

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 25, 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: Karen Stern, District 2, Chair
 Bruce Maguire, District 4, Vice Chair
 Nicholas Meiszer, District 1
 Marc Jacalone, District 3
 James E. Bryant, District 5
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, County Attorney
 Lenora Newsome, Deputy Clerk

Also present: Allen MacDoanld, Finance Director

(11/25/03 - 1 - 9:03 a.m.)
Chair Stern called the meeting to order.

(11/25/03 - 1 - 9:03 a.m.)
The Invocation was given by Meiszer and the Pledge of Allegiance was led by Bryant.

(11/25/03 - 1 - 9:04 a.m.)
ROLL CALL

Stern stated that all five Commissioners were present.

(11/25/03 - 1 - 9:04 a.m.)
PUBLIC COMMENT

Louise Thrower, 288 Orange Avenue, spoke on an article by Bruce Maguire; that was published in *The Creek Line Newspaper*, regarding the community's respect for its history, and on protecting the northwest's historical sites.

(9:09 a.m.) Maggie White, P.O. Box 2034, St. Augustine, spoke on the ABC Charity's 2004 Art Auction and Boat Raffle, an event to teach children water and boating safety, art and music.

(11/25/03 - 1 - 9:14 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(11/25/03 - 1 - 9:14 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
09/04/03 BCC Special Meeting
3. Motion to adopt **Resolution No. 2003-221**, approving the final Plat for Double Bridges

RESOLUTION NO. 2003-221

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR DOUBLE BRIDGES

4. Motion to adopt **Resolution No. 2003-222**, approving the terms of, and authorizing the County Administrator to, execute certain Purchase and Sale Agreements for property needed for the improvements to Roberts Road

RESOLUTION NO. 2003-222

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CERTAIN PURCHASE AND SALE AGREEMENTS FOR PROPERTY NEEDED FOR THE IMPROVEMENTS TO ROBERTS ROAD

5. Motion to transfer \$39,000 from Law Enforcement Impact Fee Reserves (1169-59920) to Law Enforcement Impact Fees-Building Improvements (1169-56300) and motion to approve the transfer of \$26,000 from 1169-56300-8902-59923 (Project Contingency) to 1169-56300-8902-56300 (Building Improvements) and motion to approve Change Order #03 to H.E. Hennigh, Inc., in the amount of \$48,367, for the Sheriff's Investigation Office Project
6. Motion to amend Resolution 2003-146 and to adopt **Resolution No. 2003-223**, authorizing the County Administrator to execute the FDOT Local Agency Program Agreement containing the new amended FDOT Project Number of FPN 411212-4-18-01

RESOLUTION NO. 2003-223

A RESOLUTION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING RESOLUTION 2003-164, AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT AND PROVIDING WHEN THIS RESOLUTION WILL TAKE EFFECT

7. Motion to adopt **Resolution No. 2003-224**, setting forth that the Board of County Commissioners of St. Johns County hereby directs all its officers and employees to take every precaution to avoid improper disclosure of protected information in their possession or control, and to assume responsibility for any improper disclosure of such information on the County website

RESOLUTION NO. 2003-224

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DIRECTING ALL OFFICERS OR EMPLOYEES OF THE BOARD OF COUNTY COMMISSIONERS TO TAKE EVERY PRECAUTION TO AVOID IMPROPER DISCLOSURE OF PROTECTED INFORMATION IN THEIR POSSESSION OR CONTROL, PARTICULARLY SUCH INFORMATION RECEIVED FROM ANY DATA LINK WITH THE OFFICE OF THE PROPERTY APPRAISER, AND FURTHERMORE RECOGNIZING AND ASSUMING RESPONSIBILITY FOR ANY SUCH IMPROPER DISCLOSURE OF SUCH INFORMATION THAT IS PROXIMATELY CAUSED BY ANY NEGLIGENT ACTION, INACTION, OR IMPROPER INTENTIONAL ACTION OR INACTION OF SUCH OFFICER OR EMPLOYEE OF THE BOARD OF COUNTY COMMISSIONERS

8. Motion to direct the County Administrator to execute the contracts for the following agencies: Association for Retarded Citizens, Retired Senior Volunteer Program, St. Johns Welfare Federation, St. Johns County School Readiness Coalition, Betty Griffin House, EPIC Community Services, Emergency Services/Homeless Coalition, Learn to Read, St. Johns Housing Partnership, Youth Crisis Center, Alpha Omega Miracle Home, and St. Gerard Campus
9. Motion to approve the transfer from Court Facilities Trust Fund Reserve (1301-59920) \$11,000 to Court Facilities Trust Fund Building Improvements (1301-56300), to allow the courtroom renovations at the Judicial Center

(11/25/03 - 3 - 9:14 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to add an item for the FDOT 5307 Grant as Item 8A. Adams requested that Item 6 be pulled and rescheduled at a later date, to add an item for a budget transfer covering end of the year items as Item 8B, and to add another item for a budget transfer on a commercial paper mitigation land debt transfer as Item 8C.

(11/25/03 - 3 - 9:16 a.m.)

APPROVAL OF REGULAR AGENDA

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

(11/25/03 - 3 - 9:16 a.m.)

1. PRESENTATION OF A CHECK TO ST. JOHNS COUNTY BY MR. KIRBY GREEN WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND CONSIDERATION OF A MOTION TO ADOPT A RESOLUTION RECOGNIZING UNANTICIPATED REVENUE IN THE AMOUNT OF \$100,000 AND INCREASING THE EXPENDITURE BUDGET OF THE CR214 WATER TREATMENT PLANT IMPROVEMENTS PROJECT BY THE SAME AMOUNT

Bill Young, Utility Director, spoke on the Utility Department working closely with the Water Management District on long-term water supply issues over the past few years.

