

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
NOVEMBER 18, 2003  
(9:00 A.M.)**

Proceedings of a special/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 US 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: Cheryl Strickland, Clerk of Courts and Allen Mac Donald, Finance Director

Proof of publication of the Special/Reorganizational Meeting of November 18, 2003 was received, having been published in *The St. Augustine Record* on November 7, 2003.

(11/18/03 - 1 - 9:03 a.m.)

CALL TO ORDER OF THE SPECIAL MEETING

Chairman Bryant called the special/reorganizational meeting to order.

(11/18/03 - 1 - 9:03 a.m.)

Bryant gave the Invocation and Jacalone led the Pledge of Allegiance.

(11/18/03 - 1 - 9:05 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(11/18/03 - 1 - 9:05 a.m.)

PRESENTATION OF APPRECIATION AWARDS

Maguire presented a plaque to Commissioner Stern and Jacalone presented a plaque to Commissioner Bryant to commemorate their service as Chair and Vice-Chair.

(11/18/03 - 1 - 9:07 a.m.)

REVIEW OF NOMINATING PROCEDURES FOR ELECTION OF CHAIR AND VICE CHAIR BY THE COUNTY ATTORNEY

Bosanko reviewed the rules regarding the Method of Election of Officers of the St. Johns County Board of County Commissioners.

(11/18/03 - 1 - 9:08 a.m.)

ELECTION OF THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS

**Motion by Jacalone, seconded by Maguire, carried 5/0 by roll call vote, to nominate for the position of Chairman of the St. Johns County Board of County Commissioners, Commissioner Stern.**

**Motion by Bryant, seconded by Stern, carried 5/0, to close the nominations.**

**Roll Call Vote:**

**Maguire aye**  
**Bryant aye**  
**Meiszer aye**  
**Stern aye**  
**Jacalone aye**

(11/18/03 - 2 - 9:09 a.m.)

**ELECTION OF THE VICE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS**

**Motion by Jacalone, seconded by Bryant, carried 5/0 by roll call vote, to nominate for the position of Vice-Chair of the St. Johns County Board of County Commissioners, Commissioner Maguire.**

**Motion by Bryant, seconded by Jacalone, carried 5/0, to close the nominations.**

**Roll Call Vote:**

**Bryant aye**  
**Meiszer aye**  
**Stern aye**  
**Jacalone aye**  
**Maguire aye**

(9:11 a.m.) Stern made a statement thanking her fellow Commissioners, her family and friends, Staff and the community for their support. She outlined her dreams for the County and her goals as Chair.

The meeting recessed at 9:16 a.m., with Michael Hunt, Deputy County Attorney, replacing Bosanko at the meeting.

(11/18/03 - 2 - 9:27 a.m.)

**CALL TO ORDER OF THE REGULAR MEETING**

Stern called the Regular Meeting to order.

(11/18/03 - 2 - 9:27 a.m.)

**PUBLIC COMMENT**

Don Beattie, 808 Mill Pond Ct., addressed the River Town DRI and the student per household ratios used by the School Board in computing the number of school age students in DRIs, versus the numbers used by the Planning Department. Discussion followed on the availability of the road system plans for the northwest sector. Meiszer expressed his appreciation to Mr. Beattie for the work he has done regarding the student counts.

(9:35 a.m.) Ellen Whitmer, 1178 Natures Hammock Rd., thanked Meiszer for his vote on November 4<sup>th</sup>, concerning the Rolling Hills PUD. She informed the Board that she had met with Superintendent Joiner, at a Civic Roundtable meeting, and discussed with him the fact that 500 more homes had been approved in the northwest portion of the county. She related that he seemed quite concerned and surprised. She commented that, in her

opinion, the Board, as a whole, was not in tune with the people in the northwest section of the county.

(9:37 a.m.) Maggie White, PO Box 2034, St. Augustine, spoke concerning the ABC Charity, which hoped to hold an annual festival, to include an art auction and a boat raffle. She stated that the purpose of this charity was to raise funds to teach boating and water safety.

(11/18/03 - 3 - 9:39 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested that Items 5 and 7 be placed on the Regular Agenda, as Items 10A and 10B, respectively.

(11/18/03 - 3 - 9:40 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:  
10/28/03 - BCC Regular Meeting  
11/04/03 - BCC Regular Meeting
3. Sheriff's Bonds:  
Approve: Ann M. Cassileth Kathryn S. Cope  
Alysia N. Greene Marlene R. Lee  
Paul M. Schrier
4. Motion to allow the Chairman, or County Administrator, to execute a contract with the St. Augustine/St. Johns County Chamber of Commerce for the purpose of promoting economic development through the CORNERSTONE organization
5. Motion to authorize the Chairman to execute the Letter of Intent between St. Johns County and the Army Corps of Engineers concerning feasibility studies regarding critically eroded shorelines at North Beach and south of Crescent Beach

*This Item was moved to the Regular Agenda as Item 10A.*

6. Motion to adopt **Resolution No. 2003-215**, recognizing unanticipated revenue in the amount of \$25,000 and increasing the expenditure budget of the Utility Fund by the same amount

**RESOLUTION NO. 2003-215**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2004 UTILITY FUND BUDGET IN ORDER TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT**

7. Motion to approve the Revision to the St. Johns County BCC and the St. Johns County Professional Firefighters and Paramedics Contract

*This Item was moved to the Regular Agenda as Item 10B.*

8. Motion to authorize the County Administrator, or his designee, to negotiate and enter into a contract with Diversified Development S.E., Inc., for the lump sum amount of \$172,500, plus Bid Alternate #2 of \$7,500, plus Bid Alternate #3 of \$4,700, for a total contract amount of \$184,700 for the Construction of the Vilano Beach Town Center Beach Pavilion (*See Attachment A*)
9. Motion to allow the County Administrator, or his designee, to piggyback from the City of St. Petersburg's Asphalt Rejuvenation Contract #02-010A
10. Motion to approve the Memorandums of Agreement for Child Protection Investigations and Voluntary Protective Services
11. Motion to adopt **Resolution No. 2003-216**, approving the final Plat for Southlake Plaza

**RESOLUTION NO. 2003-216**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A COMMERCIAL PLAT FOR SOUTHLAKE PLAZA

12. Motion to adopt **Resolution No. 2003-217**, accepting a donation of three strips of property from Richard O. Watson and Margaret Pope Watson

**RESOLUTION NO. 2003-217**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DONATION OF THREE STRIPS OF PROPERTY LOCATED IN THE VICINITY OF LEWIS SPEEDWAY FROM RICHARD O. WATSON AND MARGARET POPE WATSON TO ST. JOHNS COUNTY FOR ADDITIONAL RIGHT-OF-WAY AND DRAINAGE PURPOSES

13. Motion to adopt **Resolution No. 2003-218**, approving the terms and authorizing the execution of a Consent and Joinder for Florida Power & Light Company to use a portion of an existing County Utility Easement

**RESOLUTION NO. 2003-218**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A CONSENT AND JOINDER FOR FLORIDA POWER & LIGHT COMPANY TO USE A PORTION OF AN EXISTING COUNTY UTILITY EASEMENT

14. Motion to approve the transfer from Court Facilities Trust Fund Reserve (1301-59920) \$56,000 to Court Facilities Trust Fund Building Improvements (1301-56300) to allow the courtroom renovations at the Judicial Center
15. Motion to direct the County Administrator to execute the Contract for Provision of Financial Assistance for FY 2004 with H.A.W.K.E.
16. Motion to direct the County Administrator to execute the Grant-In-Aid Agreement for Child Dependency with the Justice Administrative Commission of the State of Florida
17. Motion to direct the County Administrator to execute the Historic Preservation Grant Award Agreement for Grant No. S0482, St. Johns County Cemetery Survey, and to direct the County Attorney to approve same
18. Motion to direct the County Administrator to execute the Historic Preservation Grant Award Agreement for Grant No. S0461, Governor Grant's Plantations Historical Marker, and to direct the County Attorney to approve same
19. Motion to direct the County Administrator to execute the Historic Preservation Grant Award Agreement for Grant No. S0471, St. Ambrose Parish Historical Marker, and to direct the County Attorney to approve same
20. Motion to direct the County Administrator to execute the Historic Preservation Grant Award Agreement for Grant No. S0472, William Bartram's Plantation Historical Marker, and to direct the County Attorney to approve same
- 21-41. Motion to approve the FY 2003 end of year budget transfers
42. Motion to adopt **Resolution No. 2003-219**, recognizing unanticipated revenue in the amount of \$2,030 from non ad valorem assessments appropriating it to 2231-53123 (PVMSD Sewer Debt Service - Tax Collector Services)

**RESOLUTION NO. 2003-219**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 PVMSD SEWER DEBT SERVICE FUND REVENUE BUDGET TO RECOGNIZE UNANTICIPATED REVENUE RECEIVED FROM NON AD VALOREM ASSESSMENTS AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY PVMSD SEWER DEBT SERVICE DEPARTMENT**

(11/18/03 - 5 - 9:40 a.m.)

