF FUNDING THE
REDEVELOPMENT THEREOF**

Bosanko left the meeting.

(06/03/03 - 8 - 11:37 a.m.)

4A. COMMUNITY BASED CARE CONTRACT WITH THE STATE OF FLORIDA

Bryant explained the details of the item. Hunt explained that they have worked out the details of the contract with the State.

Maria Colavito, Director, St. Johns County Mental Health Department, gave a brief overview of the contract negotiations with the State and outlined the results of those negotiations. Bryant pointed out that this is an annual contract, and Colavito further addressed the County's model.

(11:45 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to authorize Dr. Colavito to sign the agreement with the Florida Department of Children and Families.** Hunt explained the attachments to the contract.

(06/03/03 - 8 - 11:48 a.m.)

4B. EMERGENCY PURCHASE OF A REFRIGERATOR FOR THE AGRICULTURAL CENTER

Ben Adams explained that the current commercial refrigerator at the Ag. Center is out, and as the Ag. Center is a special needs shelter it needs to be replaced promptly. He asked for a \$3,500 limit from the general fund reserves.

(11:48 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to approve a \$3,500 limit, from the General Fund Reserves, for the purchase of a new commercial refrigerator at the Agricultural Center.**

(06/03/03 - 8 - 11:49 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer

No report.

(11:49 a.m.)

Commissioner Stern

Stern stated that she is very excited that with the approval of the Consent Agenda the contract for the Holmes Blvd. Extension was approved.

(11:50 a.m.)

Commissioner Jacalone

Jacalone acknowledged Dr. Carver and stated that he was very pleased with the services that he offers and that he needs some space to practice in. Bryant stated that on July 1, he would have some space at the Health Department.

(11:51 a.m.)

Commissioner Maguire

Maguire stated that he and Stern attended the Community Hospice grand opening last week, and extended kudos to them for opening their new office.

(11:52 a.m.)

Commissioner Bryant

Bryant congratulated the EMS Department on a complimentary letter that was received. He also commented on a meeting that he and Adams attended yesterday at the Jacksonville Department of Transportation addressing transportation funding.

(06/03/03 - 9 - 11:55 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams stated that it was a very rewarding meeting. He complemented Staff on their efforts with the Holmes Blvd Extension Project and the Solid Waste contract.

(06/03/03 - 9 - 11:57 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(06/03/03 - 9 - 11:57 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:57 a.m. and reconvened at 1:38 p.m. with Bryant, Jacalone, Stern, Meiszer, Maguire, Adams, Daniel Bosanko, County Attorney and Cecelia Aldrich, Deputy Clerk present.

Bryant explained that Item 7, the Public Hearing on REZ 2002-15, Hughes was continued until June 10, 2003.

(06/03/03 - 9 - 1:39 p.m.)

5. PUBLIC HEARING - NZVAR 03-006, BRADLEY RESIDENCE - THIS IS A NON-ZONING VARIANCE REQUEST TO THE DRIVEWAY DESIGN REQUIREMENTS (SECTION 6.04.05.C) OF THE LAND DEVELOPMENT CODE. THE APPLICANT'S PROPERTY IS LOCATED AT 215 TWENTY THIRD STREET IN THE NORTH BEACH SUBDIVISION. THE APPLICANT OBTAINED AN APPROVED SITE PLAN FOR THE SINGLE FAMILY RESIDENCE IN SEPTEMBER OF 2001, SHOWING A NON-COMPLIANT DRIVEWAY. COUNTY STAFF DID NOT QUESTION THE DRIVEWAY WIDTH UNTIL THE DRIVEWAY HAD BEEN CONSTRUCTED TO THE RIGHT-OF-WAY LINE. THE DRIVEWAY IS 40' WIDE. NO CULVERT IS NECESSARY SINCE THIS SITE IS AT THE TOP OF A DRAINAGE BASIN. CURRENTLY THE APPLICANT HAS NOT EXTENDED THE DRIVEWAY TO CONNECT TO THE ROAD PAVEMENT

Proof of publication of Notice of Public Hearing on NZVAR 03-006 of driveway design at 215 Twenty Third Street, Pacetti Subdivision in North Beach was received, having been published in *The St. Augustine Record* on May 19, 2003.

Darrell M. Locklear, Chief Project Engineer, explained the details of the request and the location of the property. He gave a brief historical account of the events related to the development of the property. Locklear said that Staff's objections are to the excessive impervious area inside the right-of-way and the potential traffic hazard of unexpected maneuvers, and therefore does not recommend approval.