ADDITIONS/DELETIONS TO THE REGULAR AGENDA

There were none.

(11/18/03 - 5 - 9:41 a.m.)

APPROVAL OF REGULAR AGENDA

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

(11/18/03 - 6 - 9:41 a.m.)

1. UPDATE REVIEWING CORNERSTONE INITIATIVES AFFECTING ST. JOHNS COUNTY BY JERRY MALLOT

Ted Zebrowsky, Director Intergovernmental Relations, introduced Jerry Mallot from Cornerstone, who was there to give the Board an update on the Cornerstone initiatives that affect St. Johns County.

Jerry Mallot, Executive Director of Cornerstone, noted that Cornerstone was a six county regional partnership that was funded through a variety of sources, private and public. He stated that they spent approximately \$1.5 million on the recruitment element of Cornerstone, and that they also provide services for international trade development for companies in St. Johns County, as well as work force related development activities. He addressed working together as a region on transportation issues and he outlined their goals and objectives, including increasing the wealth of the region by helping to create high paying jobs. He reviewed their advertising and marketing budget, how the monies were spent, their targeted industries and public relations. He also commented on the work force research that they perform, as well as research relating to the upcoming Super Bowl event, locating "mega-sites" where large companies could build and other types of economic development research. He explained that they hold prospect meetings each week to review the most important clients that they are working on at the time.

(9:58 a.m.) Jacalone questioned if Cornerstone was an extension of the Jacksonville Chamber of Commerce and Mallot explained that it was a part of the Jacksonville Chamber of Commerce, but separate from the Chamber at the same time, as they are funded separate from the Chamber. He explained that they were a regional partnership that was not just about Duval County. Discussion followed regarding the funding they receive from St. Johns County and how that funding was used and their role in bringing the Super Bowl to Jacksonville. Mallot stated that General Motors was moving their Corporate Headquarters to St. Johns County.

(10:03 a.m.) Bryant stated that the quality of life here in St. Johns County offered benefits over the financial commitments some other communities are giving, and he highlighted the perks available in St. Johns County. Mallot cautioned that quality of life is a very important enticement, but that incentives were usually a tie-breaker.

(10:06 a.m.) Maguire commented on the excellent benefits the County receives for its \$45,000 contribution to Cornerstone. Mallot stated that the participating counties could not get the same level of attention working independently, as they do working as a group, and Stern agreed.

(11/18/03 - 6 - 10:09 a.m.)

2. CONSIDER THE SELECTION OF AN UNDERWRITER FOR A WATER AND SEWER BOND ISSUE FOR ST. JOHNS COUNTY

Dan Bosanko, County Attorney, rejoined the meeting and presented the details of the selection procedure, including the ranking of the RFPs by David Miller, PFM, Inc., and stated that the rankings were for recommendation purposes only, and that the Board was in no way bound by the rankings.

(10:11 a.m.) Joe Vonasek, Director of Management and Budget, addressed the summary of responses that were included in the Commissioners' agenda packets and the evaluations of the responses that were compiled by PFM, Inc.

(10:13 a.m.) **Motion by Meiszer, seconded by Maguire, to name William R. Hough & Co. as the underwriter for this issue, and to authorize Staff to negotiate the fees with them.**

(10:13 a.m.) Jacalone remarked that, of the respondents, Hough's fees were the highest and he pondered what would happen if Hough were hired and then did not want to negotiate lower fees. He asked for a brief explanation of the bid proposals and the costs that would be incurred relating to this issuance.

(10:16 a.m.) David Miller, PFM, Inc., explained that Merchant Capital had the lowest cost proposal. They proposed \$4.95 per \$1,000 in bonds, totaling approximately \$150,000. Jacalone questioned why the County should not choose the lowest bidder for this issuance. Vonasek replied that there were other issues within the proposals that made them not the most qualified group to handle the issuance. Miller commented that with an issuance of this size, the interest cost would be of more importance than the overall cost of the underwriter's fees. Miller explained further that experience with similar bond issues was a factor in his evaluations of the respondents, as it would determine their overall performance and their ability to get the best interest rate. He also pointed out that the underwriter's fees could be negotiated. Jacalone stated that he had a problem supporting Hough, as they had the highest fees of all of the respondents. Discussion followed on the types of bonds that were to be issued.

(10:20 a.m.) Meiszer reiterated that the primary expense, to the County, of this issuance would be the interest rate. He stated that the firm who had the best, or most likely, chance of getting the best rate should be selected. In his opinion, Hough & Co. has been outstanding for so many years that they have the highest likelihood of getting the best rate.

(10:21 a.m.) Maguire questioned the ranking procedures used by PFM, Inc. and Miller explained the relevant factors used in the evaluations, including years of experience, amount of experience and the location of the firm.

(10:27 a.m.) Stern questioned how the current transportation bond issuance, with Hough & Co. as manager and Capital Merchant as co-manager, was going. Miller responded that things seemed to be going smoothly, but he would have a better indication after the bonds went to market on the following day.

(10:29 a.m.) Bryant questioned if the interest rates were market driven and Miller replied yes. Discussion followed on which company would have the highest likelihood of getting the best rate and how the bond market had been performing.

(10:32 a.m.) Meiszer clarified that there was no market rate for bonds, as seen in banking, and that the rate depended on the issues that go to market on a given day.

(10:34 a.m.) Bryant commented that he liked the idea of having a co-manager to create secondary competition. Miller agreed that this issue would be big enough to warrant having a co-manager.

(10:35 a.m.) John Mazyek, Merchant Capital, 3313 Thomas Ave., Montgomery, Alabama, stated that his company would be happy with a co-managing role.

(10:36 a.m.) Mitch Owens, W.R. Hough & Co., One Independent Dr., Jacksonville, stated that they recognized that fees were negotiable and that negotiations were a part of the process. He stated that they were willing to negotiate the fees down and were comfortable with having a co-manager. Bosanko stated that if the Board held

negotiations at the meeting they would have to accept other offers from the other respondents as well.

(10:39 a.m.) Maguire stated that he agreed with Bryant about having a manager and a co-manager to encourage competition. Meiszer commented that the Board usually authorized Staff to negotiate fees for professional services based on qualifications, and that negotiations should not take place at a meeting.

(10:44 a.m.) Michael Hunt, Deputy County Attorney, explained the process for RFQs versus the RFP process. Jacalone agreed with Meiszer's comments that Staff should handle the negotiations with the firms selected by the Board, and bring the contract back to the Board for final approval. Vonasek explained that the agreement for the underwriter generally comes through the adoption of the Bond Purchase Agreement. Discussion followed on the benefits of having a manager and a co-manager for the issuance and the secondary bond market. (10:53 a.m.) **The motion failed 1/4, with Meiszer voting in the affirmative.**

(10:54 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to select William R. Hough as the senior underwriter for the issue and to select Merchant Capital as the secondary underwriter, or co-manager, for this issue, and to negotiate as necessary for their services.**

The meeting recessed at 10:55 a.m. and resumed at 11:01 a.m. with Bosanko, Strickland and MacDonald no longer in attendance.

(11/18/03 - 8 - 11:01 a.m.)

3. CONSIDER A RESOLUTION THAT APPROVES AN HISTORIC PROPERTY TAX EXEMPTION FOR 180 MARTIN LUTHER KING AVENUE

Maguire announced that he had to leave at 11:30 a.m. to attend a luncheon at the Council on Aging Community Center in Palm Valley.

Laura Barrow, Assistant County Attorney, explained that St. Johns County Ordinance No. 1997-61, allowed a tax exemption on historic property that was being renovated and restored (per Florida Statutes 196.1997). She also outlined the rules and the procedures involved in obtaining the exemption. Maguire commented on taking available tax exemptions.