(1:41 p.m.) Jacalone asked questions about the initial plan that was submitted to Development Review. It was noted that the four-car garage has been part of the plan

from the start. (1:43 p.m.) Maguire referred to an overhead shot of an unrelated two-car garage and driveway (Exhibit A), to offer possible alternatives. (1:46 p.m.) Locklear referred to the diagram of the Twenty-Third Street location/driveway (Exhibit B) and described the potential safety issues. Discussion followed about possible variations to the current plan to protect the right-of-way area and still allow the owner ease of access to the garages. (1:50 p.m.) Stern asked for clarification on the location of the right-of-way and determined distances from the house to the right-of-way line and also to the street. It was noted that the swale/drainage issue is one of the negative aspects with constructing a driveway wider than 18 feet across the right-of-way. (1:53 p.m.) Jacalone commented that the average homeowner is not likely to be familiar with all of the County's codes and it is unfortunate that the problem did not surface within the Development Review process. There was discussion about trying to arrive at an agreeable compromise without creating safety issues. (1:56 p.m.) Bosanko indicated that the right-of-way portion of the plan was not on the plan that was initially submitted to Staff and that could be why it was overlooked. Jacalone commented that Staff is responsible for ensuring that the code is met. (1:59 p.m.) Meiszer stated that Staff has to assume that the code will be followed.

(2:00 p.m.) Larry Bradley, gave the address 215 23rd St., Vilano Beach, and noted that it is not his current residence, it is the proposed residence. He displayed a picture of the subject location and driveway on the overhead, Exhibit C. Bradley explained that he is not a Building Contractor and that the permit was pulled by his brother, who is a contractor. He said the project was four months in the review process and that he would have designed the house differently had he known about the driveway restriction. Bradley explained that the lot is small, 100 feet by 100 feet, and parking space is a problem. He stressed that the design of the house and driveway was based on the size of the lot and the limited parking space. He did not agree that the driveway width being requested would be a safety issue.

(2:06 p.m.) Bryant offered an alternative width to the driveway, where it meets the street. He explained the potential problems that could arise from not having enough impervious surface for drainage. (2:07 p.m.) Jacalone said it was unfortunate that the owner had been delayed since February and asked what he would do if the request is denied. Bradley responded that the reason he had waited this long was to come before the Board. He noted that the Road and Bridge Department had offered an alternative of 24 feet, but access into two of the garages would be difficult and aesthetically, it would be unattractive. More discussion followed on possible alternatives to the 40-foot driveway width within the right-of-way area. Bradley noted that he intended to use all four bays of the garage, as he collected antique automobiles. (2:16 p.m.) Jacalone asked Locklear if Staff would approve to a tapering of the driveway. Locklear responded in the affirmative. Jacalone described a possible alternative driveway configuration.

(2:18 p.m.) **Motion by Jacalone, seconded by Meiszer, that a 30-foot width be allowed, versus 18 feet, and flare it to meet the existing slab.** Maguire asked for definition of the flare. Locklear reiterated that it would be 30 feet at the edge of the pavement and connect from point A to point B, i.e., 18 feet is required at the right of way line and flared to the edge of the pavement, which would result in about 28 feet being paved at the edge of the road pavement. (2:20 p.m.) Meiszer noted that the motion he seconded was for a 30-foot maximum at the edge of the pavement and the owner can shape it as he wishes. (2:20 p.m.) Bosanko asked that the Findings of Fact, that are required for a Non-zoning Variance, be included in the motion. (2:21 p.m.) **Jacalone agreed that the Findings of Fact be included in the motion. Motion carried 5/0.**

(06/03/03 - 10 - 2:21 p.m.)

6. PUBLIC HEARING - APPEAL OF THE FINAL CERTIFICATE OF CONCURRENCY CONMAJ 2002-30 - PALM VALLEY PUBLIX SHOPPING

CENTER - THE CONCURRENCY REVIEW COMMITTEE (CRC) APPROVED THE FINAL CERTIFICATE OF CONCURRENCY CONMAJ 2002-30 ON APRIL 9, 2003 FOR THE DEVELOPMENT OF THE PALM VALLEY PUBLIX SHOPPING CENTER CONSISTING OF A 55,000 SQ. FT. SHOPPING CENTER LOCATED AT THE SOUTHEAST CORNER OF THE CR 210 (PALM VALLEY ROAD)/MICKLER ROAD INTERSECTION. AN APPEAL OF THE CONCURRENCY DETERMINATION WAS FILED ON MAY 9, 2003. THE GROUNDS FOR THE APPEAL STATES THAT THE INTERSECTION ANALYSIS FOR TWO INTERSECTIONS, CR 210/MICKLER RD. AND CR 210/CANAL BLVD., WERE NOT CONDUCTED IN ACCORDANCE WITH SECTION 9(D) OF THE ST. JOHNS COUNTY TRAFFIC IMPACT STUDY METHODOLOGY AND PROCEDURES, THAT THE INFORMATION PROVIDED BY THE APPLICANT WAS INSUFFICIENT IN THAT IT DID NOT MEASURE BOTH AM AND PM PEAK HOURS AS REQUIRED BY SECTION 9(D), AND THAT THE COUNTS WERE DONE WHEN SCHOOL WAS NOT IN SESSION

Proof of publication of Notice of Public Hearing on Proposed Appeal, PLNAPPL 2003-01, for the Palm Valley Publix Shopping Center (File No. CONMAJ 2002-30), was received, having been published in *The St. Augustine Record* on May 20, 2003.

Teresa Bishop, Planning Director, identified the participants who were present. She gave some background on the project and explained the appeal request. She reviewed the traffic study methodology used in relation to the concurrency determination and stated that it is Staff's position that the appeal should be denied.

(2:23 p.m.) Jacalone asked Bishop about the numbers in relation to school hours. Bishop stated that the hours for schools and shopping centers are not corresponding, and that the peak shopping hours are not the same. (2:24 p.m.) Stern asked what the peak hours are and Bishop responded that they are between 4:00 and 6:00 p.m. and in the morning from 7:00 a.m. to 9:00 a.m. (2:25 p.m.) Bishop explained that to determine if there is sufficient capacity, traffic counts and reserve trips on the impacted road segments are reviewed, as well as what is generated from other development in the area. (2:25 p.m.) Maguire asked Bishop to comment on the appeal as it relates to the two intersections that were purported not to have been analyzed. (2:26 p.m.) Bishop clarified that the applicant states that they were not done in the a.m., and that it would be required only if the land use is determined to impact the a.m. as well. It was noted that the trip generation was based upon the Institute of Transportation Engineers Trip Generation Handbook, which is a nationwide tool. (2:27 p.m.) Meiszer asked Bosanko why someone could file an appeal to a Certificate of Concurrency that was granted.

(2:28 p.m.) Bosanko stated that the rules were amended several years ago to allow a substantially affected party, in the area, to file an appeal. Meiszer asked that the appellant explain how he/she would be adversely affected.

(2:30 p.m.) Thomas Harding, (Appellant) 416 S. Lakewood Run Dr., Ponte Vedra Beach, stated that his wife would be giving the presentation. He said he was wearing the hat of the Safety and Security Chairman for the Homeowner's Association, which has also raised a concern.

(2:31 p.m.) Karen Harding, (Appellant) 416 S. Lakewood Run Dr., Ponte Vedra Beach, asked if the proceedings would be conducted as a quasi-judicial hearing as indicated under the Rules for Appeal. Bosanko responded that the guidelines for quasi-judicial hearings are usually only followed strictly when there are multiple opponents. Discussion followed on procedure. (2:34 p.m.) Bryant asked McClure if he had any witnesses. (2:34) George McClure, 170 Malaga St., stated that he did bring the traffic consultant that prepared the concurrency report in case there were questions. McClure

said Section 11.06 of the Concurrency Review Ordinance limits the evidence to just the materials that were presented before the Concurrency Review Committee, so there is no additional evidence to submit at this hearing. He said he wasn't sure that the quasi-judicial rules would apply. (2:34 p.m.) Bosanko responded that it was still a quasi-judicial hearing. (2:35 p.m.) Bryant clarified how the hearing would proceed. Bosanko read the rules on evidence.