(11:06 a.m.) **Motion by Maguire, seconded by Meiszer, to adopt Resolution No. 2003-220, granting an ad valorem tax exemption for historic property located at 180 Martin Luther King Avenue, St. Augustine.** Jacalone questioned who would review the application if the property were located outside of the City. Barrow explained that the City would still do the review. It was pointed out that the exemption was for five years only. (11:07 a.m.) **The motion carried 5/0.**

#### RESOLUTION NO. 2003-220

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR HISTORIC PROPERTY LOCATED AT 180 MARTIN LUTHER KING AVENUE, ST. AUGUSTINE, FLORIDA, IN ACCORDANCE WITH ST. JOHNS COUNTY, ORDINANCE 97-61 AND SECTION 196-1997, FLORIDA STATUTES, AND PROVIDING AN EFFECTIVE DATE**



(11/18/03 - 9 - 11:08 a.m.)

4. CONSIDER A REQUEST BY THE CODE ENFORCEMENT BOARD TO FORECLOSE ON PROPERTY LOCATED AT 210 NORTH RODRIGUEZ STREET

Laura Barrow, Assistant County Attorney, explained that Florida Statute allowed a lien to be recorded on property where a fine was imposed for code violations. She reported that the subject property, and its owners, had been brought before the Code Enforcement Board several times over the past year. There were numerous violations on the property that was owned by four siblings, who inherited it from their mother, one of which lives on the property. She stated that the fine was being assessed at \$1,000 per day and had been accruing since February. She pointed out that the Code Enforcement Board requested that the County Attorneys Office begin foreclosure proceedings on the property. There was also the possibility that the property was contaminated and might need to be evaluated. She commented that the property's current value was \$25,000, and that the fine had accrued to \$272,000, as of today.

(11:12 a.m.) Jacalone asked who prepared the Order on behalf of the Code Enforcement Board, and addressed a discrepancy in the names on the Order. Barrow responded that Ron Brown, attorney for the Code Enforcement Board, had prepared the order.

(11:12 a.m.) Ron Brown, 66 Cuna St., explained that the discrepancy in the names (Roberson and Robertson) on the complaint came from the Property Appraiser's records. Jacalone stated that he talked with Staff and was assured that the property had been cleaned up. He stated that he did not want to foreclose on the property, as that seemed a bit extreme. In reference to the Staff Report, he commented that stating that the property might be contaminated was a very serious accusation. Barrow stated that she had no personal knowledge of contamination and discussion followed.

**(11:15 a.m.) Motion by Jacalone, seconded by Bryant, to direct the County Attorneys Office not to initiate foreclosure proceedings on the lien on the Roberson property, located at 210 North Rodriguez Street, St. Augustine.**

Maguire questioned why this property was not homesteaded and Barrow explained that was because it was owned by the four siblings together. Brown clarified that the property was in the name of the Estate of Ethel Roberson, which had never been probated, and therefore could not be homesteaded, as formal title had not been passed on to the heirs. Discussion followed regarding any monies that had been spent on this property, by the County, to date.

(11:17 a.m.) Brown stated that due to an Attorney General's Opinion only the County could reduce, or abate, the lien or foreclose on the property. He pointed out that there were also the neighbor's rights to consider. He commented that if the current motion passed the foreclosure would go away but the fines would be in place for 20 years. He suggested taking 30 days to see if there was compliance with the property being cleaned up, and then possibly deleting the lien. If there was not compliance then the Board could continue with foreclosure.

(11:19 a.m.) Maguire stated that he was not inclined to foreclose on anyone's property for fines and penalties. Discussion followed regarding repeat violations and Brown stated that Staff was more interested in compliance, than foreclosure.

(11:21 a.m.) Stern agreed with holding off on the foreclosure for 30 days, as Brown suggested, and eliminating the fine. Barrow reiterated that the property had been in and out of compliance multiple times, over a period of many years, and that she did not think that allowing 30 days would be productive.

(11:22 a.m.) Meiszer commented that he was in favor of reducing the amount of the fine, but not wiping it out entirely and that there should be some penalty and that a reduction should be contingent upon compliance.

(11:24 a.m.) Cheryl Robitzsch, Chairman of the Code Enforcement Board, stated that this property had come before the Code Enforcement Board several times and that this was a repeat violation. She reported that three of the respondents have worked hard to try to bring this property into compliance, but there was one who continued to divert their efforts. She stated that the Code Enforcement Board only has two tools with which they could bring properties into compliance, fines or foreclosure. Imposing the fine helped to get the respondents to start cleaning up the property, but when the officer went to reinspect, the fourth respondent had brought materials back onto the property. She felt that the only alternative that was left was to start the proceedings for foreclosure. The value of the property at the time was \$25,000 and the fine was up to \$62,000. She commented that the law allowed that they could also foreclose on any other real property the parties owned to resolve the fine. The Order requested that the fine be abated down to the value of the property that was in violation. Discussion followed regarding the number of times the property had been in violation, the affect that the adoption of the Land Development Code had on the property and revisiting the process by which counsel was obtained for County appointed boards.

(11:29 a.m.) **Jacalone amended the motion to include: to direct Staff to reinspect the property in 30 days and report back to the Board, the condition of the property.**

(11:30 a.m.) Barrow explained that the Code Enforcement Statutes specifically prevent the County Attorney's Office from providing legal representation to the Code Enforcement Board. Discussion followed on the intent of the motion.

(11:34 a.m.) **The motion carried 4/1, with Meiszer dissenting.** Maguire and Barrow left the meeting.

(11/18/03 - 10 - 11:34 a.m.)

5. CONSIDER A PROPOSED INTERIM CONTRACT FOR COMMUNITY BASED CARE BETWEEN ST. JOHNS COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

Maria Colavito, Director of Mental Health, explained that approving this contract today would be the second step in St. Johns County becoming the lead agency for Community Based Care. She pointed out that the contract was a three-month interim contract and that all of the 43 deliverables had been completed. Discussion followed as to the purpose of this contract and the funding stream.

(11:39 a.m.) **Motion by Bryant, seconded by Stern, to approve the interim contract for Community Based Care.** Hunt pointed out that this was a continuation of a previous contract and that there were no negotiations regarding this contract. He also commented that the County would be incurring a liability as a result of this transitional phase. (11:41 a.m.) **The motion carried 4/0, with Maguire absent.**

(11/18/03 - 10 - 11:41 a.m.)

6. CONSIDER A PROPOSED MEMORANDUM OF AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE STATE FOR CHILD WELFARE LEGAL SERVICES

Maria Colavito, Director of Mental Health, presented the details of this item. Michael Hunt, Deputy County Attorney, stated that he was concerned that this MOA removed some of the functions typically handled by the County Attorneys Office.

**(11:42 a.m.) Motion by Bryant, seconded by Jacalone, carried 4/0 with Maguire absent, to approve the Memorandum of Agreement.**

(11/18/03 - 11 - 11:43 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Meiszer

Meiszer stated that he had an opportunity to talk with Dan Weimer, and that he was ready to discuss Item 10A if that was amenable. Stern said they would address that item following reports.

(11:43 a.m.)

Commissioner Stern

Stern reported that she would be at Crookshank Elementary School on Wednesday at 6:30 p.m., for a Town Meeting, to discuss a possible community center and the Masters Drive area.

(11:44 a.m.)

Commissioner Jacalone

Jacalone stated that he received a package from a group who would like to partner with the County to build a park in, or around, the Ponte Vedra Library. They have invited the Commissioners to attend a meeting that will be held on November 20, at the library. Jacalone asked Adams to find out if the meeting had been advertised so that one, or more, of the Commissioners could attend.

Jacalone requested that the Board have a workshop to discuss legal representation for various boards, committees and Staff. He also requested that there be an agenda item on the Board's obligations regarding school concurrency, as it relates to legislation that has been adopted.

Jacalone questioned if the Treasure Beach canals inspection had been completed and, if so, what the outcome was. Adams said he would cover that issue under County Administrator's Report.

(11:47 a.m.)

Commissioner Bryant

Bryant announced that Dr. Lynch, the new Public Health Director, would be in St. Johns County on November 11, if any of the Commissioners wanted to meet with him on that date.

(11/18/03 - 11 - 11:48 a.m.)  
COUNTY ADMINISTRATOR'S REPORT

Adams called upon Mike Rubin to give a report on the Treasure Beach canals.

Mike Rubin, Construction Manager, reviewed the results of the inspection, as follows:

1. Clean-up - It was estimated to cost \$25,000 for one week of work with a barge, a push boat, a tug and a small track hoe to accomplish the clean-up. There would be an additional cost of \$15,000 to haul off the debris, for a total cost of approximately

\$40,000. There would also be the issue of determining what was debris, that needed to be removed, and what was to remain, and who would make that decision.

2. Bulkheads – Based on an inspection of November 5, 2003, there were approximately 430 bulkheads, of which 407 appeared to be in good condition, 22 that appeared to be substandard, and 1 with an obvious violation of the current Ordinance. There were approximately 18 docks and/or boathouses that extended more than 15 feet from the property line into the canals, as well as some unprotected shoreline.
3. Dredging Options - Option 1 would be to redredge a box culvert from 28 to 30 feet wide, at a depth of 5½ feet below mean low water, at a cost of up to \$1.5 million. Option 2 would be to rebulkhead the entire 11 miles of coast, at a cost of \$100 per foot, totaling \$5.8 million. Dredging and material removal could run as much as \$5 million, with a total, for the rebulkheading and redredging, of over \$10 million.
4. Problems to be Resolved and Considered - With either of the Options listed above there were docks and boathouses that would have to be removed in order for dredge barges to pass, as they stick out into the canals. Additionally, to install bulkheads deep enough to allow for the canals to be dredged wall-to-wall, all of the docks and bulkheads would have to be removed, and that raised the question of who would pay for that removal. Finally funding for any, or all, of these issues would have to be addressed.

Rubin recommended that the Commission set up a workshop with the Treasure Beach Homeowners' Association, and Canal Committee, to discuss the Options and costs. Jacalone stated that the County could not rebulkhead Treasure Beach for the property owners and he addressed who would be responsible for the costs.

(11/18/03 - 12 - 11:58 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(11/18/03 - 12 - 11: 58 a.m.)

CLERK OF COURT'S REPORT

No report.

(11/18/03 - 12 - 11:58 a.m.)

- 10A. MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE LETTER OF INTENT BETWEEN ST. JOHNS COUNTY AND THE ARMY CORPS OF ENGINEERS CONCERNING FEASIBILITY STUDIES REGARDING CRITICALLY ERODED SHORELINES AT NORTH BEACH AND SOUTH OF CRESCENT BEACH *(Formerly Item 5 on the Consent Agenda)*.

Meiszer addressed errors in the draft letter and requested that the text of the letter be revised to indicate that St. Johns County was a political subdivision of the State, not incorporated. He also addressed the binding nature of the letter, and stated that he was for spending Federal monies on beach renourishment, but not County monies.

(12:00 p.m.) Jacalone agreed that the letter needed to be redrafted, and stated that taxpayer money was taxpayer money, whether Federal or County. Hunt addressed the intent of the letter. Jacalone suggested that they take no action on this item, but readdress it when the letter was corrected.

The meeting recessed at 12:02 p.m. and reconvened at 1:36 p.m. with Stern, Maguire, Meiszer, Bryant, Jacalone, Adams, Daniel J. Bosanko, County Attorney and Cecelia Aldrich, Deputy Clerk, present.

(11/18/03 - 13 - 1:36 p.m.)

7. PUBLIC HEARING - PUD 2003-20 MUSIC THEATRE. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 65.94 ACRES, LOCATED AT 2950 AGRICULTURAL DRIVE, FROM OPEN RURAL (OR) AND INDUSTRIAL WAREHOUSE (IW) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW FOR 300,000 SQUARE FEET (9,996 SEATS) FOR A MUSIC THEATRE (MULTI-PURPOSE ENTERTAINMENT VENUE), AND FOR THE DEVELOPMENT OF A 16.75 ACRE LIGHT INDUSTRIAL PARCEL AT 10,000 SQUARE FEET PER ACRE. IT IS STAFF'S OPINION THAT THE REQUESTED REZONING AND THE PROPOSED PLAN OF DEVELOPMENT COMPLY WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF MIXED USE DISTRICT (MD). THIS REQUEST ALSO SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY PART 5.03, WHICH PROVIDES STANDARDS FOR PLANNED UNIT DEVELOPMENTS. THEREFORE, STAFF HAS NO OBJECTIONS TO APPROVING THIS REZONING, SUBJECT TO THE BOARD'S APPROVAL OF THE WAIVERS REQUESTED. THIS ITEM APPEARED BEFORE THE PZA AT THEIR NOVEMBER 6, 2003, PUBLIC HEARING

Proof of publication of the Notice of Public Hearing to rezone approximately 65.94 acres, PUD 2003-20, Music Theatre, 2950 Agricultural Drive, was received, having been published in *The St. Augustine Record* on October 22, 2003.

Bruce Ford, Chief Planner, explained the details of the rezoning request. He stated that, in addition to the multi-purpose entertainment facility with 9,996 seats, a 16.75-acre light industrial parcel with 10,000 square feet per acre, was being proposed. He described the type and number of events that were expected per year, and the hours of operation. Ford reviewed the five (the sixth was pulled) waivers that were being requested, which included: to use an alternate surface for vehicular use areas; to allow an incremental PUD for the industrial component; to show accessory uses on the Construction Plan instead of the MDP; to increase the number of driveways from one to four; and to locate a sign higher, and farther, from the interchange than currently allowed. Ford noted that concurrency had been approved for 4,500 seats for Phase 1A, which met the code requirements. He noted that the applicant had committed to three-laning Agriculture Center Drive. Ford referred to the Arena SJSO Traffic Plan 2002 Aerial Photograph (Exhibit A), to identify the area of Agriculture Center Drive that would be three-laned. He also identified the locations that deputies would be posted for traffic control. Ford said a traffic plan would be presented to the Sheriff's Office and the Planning Department, one month prior to each event. He noted that there were no adjacent property notices received. Ford commented that there was a representative present to address the noise study that was conducted.

(1:44 p.m.) Jacalone received confirmation that the concurrency approval was for the 4,500-seat music theatre only and not for the industrial site development. Ford reiterated that it was only for Phase 1A. Jacalone commented that he had watched the tape of the item when it was before the Planning and Zoning Agency (PZA), and he had never seen traffic impacts addressed by that method. (1:47 p.m.) Teresa Bishop, Planning Director, acknowledged that traffic capacity was not an issue, but rather the

way traffic flow would be handled prior to, and after, events. Bishop pointed out that the County has not had a venue such as the music theatre, which was why the Board had not seen an instrument called Maintenance of Traffic Plan before. She noted that traffic flow was normally addressed by the development review process and the code requirements. Discussion followed on the number of seats being requested in Phase 1, in relation to concurrency. Bishop clarified that the PUD was for a greater amount than 4,500 seats, which they have concurrency for, and that was all the construction plans would allow for approval. (1:49 p.m.) Jacalone acknowledged that the certificate of concurrency limited ticket sales to the 4,500, but asked how that would be monitored. Bishop said ticket sales were regulated and staff had the right to learn how many tickets were sold for any event. Discussion followed on the traffic plan. (1:50 p.m.) Maguire questioned the accuracy of the persons-per-car ratio that was used, and noted that the industry average for the NFL was 2.1. (1:52 p.m.) Meiszer expressed concern about the handling of the traffic management plan. He talked about potential problems with the flow of traffic at the end of the three-laning in relation to CR 208 and SR 16. Meiszer said he also had a problem with the number of seats, and shared his experience with managing large arenas and amphitheatres. (2:00 p.m.) Bryant asked if staff had looked at the practical aspects of the traffic circulation with the existing roadway configuration.

(2:00 p.m.) Shawn Collins, Transportation Planning Manager, stated that the issues had been reviewed and the problem with the subject area was the intersection of CR 208 and SR 16. Collins talked about the Maintenance of Traffic (MOT) plans and noted that off-site parking was one MOT. Collins said the Sheriff's Department and the Highway Patrol were the ones who knew where the traffic problem spots were. He noted that DOT did not get involved once concurrency had been met. Collins offered a possible temporary solution by changing traffic flow directions at CR 208 and SR 16. Discussion followed on traffic flow patterns.