(2:38 p.m.) Harding began by saying that she believes the procedures that are required by the Comprehensive Plan were not followed in this case. She noted that the evidence is what is already in the concurrency file and in addition, there is an Affidavit by a traffic expert, included in the packet (Exhibit A), which has the same conclusion as the other analysis. Harding indicated that under the rules and procedures specified in Article 11 of the Reuse Development Code, the request for the Final Certificate of Concurrency should have been denied. She read from procedures and guidelines relating to concurrency and traffic studies, including: sections of the Transportation GOPs - As Amended 5/10/2000, the Land Use Development Code, the Traffic Impact Study of Methodology, report by S. Hiers, BHR, Inc., Concurrency Application - Major Comments, Manual Uniform Traffic Control Devices, Project Trip Distribution - Ghyabi Lassiter & Associates, Inc., Florida Statute, and, the Palm Valley Publix Intersection Analysis (included in Exhibit A). She reviewed data on the three intersections in close proximity of the project and concluded that traffic intersections currently fall within a failed category, before construction of the subject project. Harding argued that the situation would become worse after the shopping center is built. Finally, she stated that the evidence shows that the capacity will not be available when the development is completed and it would not be in accordance with the Comprehensive Plan or the concurrency list in the Land Use Code.

(2:59 p.m.) Bryant asked Bosanko if the Affidavit by the traffic expert could be considered and Bosanko responded that it could unless the opposing side has questions for its' author. McClure was given a copy of the Affidavit to review.

(3:00 p.m.) Bryant called a five-minute break and the meeting reconvened at 3:08 p.m.

(3:08 p.m.) Maguire expressed his appreciation and commended Harding on her presentation.

(3:09 p.m.) George McClure, 170 Malaga St., Suite A, St. Augustine, stated that he was present on behalf of the developer. He noted that all three properties that are part of the development should have been included in the Certificate of Concurrency, though the drawing within appears to have omitted one of the properties. McClure also complimented Harding on her presentation. He stated that since this is an appeal of Staff's determination, he asked the Board to rely on its' Staff. McClure argued that the intersections with a level of service indicated as an "F," are not necessarily failed intersections and do have adequate capacity. He reviewed the rationale that was used for designating peak hours and the methodology used. He reviewed various parts of the analysis as it relates to the segments that were analyzed. McClure talked about the difference between the minor and major road segment capacities. McClure stated that he concurred with the Affidavit by the Transportation Expert, that the correct methodology was followed and the correct data used to support Staff's determination.

(3:19 p.m.) Scott Clem, Director, Growth Management Services, talked about the issue of the intersection analysis. He explained the two methods of determining concurrency and said, in his opinion, the intersection analysis should not be the basis for the decision of the Concurrency Review Committee. He said it is not really to decide concurrency but a way to gather additional information on the operation of the intersections. Clem noted that, though not part of the concurrency process, side access improvements are

part of the normal development review process. Discussion followed regarding what improvements could be requested of a PUD versus this type of development. (3:25 p.m.) Jacalone noted that there would be improvements with this project if the development goes forward. It was noted that the Board would have an opportunity to discuss, with the applicant, what the site will look like as this comes back before the Board. (3:28 p.m.) Bosanko reminded the Board that there is a limitation on a straight rezoning with regard to setting conditions. Discussion followed on the categorization of intersections and the terminology. (3:31 p.m.) Stern questioned the designation of a failed intersection. (3:32 p.m.) Clem explained that a decision is based on the capacity of the road and how the intersections are signalized is a different decision, at a different time, for different reasons. (3:34 p.m.) Stern asked when it would be appropriate to discuss these issues with the developer. Clem said these discussions have started at the Staff level. (3:36 p.m.) Meiszer talked about the concurrency determination and commented that it is a mathematical formula. Discussion followed on signalization of intersections. (3:40 p.m.) Clem responded that there are standard principles, assumptions, and data that are used in making determinations.

(3:43 p.m.) Bosanko stated that the Appellant should be able to ask questions.

(3:44 p.m.) Harding asked Clem what an acceptable wait time at an intersection is. Clem said there isn't one answer to that question, and it also depends on the type of intersection. There was discussion between Harding and Clem about wait times and how it relates to the concurrency issue. (3:48 p.m.) Harding referred to improvements that had been made to other unrelated intersections as a result of development and discussion followed on rationale for improvements made at intersections. (3:50 p.m.) Clem stated that, in his opinion, a failure on a minor leg for unsignalized intersections, is not a basis for denial of concurrency. He said it might be an indication that additional steps need to be taken, including the possibility of a signal. Harding asked why it is that the right course of action is not to require the applicant to improve the intersections so adequate capacity will be there when development is concluded. Clem indicated that signal warrants could be based on factors that have nothing to do with projects such as this. He said it often has to do with conditions that are not peak hour, or other circumstances that are not project specific. Clem reviewed some of the various traffic conditions that warrant signalization. (3:52 p.m.) Harding said the point of the concurrency review process is to maintain level of service standards based on data and analysis for all roadway segments. Clem agreed that is what the committee does and said none of the roadway segments failed. (3:53 p.m.) Harding asked why the bother to measure the intersections. Clem reiterated that that is additional information used by the County to look at intersections for other reasons and that the Department of Transportation (DOT) does analysis for signalization.