(2:07 p.m.) Maguire talked about traffic before and after the event and the number of persons per vehicle. He used the developer's numbers to do the math for attendees and vehicles and commented that 10,000 people and 2,500 parking spaces were both cut-offs for a DRI project. He said he thought they were underestimating in their figuring and asked staff why they were accepting a design for 2,500 parking spaces when, by the developer's own numbers, more would be required.

(2:11 p.m.) Jacalone asked Collins what suggestions he had for improvements to the intersections of Agriculture Center Drive, CR 208, and SR 16. Jacalone said at a minimum there needed to be an acceleration lane out of Agriculture Center Drive onto CR 208. Collins noted that that had not been proposed. Discussion followed on what would need to be done to the roadways, in that area, to alleviate congestion and allow for safety.

(2:13 p.m.) Bosanko reviewed the approval standards for a PUD and noted that it was not a legislative decision. He referred to a Supreme Court case relating to an applicant's right to use of their property. He apprised the Board of possible implications if they were to deny the request. Bosanko reviewed the difference between concurrency and traffic safety, and stressed that evidence would have to be substantiated.

(2:17 p.m.) Jacalone referred to the new traffic circulation plan and Lt. Chris Acosta, from the St. Johns County Sheriff's Office, confirmed that he had the latest plan.

(2:18 p.m.) Meiszer described an alternate route he would take given traffic congestion due to a concert, and speculated that others would do the same.

(2:20 p.m.) Sid Ansbacher, 780 N. Ponce de Leon Blvd., stated he was speaking on behalf of the applicant. He introduced Don Smith with England, Thims & Miller, Inc.,

who would be presenting the technical aspects of the project, i.e., traffic circulation, concurrency and the general design. Ansbacher said Jack Wrightson of Wrightson, Johnson, Haddon & Williams, Inc., was the noise expert. He distributed a handout of the power point presentation, Exhibit B. (2:21 p.m.) Jacalone asked if the Power Point handout and the traffic circulation plan (handed out previously by Lt. Acosta), were made available to the PZA. Ansbacher noted that they had not received the revised version, and explained that the changes were in the number of deputies for traffic control and that a traffic management plan would be submitted to the Sheriff's Office and the Planning Department before each event. (2:25 p.m.) Maguire asked for clarification on the number of deputies proposed for the plan. Ansbacher stated that there would be 12 deputies, and a supervisor. He said they would be willing to cap, in the text, the 4,500 seats that they currently have concurrency for, until more was available. Ansbacher talked about the number of persons per car, and the industry standard. He noted that the applicant would be paying an additional \$1.5 to \$2.5 million for the three-laning of Agriculture Center Drive. He explained that the project was entirely privately funded and they were not seeking any bond or bed tax money. To minimize the impact of the overflow traffic, the season proposed was from March 1<sup>st</sup> to Thanksgiving. Ansbacher said the predominant traffic problems would be the Christmas shopping at the outlet malls and the venue would not be open. He said they were willing to do whatever was reasonably necessary to make the project work. Ansbacher noted that Jack Utsick was the fifth largest concert promoter in the world. He said this would be Utsick's first venture in an outdoor amphitheatre.

(2:34 p.m.) Meiszer noted that he would be happy to see the March to December and off peak-hours language incorporated into the text. Ansbacher noted that he received confirmation from his client. (2:35 p.m.) Jacalone added that an offer of a reduction in seating from 7,500 to 4,500 had been made, for Phase 1. Ansbacher confirmed that was for the permanent seating until such time as they have concurrency for more.

(2:35 p.m.) Don Smith, England, Thims & Miller, Inc., 14775 St. Augustine Road, Jacksonville, referred to the Location Map and provided the rationale for the location of the proposed venue. He identified the surrounding roadways and existing businesses. He reviewed the land use designation and why the location was considered desirable. Smith talked about the benefits that St. Johns County could realize with this type of venue. He reviewed the types of events to be held at the facility and noted it would be made available for a variety of local gatherings, including graduations. Smith reported on the number of events per year, ticketing, and portable and grass seating.

(2:41 p.m.) Jacalone clarified that the offer was to limit the seating to 4,500 and that would equate to tickets, to comply with concurrency. Ansbacher agreed that the ticket sales would be capped at 4,500 seats, for Phase 1A. (2:42 p.m.) Meiszer asked about standing room and Ansbacher did not have any information about that. Meiszer and Ansbacher discussed seating and ticket sales.

(2:45 a.m.) Smith continued his presentation indicating the traffic flow, both into and exiting the site, and reviewed the Sheriff's management plan. He said it would be typical to a church with a once or twice per week use, thus the rationale for unpaved parking. In summary, Smith noted that the area did not currently have that type of venue and that no County dollars would be needed.

(2:49 p.m.) Maguire asked about staff parking and the amount of acreage designated to parking, in general. Smith responded that those items were not on the site plan. Discussion followed on the number of persons per car versus the number of vehicles being realistic and how they relate to the industry standards. Maguire expressed concern about the numbers being much higher than predicted and worsening the

existing traffic congestion problems. It was noted that Ticketmaster would be issuing and monitoring the number of tickets sold. Discussion followed on the effects and degree of backup on I-95 from the off-ramp traffic. (2:59 p.m.) Maguire asked if a Traffic Engineer had looked at the plan and suggested that it might be better to put half the dollars into the road and the other half into the interchange.

(3:00 p.m.) Collins noted that, when altering an interchange, all of the effective governments would be involved. He gave an example of how traffic at Daytona was handled.

(3:02 p.m.) In response to questioning, Bosanko stated that if the developer wanted to go over the limit of 10,000, he would have to comply with all of the DRI requirements and Florida Statute.

(3:02 p.m.) Bryant asked if they had looked at three-laning a third, or half, of the distance on Agriculture Center Drive and making improvements to CR 208. Collins said he envisioned a problem there. Jacalone commented about SR 16 being four-laned where CR 208 intersects. Collins said there would have to be some kind of control mechanism in place to get both of the lanes out of there. Jacalone said the two lanes on CR 208 were the problem, and described the laning transitions. He reiterated Bryant's suggestion that it may make more sense to do only a portion of Agriculture Center Drive and the rest of the expense could be applied to additional lanes on CR 208. Collins said that was a possibility but they could not be forced to do that.

(3:04 p.m.) Bryant commented that the waiver request for a 120-foot high sign did not make any sense. Ansbacher said his client withdrew that waiver.

(3:05 p.m.) Meiszer asked Bosanko how the Sheriff could be legally bound to supply deputies throughout the year for all of the events. Bosanko said that concern could be addressed by requiring professional traffic control services, and not necessarily Sheriff's Office personnel. Meiszer did not think that would have the same impact, but thought the question should be raised. It was noted that the PUD did not commit the Sheriff's Office to provide the deputies, it committed the applicant to have the traffic plan approved by the Sheriff's Office and the Planning Department.

(3:09 p.m.) Bosanko said there could be language that specified that if a particular event did not meet that requirement, it would have to be cancelled.

(3:12 p.m.) Ben Rich, 136 Moses Creek Blvd., St. Augustine, commented that the PZA approved the PUD by a 4/3 vote and the Board members never asked the applicant questions relating to the propriety of the development. He read a statement by Jerry Cameron, member of the PZA, in which he stated that he did not think the Board had discharged its duties. The statement referenced the potential traffic flow problems and suggested that the property should remain zoned for Industrial Warehouse and Open Rural use. The Board was encouraged to view the tape of the Planning and Zoning meeting. The Board was asked to not take action and send the request back to the PZA for a traffic study.

(3:19 p.m.) Jeff Simmons, 2933 Green Acres Road Ext., St. Augustine, stated that he was an adjacent property owner. Simmons was in opposition to the request and noted that he was in awe that more questions were not asked at the PZA meeting. He expressed gratitude for the questions the Board members had asked and requested that the Board require that an independent engineering firm look at the traffic flow patterns. Simmons said there was a concern about access by emergency vehicles and the sound issue.



(3:22 p.m.) Ron Sanchez, 724 CR 13 South, St. Augustine, reiterated that the Board members should review the PZA tape. He said he was not opposed to the project, but felt it needed more careful thought. He expressed concern regarding the traffic.

(3:26 p.m.) Joe Arnall, 13500 Sutton Park Dr. S., #202, Jacksonville, stated that he had served in the Florida House of Representatives and on the Committee on Community Affairs. He talked about the unfortunate side effects of the traffic safety issues and the fact that the surrounding businesses would have to close during the events. He noted that more planning was needed in order to make it safe, convenient, and not interfere with the second largest commerce producer.

(3:34 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., St. Augustine, was representing the Audubon Society of St. Johns County. He noted there were a number of major issues and he stressed the aspect of lighting and water shortage.

(3:37 p.m.) Ansbacher mentioned the Supreme Court case and said they (the applicant) had consented to limit the impact substantially while determining if they could go past the existing concurrency. He recognized that there were neighborhood concerns and noted that there were experts present who would address the noise and traffic issues.

There was a break at 3:39 p.m. and the meeting reconvened at 3:51 p.m.

(3:51 p.m.) Jack Wrightson, Wrightson, Johnson, Haddon & Williams, 4801 Spring Valley Road, Suite 113, Dallas, Texas, stated that a noise study was done. He noted that the St. Johns County Noise Ordinance was the standard of significance. He noted that the direction of the facility, as it was currently configured, would not violate the Noise Ordinance. He talked about how the noise level was determined. Wrightson stated that the Noise Ordinance changed dramatically at 11:00 p.m. and his recommendation was that the concerts end by 11:00 p.m.

(3:53 p.m.) A Traffic Engineer from England, Thims & Miller, Inc., identified the traffic routes and reviewed the capacity and traffic counts projected for the facility. He reviewed the projected time it would take to clear the roadways following an event, with 60 minutes being the total time to clear all the traffic.

(3:59 p.m.) Maguire asked how they would limit the number of vehicles coming into the facility. The Traffic Engineer could not address the question. Ansbacher responded that ticket sales were based upon permanent seating and the DRI was premised on parking spaces, not on cars. Ansbacher talked about the acreage relating to parking spaces, and the proposed scenario for Phase 1. (4:03 p.m.) Maguire said the real issue was not the parking capability, but the way the cars were counted. He noted that they were limiting the cars to 2,500 for DRI computation purposes. Ansbacher talked about the project and how it related to the Land Use Ordinance and the Land Use Statute. Maguire said he would like to see the project go back to Planning and Zoning. Ansbacher said it had been through months of review and they were well within what they were required to do.

(4:07 p.m.) Ansbacher summed up that they had staff's approval and the Board had heard expert testimony. He referred to concessions that the applicant was willing to consent to, i.e., limiting the season to March 1<sup>st</sup> through Thanksgiving and phasing in that no more than 4,500 tickets would be sold, until they get more concurrency. He reviewed the number of activities proposed and noted that they had added the third lane on SR 16. Ansbacher said they had complied with concurrency, loading and off-loading, and they felt that the major issues had been addressed.

(4:11 p.m.) Meiszer told Ansbacher that he could not speak for staff and that the Board was not legally obligated to take staff's advice. Stern commented that she liked the project, and any addition to culture and art for the community. She agreed with sending some of the issues back to staff.

(4:12 p.m.) Bosanko noted that most of the issues raised were related to traffic. He said aside from concurrency, under the Land Development Code, traffic could be considered. He stated that the Board's options were to approve, deny or continue the item. Bosanko stressed that if the Board members decided to deny the request, they must be able to substantiate the evidence, including expert witnesses. He gave a general synopsis of prior court cases. He said the Board could continue the item, and ask staff to address the traffic concerns. Bosanko noted that there were several waivers being requested and if they were denied, the request would not meet the Land Development Code.

(4:15 p.m.) Jacalone asked about opposition and Ford confirmed that there were no letters of opposition. Jacalone reviewed the concessions that had been offered by the applicant: Phase I would be *limited to 4,500 permanent seats and the text of the PUD would match the limits of concurrency and ticket sales*; language in Section 10 of the Master Development Plan text would include " . . . directing of traffic *prior to and* at the close of the event . . . " Within that same section, Jacalone suggested not restricting traffic control to just the Sheriff's Office, but to add the flexibility of *traffic personnel*. Ansbacher agreed and verbally offered that *the minimum number of traffic personnel including, but not limited to, Sheriff's Office, off duty deputies*. Jacalone continued that the other concessions were: *that events would be allowed only from March 1<sup>st</sup> through Thanksgiving every year and the events would be evening type events, to conclude at 11:00 p.m.*

(4:19 p.m.) Ansbacher brought up a possible exception being graduation activities and questioned if a text amendment would suffice. Jacalone said it would be better to address that later. Referring to the waivers, Jacalone acknowledged that the sign request had been removed and he did not have a problem with the others. He said he thought the concessions were good and the surrounding roadways would likely suffer a bit at event times, but that it would be do-able with traffic control. (4:22 p.m.) It was noted that a traffic plan would be submitted to both the Sheriff's Office and the Planning Department for approval. Meiszer suggested that it might make more sense for the County Traffic Department, with its Engineers, to review the traffic plan. Ansbacher noted that they would circulate it to whomever staff instructs.

**(4:23 p.m.) Motion by Jacalone, seconded by Stern, to enact Ordinance No. 2003-96, known as PUD 2003-20, Music Theatre PUD adopting Findings contained in the package to support the motion, along with the concessions that have been previously recited.**

(4:23 p.m.) Maguire added that he also liked the concessions but still had major problems with traffic flow. He said he was very uncomfortable with allowing it to go beyond the concurrency level of 4,500, without review of the traffic flow. Maguire indicated that he would like more review. (4:24 p.m.) Stern noted that it was in the text that the Sheriff's Office would be monitoring the traffic maintenance and she asked that the Board receive a report. Ansbacher noted that both the Sheriff's Office and staff would be reviewing it on an ongoing basis. (4:26 p.m.) Stern called for a Roll Call vote:

**Roll Call:**

<b>Meiszer</b>	<b>aye</b>
<b>Maguire</b>	<b>nay</b>
<b>Stern</b>	<b>aye</b>
<b>Jacalone</b>	<b>aye</b>

Bryant        aye

The motion carried 4/1, with Maguire voting nay.

**ORDINANCE NO. 2003-96**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OR (OPEN RURAL) AND IW (INDUSTRIAL WAREHOUSE) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(11/18/03 - 19 - 4:27 p.m.)

8. PUBLIC HEARING - TRANSMITTAL HEARING FOR CPA 2003-06 R.T. TIMBER. FILE # CPA-2003-06, R.T. TIMBER, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO RESIDENTIAL DENSITY - C. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT SUBMITTED TWICE PER YEAR. AT THIS TIME, THE BCC'S APPROVAL TO TRANSMIT THE REQUEST WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, PROBABLY IN MARCH OR APRIL. DENIAL OF TRANSMITTAL WOULD END THE REVIEW. THE PROPERTY INCLUDES 160 ACRES OF TIMBERLAND AND IS LOCATED WITHIN THE NORTHWEST SECTOR, SOUTH OF RACE TRACK ROAD AND WEST OF RUSSELL SAMPSON ROAD. THIS NEW INFORMATION WAS PRESENTED TO THE PZA AT ITS REGULAR MEETING ON NOVEMBER 6. PLANNING STAFF STATED THAT A MINIMUM THRESHOLD HAD BEEN REACHED TO SUPPORT TRANSMITTAL OF THE REQUEST. THE PZA RECOMMENDED APPROVAL TO TRANSMIT THE PROPOSED AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, AND TO ALLOW CONTINUED REVIEW OF THE REQUEST AND COMMENTS BY THE DCA AND OTHER STATE AGENCIES, WITH A 7-0 VOTE. STAFF HAS NO OBJECTION TO TRANSMITTAL FOR THE PURPOSE OF OBTAINING ADDITIONAL REVIEW FROM THE DEPARTMENT OF COMMUNITY AFFAIRS, NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL AND OTHER APPLICABLE STATE AND REGIONAL AGENCIES

Proof of publication of the Notice of Public Hearing for proposed Future Land Use Map Amendment, CPA 2003-06, Russell Sampson Road, was received, having been published in *The St. Augustine Record* on October 23, 2003.

Teresa Bishop, AICP, Planning Director, explained that the item was for transmittal of a Comprehensive Plan Amendment. She announced that there was a Comprehensive Plan Citizen Courtesy Information List located on the table at the rear of the auditorium. Bishop explained that the list would be provided to the Department of Community Affairs (DCA), and the signers would be provided notification of the Notice of Intent. She reviewed the request and explained the proposed designations. Bishop noted that, if approved, the applicant proposed to limit the units to 150 multi-family and 300 single-family units. She reviewed the traffic plan issue and its relation to the Durbin Crossing project. Bishop commented that the applicant had agreed that no building permits for vertical construction would be allowed until the roadway (CR

223) improvements had commenced. She said only one letter in opposition was received, Exhibit A.