(3:53 p.m.) Jacalone stated that the County is duty bound by State law to write a Concurrency Management Ordinance and asked Clem if the State has requirements as to what is regulated through that Ordinance. (3:54 p.m.) Clem said the State mandates that the County have a concurrency system, but it is not very specific. Jacalone clarified that the awardment of concurrency cannot be determined by wait times, and that the focus is primarily on segment capacity. (3:55 p.m.) Clem said that accident data is also used to help in making determinations. (3:57 p.m.) Bryant noted that there were 11 letters of support for the concurrency, Exhibit B. Bosanko showed the letters to Harding.

(3:57 p.m.) Tom Harding, 416 S. Lakewood, Sawmill Lakes, Ponte Vedra Beach, stated that he was representing the Sawmill Lakes Homeowners Association as the Chairman of its' Safety and Security Committee. He expressed concern about the intersections and displayed a report from the St. Johns County Sheriffs Office on traffic accidents, Exhibit C. He talked about the high accident rate and the number of school children in

the area. He expressed concern about the infrastructure and the need for the situation to be addressed before the development goes in.

(4:00 p.m.) Maguire agreed with the traffic problems in that area and also expressed concern about excessive speed on Mickler Road and over the Palm Valley Bridge.

(4:03 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, stated she is the President of the Seaside Homeowners Association. She said that the members of her community are very concerned about the added traffic from the development. She said it is during the a.m. on school days that causes the true "peak" of traffic. Cowan said that children are late to school every day due to the traffic. She asked why, if Mickler is the minor leg, does the County have signs directing east-bound traffic across Mickler to get to route A1A.

(4:05 p.m.) Stern announced there was a written statement (Exhibit D) from Ed Sweeney, 153 Broken Pottery Drive, Ponte Vedra Beach, stating that the Grove Homeowners Association has voted to oppose plans to commercialize the corner of Mickler Road and CR 210 because of traffic hazard considerations.

(4:05 p.m.) Stan St. John, 108 Settlers Row N., Vedra Beach, Ponte Vedra Beach, said he is a member of the Plantation at Ponte Vedra Board of Directors. He said the Board of Directors unanimously opposes the proposed development.

(4:06 p.m.) Justin Clark, 160 Bear Pen Rd., stated that he is a member of the Old Palm Valley Subdivision Board. He spoke in support of the shopping center, but said he shares the concern about the traffic. Clark questioned who the responsible parties for road improvements should be.

(4:08 p.m.) Kathy Hughes, 4925 Palm Valley Road, Ponte Vedra Beach, stated that she is one of the owners involved with the property subject to the concurrency approval. She commented that she has over 30 letters (Exhibit E) from Palm Valley and Ponte Vedra residents that want the shopping center.

(4:10 p.m.) Marcy Silkebaken, 1145 Neck Road, Ponte Vedra Beach, commented that there are only six intersections in the subject area and half of them are failing. She urged the Board to make decisions based on the future.

(4:11 p.m.) Harding delivered a closing statement and read part of the regulations on determining concurrency. She commented that it is clear that adequate transportation services would not exist when the development occurs. She argued that the intersection analysis has been used to require additional public facilities and services in other projects in the County. She concluded that the rules are clear on what should happen.

(4:15 p.m.) McClure reviewed the guidelines for the proceedings and stated that the methodology and the data was correctly done. He noted that a resolution to the traffic wait time issue would be signalization and stated that the Certificate of Concurrency was properly granted and should be sustained. McClure said he expected to be back next week to discuss some of the Board's concerns.