(4:33 p.m.) Jacalone asked for clarification on the commitment to improve the roadway. Bishop responded that it would be a condition affixed to a future PUD. Jacalone asked if developers were required to do a Needs Analysis when they submit an application for a Comprehensive Plan Amendment and Bishop confirmed that it would be required. Discussion followed on the methodology used to define population ratios. (4:36 p.m.) Jacalone said he had a problem with changing the use to residential development when there were already so many issues in that area, and the fact that the developer was counting on capacity that was not built yet.

(4:37 p.m.) Doug Miller, England, Thims & Miller, Inc., 14775 Old St. Augustine Road, Jacksonville, stated he was representing the applicant, R.T. Timber. He provided a presentation that included the location of the subject property and surrounding developments that supported the compatible use. Miller located and described the roadway plans related to the subject request, as well as the Aberdeen and Durbin Crossing projects. He noted that the applicant was participating in the construction of the new roadway by granting the right-of-way to the County. Miller stated that the Residential Needs Analysis was performed consistent with accepted methodology, and that the population projections were based on the census updates. He reviewed the economic impact, which included 226 jobs, and a fiscal impact to the County of over a half million dollars. Miller talked about the significant wetlands system that bisects the property. He pointed out the benefit of providing connectivity with adjacent projects, specifically Durbin. He summarized that the proposed use was consistent with, and complimentary to, the adjacent land uses and the development trends in that part of the County.

(4:47 p.m.) Deputy Clerk Lenora Newsome entered the meeting and Deputy Clerk Cecelia Aldrich left the meeting.

Discussion followed on the wetland system on the property and not timbering the property. Meiszer questioned who the employer would be of the 226 new jobs. Miller stated that he couldn't answer that, but could bring Steven Schiever up to try and answer that question. (4:50 p.m.) Steven Schriever, Fishkind and Associates, Inc., spoke on how the jobs were generated. Bryant asked how many acres of right-of-way would go through the property. Schriever replied that he didn't have that exact number but would estimate approximately 10 acres, including the scenic edge. Bryant asked if Durbin Crossing was going to ask for impact fee credits. Schriever replied that there were no impact fee credits being received for this donation.

(4:54 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on this project being a major impact on the wetlands, and having adequate wetland crossings.

(4:59 p.m.) Don Beattie, 808 Mill Pond Court, commented on the number of students in the development.

(5:01 p.m.) Mary Kohnke, 29 South Roscoe Blvd., spoke on the Comp Plan changes, needing more school sites and controlling growth within the county.

(5:05 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke on Comp Plan amendments and schools being overburdened.

(5:09 p.m.) Meiszer spoke on the letter from David Toner dated October 13, 2003, regarding the PUD generating students that were not anticipated, overcrowding the elementary schools for Aberdeen and Durbin Crossing. He also quoted a letter from

JEA regarding water and sewer. Stern mentioned there was also a letter from Toner dated November 5, 2003, where he stated that they would continue to meet with the applicant to mitigate the impact of additional students projected from the PUD.

(5:13 p.m.) Miller spoke on JEA having a master plan for this area. He also addressed wildlife crossings, school issues, and DCA issues, utilizing the RT Timber Comp Plan Amendment, Exhibit B. Jacalone questioned the ratios. Miller stated the ratio was 1.94, which included the projects already approved and transmitted.

(5:24 p.m.) John Metcalf, 245 Riverside Avenue, representing the applicant, spoke on the ratio. He stated that they were committed on this project and would have the PUD document submitted and under review before this came back for approval on the Comp Plan amendment. He also spoke on the school issue. Discussion followed on not allowing projects to develop without access, connectivity not existing yet, transmittals and amendments, and when they occur.

(5:36 p.m.) Don Hinson, 3020 Hartley Road, Jacksonville, clarified the access issue. Meiszer spoke on the letters from David Toner. (5:44 p.m.) Stern spoke on the school issue, the wetland issue, interconnectivity, the road being done, and the transportation issue. (5:46 p.m.) **Motion by Stern, seconded by Maguire, carried 3/2, by roll call vote, to transmit CPA-2003-06, for R.T. Timber, proposing to amend the 2015 Future Land Use Map from Rural Silviculture (R/S) to Residential Density - C, for the purpose of obtaining additional review from the Department of Community Affairs, the Northeast Florida Regional Planning Council and other applicable State and regional agencies.**

**Roll Call Vote:**

<b>Stern</b>	<b>aye</b>
<b>Jacalone</b>	<b>aye</b>
<b>Maguire</b>	<b>aye</b>
<b>Bryant</b>	<b>nay</b>
<b>Meiszer</b>	<b>nay</b>

**The motion passed 3/2.**

The meeting recessed at 5:47 p.m. and reconvened at 5:52 p.m.

(11/18/03 - 21 - 5:52 p.m.)

9. PUBLIC HEARING - TRANSMITTAL HEARING FOR CPA 2003-04 - BAYARD RACEWAYS. FILE #CPA - 2003-04, KNOWN AS BAYARD RACEWAYS, IS A PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM INTENSIVE COMMERCIAL (IC) TO RESIDENTIAL DENSITY - C. THIS REQUEST CONSTITUTES A "REGULAR" COMPREHENSIVE PLAN AMENDMENT SUBMITTED TWICE PER YEAR. AT THIS TIME, THE BCC'S APPROVAL TO TRANSMIT THE REQUEST WOULD THEN ALLOW THE CASE TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, PROBABLY IN MARCH OR APRIL. DENIAL OF TRANSMITTAL WOULD END THE REVIEW. THE SUBJECT PROPERTY INCLUDES 142.36 ACRES OF LAND AND IS LOCATED NEAR THE SOUTHWEST CORNER OF RACE TRACK ROAD AND U.S. HIGHWAY 1 NORTH. THE APPLICANT PROVIDED EXPERTS AT THE PZA HEARING WHO PROVIDED INFORMATION IN SUPPORT OF THE PROPOSED RESIDENTIAL DEVELOPMENT INCLUDING THE LONG TERM OWNERSHIP OF THE

PROPERTY AND SPECIAL PLANNING CHALLENGES PERTAINING TO UTILITY PLACEMENT AND THE HIGH OFFICE VACANCY RATE IN JACKSONVILLE. THE APPLICANT PRESENTED A LETTER DATED NOVEMBER 4, 2003, FROM ST. JOE COMMERCIAL TO THE PZA. BASED ON THIS INFORMATION, THE STAFF BELIEVES THAT A MINIMUM THRESHOLD HAS BEEN REACHED FOR FURTHER REVIEW AND, THEREFORE HAS NO OBJECTION TO TRANSMITTING THIS CASE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO THEREBY OBTAIN THE REVIEW AND POTENTIAL COMMENTS FROM STATE AGENCIES. ON NOVEMBER 6TH, THE PZA, WITH A 7-0 VOTE, RECOMMENDED TO THE BCC TO APPROVE TRANSMITTING THE REQUEST TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THEREBY ALLOWING THE CONTINUED REVIEW OF THE REQUEST AND COMMENTS BY THE DCA AND OTHER STATE AGENCIES

Proof of publication of the Notice of Public Hearing for proposed Future Land Use Map Amendment, CPA 2002-04, Bayard Raceways, was received, having been published in *The St. Augustine Record* on October 22, 2003.

Maguire had not yet returned to the meeting.

Donna Godfrey, AICP, Senior Planner, reviewed this item, stating that Bayard Raceways proposed to amend the Comprehensive Plan to change the Future Land Use Map designation from Intensive Commercial (IC) to Residential Density-C. (5:55 p.m.) (5:55 p.m.) Maguire returned to the meeting. Jacalone stated that he was opposed to this item last time it came before the Board, but was now in favor of it.

(6:00 p.m.) George McClure, 170 Malaga Street, introduced the members who worked so hard on this project. He gave a brief history of the Bayard Raceway on Race Track Road, and gave a presentation on the Comp Plan Amendment.

(6:15 p.m.) Phil Kelly, 2900 Hartley Road, Jacksonville, Seller Group, spoke on the wetlands, developments, having limited access to the site, and office development. Maguire questioned selecting a certain point for the residential line. McClure responded that they had a quality proposal for the residential site.

(6:28 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke on the issue of needs, not changing Intensive Commercial to Residential, and against transmitting this to DCA. Maguire asked if the County had been moving from commercial to residential. Bishop responded no, not recently.

(6:31 p.m.) Don Beattie, 808 Mill Pond Court, spoke on the new impact fee statement and against transmitting to the DCA.

(6:36 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., voiced concern about impacts to the wetlands.

**(6:38 p.m.) Motion by Jacalone, seconded by Stern, to transmit CPA-2003-04, for Bayard Raceways, proposing to amend the 2015 Future Land Use Map from Intensive Commercial (IC) to Residential Density - C, for the purpose of obtaining additional review from the Department of Community Affairs, the Northeast Florida Regional Planning Council and other applicable State and regional agencies.** Meiszer spoke on going from residential to commercial, and questioned going back to the 75-foot buffers. McClure replied that they would be coming back with the zoning application, which

would include the appropriate buffers, before the actual adoption of this amendment. **The motion carried 4/1, with Bryant opposed.**

(11/18/03 - 23 - 6:42 p.m.)

10. PUBLIC HEARING - TRANSMITTAL HEARING FOR ADMINISTRATIVE AMENDMENTS FOR PUBLIC PROPERTIES. THIS PUBLIC HEARING IS TO CONSIDER TRANSMITTAL OF COUNTY INITIATED AMENDMENTS TO THE 2015 FUTURE LAND USE MAP TO AMEND THE 2015 FUTURE LAND USE MAP FROM THE PROPERTY'S CURRENT DESIGNATION (AS LISTED IN THIS REPORT) TO PUBLIC, ALLOWING THE COUNTY TO UTILIZE THE SITES ACCORDINGLY. AT THIS TIME, APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS TO TRANSMIT THESE AMENDMENTS WOULD ALLOW THE CASES TO BE SCHEDULED FOR AN ADOPTION HEARING AT A FUTURE DATE, PROBABLY IN MARCH OR APRIL. DENIAL OF TRANSMITTAL WOULD END THE REVIEW AT THIS TIME. TO FACILITATE SIGN POSTING AND CITIZEN INQUIRY, A NUMBER WAS ASSIGNED TO EACH COUNTY-OWNED PROPERTY, OR GROUP OF PROPERTIES INCLUDED IN THIS REQUEST. EACH SITE IS DESCRIBED BY SIZE AND LOCATION, AS FOLLOWS:

Public Site #1: Proposed FLUM amendment from Rural Silviculture (R/S) to Public (P) designation. This 0.87-acre site is located at the base of Palmo Fish Camp Road, at Palmo Cove on the St. Johns River. Parcel #014360-0000. The property is zoned OR (Open Rural) and RMH (Residential, Manufactured/Mobile Home).

Public Site #2: Proposed FLUM amendment from Rural Silviculture (R/S) and Agricultural-Intensive (A-I) to Public (P) designation. The 376.56-acre site is located north of SR 16, between SR 13 North and CR 16A. Parcel #012140-0000. The property is zoned OR.

Public Sites #3A and #3B: Proposed FLUM amendment from Rural Silviculture (R/S) and Agricultural-Intensive (A-I), respectively, to Public (P) designation. Each site contains 0.49 acres and is located northwest of SR 16 and International Golf Parkway. Parcel Numbers 028110-0010 and 028187-0020. The properties are zoned OR.

Public Site #4: Proposed FLUM amendment from Rural Silviculture (R/S) to Public (P) designation. The 748.04-acre site is located south of SR 16 near Turnbull Drive. Parcel Numbers 028660-0010, 028882-0000, 028660-0000 and 028510-0000. These contiguous parcels are zoned OR.

Public Site #7: Proposed FLUM amendment from Mixed Use District (Md) to Public (P) designation. The 19.54-acre site is located south of SR 16 on the east side of the St. Johns County Road and Bridge Complex. Parcel #088320-0000. The property is zoned OR.

Public Site #9: Proposed FLUM amendment from Mixed Use District (Md) to Public (P) designation. The 9.98-acre site is located south of Lewis Speedway adjacent to the St. Johns County Office Complex. Parcel #073582-0000. The property is zoned IW (Industrial, Warehousing).

Public Site #11: Proposed FLUM amendment from Residential Density - C to Public (P) designation. The site contains 3.47 acres and is located on the west side of SR A1A, between Mickler and Weff Roads. Parcel #182700-0000 and 182670-0000. These contiguous parcels are zoned CG (Commercial, General).

Public Site #12: Proposed FLUM amendment from Rural Silviculture (R/S) to Public (P) designation. The 264.81-acre site is located on the west side of Allen Nease Road, approximately ¾ mile south of CR 214. Parcel #'s136420-0000 and 101050-0000. These contiguous parcels are zoned OR.

Public Site #13: Proposed FLUM amendment from Agricultural-Intensive (A-I) to Public (P) designation. The 20.15-acre site is located on the east side of Smith Road, approximately ¼ mile south of George Miller Road. Parcel #047810-0000. The property is zoned OR

Proof of publication of the Notice of Public Hearing for proposed Future Land Use Map Amendment Transmittals for administrative amendments of public property was received, having been published in *The St. Augustine Record* on October 22, 2003.

(6:44 p.m.) Jacalone left the meeting. Donna Godfrey, AICP, Senior Planner, stated that there were nine groups of properties that the County owned in various places around the County, which they were proposing to change from their current Future Land Use Map designation, to a public designation.

**(6:45 p.m.) Motion by Bryant, seconded by Stern, carried 4/0 with Jacalone absent, to transmit County initiated amendments to the 2015 Future Land Use Map, to amend the 2015 Future Land Use Map, from the current designation of each subject property (as listed in this report) to Public (P), for the purpose of obtaining additional review from the Department of Community Affairs, the Northeast Florida Regional Planning Council and other applicable State regional agencies.**

(11/18/03 - 24 - 6:46 p.m.)

10B. MOTION TO APPROVE THE REVISION TO THE ST. JOHNS COUNTY BCC AND THE ST. JOHNS COUNTY PROFESSIONAL FIREFIGHTERS AND PARAMEDICS CONTRACT *(Formerly Consent Agenda Item 7)*

Meiszer explained that he pulled this item because of text changes and it didn't indicate anywhere what they were. He stated that after talking with Staff during the break, he was now satisfied. (6:48 p.m.) **Motion by Meiszer, seconded by Maguire, carried 4/0 with Jacalone absent, to approve the Item which was 10B, and was 7 on the Consent.**

(6:48 p.m.) Bishop stated that she would be reviewing the Planning items to see if there was a better way to put them together.

(6:49 p.m.)

Commissioner Maguire:

Maguire announced that this coming Sunday between 1:00 p.m. and 4:00 p.m., HAWKE would be having an open house.

Maguire announced that the Fire Department had a graduation of 19 new firemen.

(6:50 p.m.) Bosanko informed the Board that Dr. Marathe decided not to enter into the contract that had been negotiated over the last few weeks. There was no contract in affect as of tomorrow.

**(6:51 p.m.) Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 6:51 p.m.



REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check #342430 through #342452 totaling \$44,215.02 (10/30/03)
2. St. Johns County Board of County Commissioners Check Register, Check #342454 through #342458 totaling \$108,930.71 (11/03/03)
3. St. Johns County Board of County Commissioners Check Register, Check #342459 through #342770 totaling \$924,749.05 (11/04/03)
4. Preliminary official statement, St. Johns County, Florida, Transportation Improvement Revenue Bonds, Series 2003, dated November 5, 2003
5. St. Johns County Board of County Commissioners Check Register, Check #342771 through #342792 totaling \$44,403.21 (11/13/03)

CORRESPONDENCE:

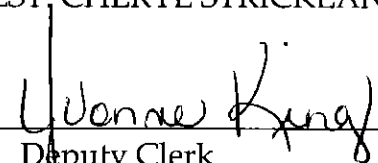
1. Letter dated November 3, 2003 to Liz Cloud, Chief, Bureau of Administrative Code, regarding filing St. Johns County Ordinance Number 2003-90
2. Letter dated November 7, 2003 to Liz Cloud, Chief, Bureau of Administrative Code, regarding filing St. Johns County Ordinance Numbers 2003-91 through 2003-95

Approved December 9, 2003

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