(4:20 p.m.) Bryant noted that Harding presented a lot of facts, but not all were applicable to the Ordinance. He said he believes Staff has objectively applied all of the facts, relevant in this case, to the Concurrency Ordinance and appropriately granted the Concurrency Certificate. Stern commended Harding on a job well done. (4:21 p.m.) Maguire also thanked Harding for the facts and commented that he felt the concurrency was properly granted. (4:23 p.m.) **Motion by Maguire, seconded by Jacalone, to deny the Appeal upholding the Final Concurrency granted April 9, 2003.** Bosanko stated that the procedure for concurrency appeal requires that Findings of Fact and

Conclusions of Law be included and summarized the following to be incorporated into a written, Final Order: *the information that was provided by the applicant, the data which was accepted by all sides, showed that it was sufficient for a determination of the level of concurrency and that the intersection analysis made by the Concurrency Committee to issue the concurrency certificate supported the issuance of the concurrency certificate pursuant to Ordinance and State Statute. Also, to include a provision relating to the schools that exclusion of the a.m. peak data from the analysis was not relative because the peak traffic hours for the schools and the prospective uses for this property would occur at different times. The Conclusion of Law would be that the methodology and conclusions were in accordance with the Ordinances and the Statutes.* The Board concurred that Bosanko incorporate his comments into the Final Order. (4:26 p.m.) **The Motion carried 5/0.**

7. PUBLIC HEARING - REZ 2002-15 HUGHES - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 3.1 ACRES, LOCATED AT 3865 MICKLER ROAD FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG). THE REQUESTED ZONING CHANGE WOULD ALLOW FOR THE SITE TO COME INTO COMPLIANCE WITH THE EXISTING COMPREHENSIVE PLAN DESIGNATION OF COMMERCIAL. CONMAJ 2002-30 WAS HEARD BEFORE THE CONCURRENCY REVIEW COMMITTEE HOWEVER DUE TO NOTICING DISCREPANCIES THE APPLICANT REQUESTED THAT THE CRC REHEAR THIS APPLICATION. IT WAS RE-SCHEDULED FOR CRC ON APRIL 9, 2003 WHERE IT RECEIVED APPROVAL FOR 55,000 SQUARE FEET OF SHOPPING CENTER SPACE. THE PLANNING DIVISION HAS ROUTED THIS REQUEST TO ALL APPROPRIATE REVIEWING DEPARTMENTS. THERE ARE NO OUTSTANDING COMMENTS RELATED TO THE REZONING. IN THE CASE THAT THE REZONING IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, ALL SITE ENGINEERING, DRAINAGE AND REQUIRED INFRASTRUCTURE IMPROVEMENTS WILL BE REVIEWED PURSUANT TO THE ESTABLISHED DEVELOPMENT REVIEW PROCESS TO ENSURE THAT THE DEVELOPMENT HAS MET ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS AND PERMITTING REQUIREMENTS. NO PERMITS AUTHORIZING DEVELOPMENT SHALL BE ISSUED PRIOR TO COMPLIANCE WITH ALL APPLICABLE REGULATIONS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR APRIL 17, 2003 MEETING WITH A VOTE OF 4-0

(Agenda Item 7 was continued to June 10th)

(06/03/03 - 15 - 4:26 p.m.)

- 7A. A FINAL PLAT FOR STONEHURST PLANTATION UNIT ONE-E *(Pulled from the Consent Agenda, Item 6)*

Kathy Nielsen, Applications Review Coordinator, Development Services Division, explained that the plat was pulled from the morning agenda because there were some easement issues that have since been resolved.

(4:27 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-109, adopting Findings contained in the package.**

RESOLUTION NO. 2003-109

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR STONEHURST PLANTATION UNIT ONE-E

(4:27 p.m.) Bosanko reported that he received a Legislative Alert from the Florida Association of Counties, about legislature that will reduce the power and ability of the Counties to regulate agricultural lands.

(4:28) Motion by Jacalone, seconded by Maguire, carried 5/0, to adjourn the meeting.

With there being no further business to come before the Board, the meeting adjourned at 4:28 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register #335171 through 335495 totaling \$1,152,421.97 (05/27/03)
2. St. Johns Board of County Commissioners Check Register #335496 through 335514 totaling \$42,088.96 (05/29/03)
3. St. Johns Board of County Commissioners Check Register #335515 through 335518 totaling \$1,417.27 (06/02/03)

CORRESPONDENCE:

1. Letter dated May 28, 2003 to Mrs. Liz Cloud, Chief of the Bureau of Administrative Code, filing St. Johns County Ordinance Nos. 2003-48 through 2003-52
2. Letter dated May 28, 2003 to Mr. Paul Halloran, of vacating a portion of the Plat of Riverdale, a portion of the Plat of Riverdale Land Company, and a portion of St. Johns Avenue

Approved July 15, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Juanne King
Deputy Clerk