(9:17 a.m.) Kirby Green, Director of the St. Johns River Water Management District, explained what the project meant to St. Johns County, and to the District, in terms of water supply planning. (9:20 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to adopt Resolution No. 2003-225.**

RESOLUTION NO. 2003-225

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

(11/25/03 - 4 - 9:20 a.m.)

2. PRESENTATION ON THE TENTATIVE FIVE YEAR WORK PROGRAM FOR ST. JOHNS COUNTY

Karen Taulbee, AICP, FDOT Transportation Planner, gave an update on the Tentative Five-Year Work Program for the St. Johns County Transportation Projects. Discussion followed on a couple of the projects listed.

(11/25/03 - 4 - 9:27 a.m.)

3. UPDATE AND BOARD DISCUSSION CONCERNING THE CONTRACT WITH MEDICAL SPECIALISTS OF ST. AUGUSTINE AND THE PREVIOUSLY SUBMITTED PROPOSAL BY MEDICAL SPECIALISTS, WHO RESPONDED TO COUNTY RFP 03-116

Bosanko left the meeting and Michael Hunt, Deputy County Attorney, entered the meeting. Adams reviewed this item, stating that the County, as of November 7th, would be working without a contract. Hunt stated that the problems were with the implementation of the contract and how the contract was handled during the transition period. Bryant spoke on keeping the clinic opened. Meiszer spoke on extending the contract, and asked what the points of disagreements were between the proposal that Medical Specialists had made and the Health Department. Hunt explained the points of disagreement with the contract. Hunt stated the proposal, or letter, sent by Medical Specialists stated that they would like to continue providing services to the Hastings clinic. Meiszer stated that he was concerned about the patients. Jacalone stated that this had gone on to the point where he had had enough and he recommended shutting down the clinic. He also stated that if the Department of Health was prepared to take over the provision of primary health care, the County should work diligently to assist them in taking over that service. Bryant stated that the Health Department was more than adequately capable of stepping in and taking over. He stated that he did not have a problem with Dr. Marathe's proposal to keep the Hastings's clinic, but he was opposed to the 40% increase. Maguire stated that he was glad to see that the County was working toward the Health Department taking this over. Stern agreed that 40% was a little too high. She directed Adams to work on it. Adams explained that the offer for the Health Department to step in was confirmed yesterday and they haven't had time to work anything up. Jacalone stated that he didn't think that they should ask the Administrator to work on it anymore, that they should decide today what was going to happen, and that he was prepared to do that. Jacalone suggested continuing with Medical Specialist under the terms and provisions of the old contract until they turn over the clinics to the Health Department. Hunt stated that, technically, they did not have a contract. Jacalone suggested going on the last arrangement that they had with Medical Specialists under the old contract, if they were willing to continue that service.

Bryant stated that Medical Specialists would not be willing to go beyond November 30, 2003. Jacalone then recommended closing down the clinic until the Health Department could take it over. Bryant described the difference between the public and private sector.

(9:47 p.m.) Dottie Hudson, St. Johns County Health Department, spoke on working very closely with County Staff, as well as Dr. Marathe, in trying to solve the problem of indigent health care. She stated that they were fully committed to running the clinic again, and to doing the best job that they could possibly do. She remarked that it would take a little bit of time to get everything in place. Hudson stated that they would do the best they could. Discussion followed on the operation of the clinic, the primary care clinic not being limited to indigent care and no exact dollar amount being targeted for adult primary care.

(9:59 p.m.) Dr. Marathe addressed working with the Health Department and he distributed a letter, by him, dated November 25th, Exhibit A. He spoke on costs, explained the critical element in a grant and stated that he was delighted to cooperate with Dottie Hudson. (10:08 a.m.) Bosanko entered the meeting. Meiszer stated that the patient's care should come first. (10:09 a.m.) Gloria Benischeck spoke on the budget running the clinic going up. Marathe explained why it went up. Meiszer asked if the proposal was workable for Medical Specialist to do the clinic at Hastings, and for the Health Department to do the other. Hudson replied that they were willing to work out any situation with Marathe. Marathe stated that the family medical clinic had no relationship with Flagler Hospital. Meiszer stated that he hoped that the County would extend the contract. (10:16 a.m.) Hunt made the legal point that the letter from Marathe objected to the contract agreed upon, so he would have to send another letter to agree to what was decided today. Bosanko suggested working on the theory of having an implied contract until the end of this month, and paying the rate at the old contract through that period. Then after that date the County could offer Marathe the rate of 30% for the Hastings clinic. Bryant suggested doing the \$200,000 level and keeping the clinic, but would not agree to the 30% increase. (10:23 a.m.) **Motion by Bryant, seconded by Jacalone, to direct Adams and Staff to look at offering Dr. Marathe the Hastings Clinic for the amount of \$200,000 for the next ten months and him keeping the revenue that is generated through that clinic, and that we work with the Health Department to implement the Primary Care Clinic here in St. Augustine, for the balance of the amount of money that we had budgeted, minus the \$200,000 for Hastings.** Jacalone clarified the motion stating, that the motion was to fund the Hastings Clinic for the remainder of the new contract year, which is about ten months, for the amount of \$200,000 total and for the service provision for the existing facility in St. Augustine and Hastings, to continue until November 30th, and after November 30th, the Medical Specialist Service Provision Primary Care would go away in St. Augustine, continue in Hastings and we doing what we were going to do with Primary Care in St. Augustine. He stated that would be contingent on Medical Specialist accepting that dollar amount to run the Hastings Clinic, and if they can't do it for that, then the County would close that one down on November 30th also. Adams asked what rate the Board wanted to pay Dr. Marathe. Jacalone responded at the rate on the existing contract. Adams stated that if they were to close, services would still be available through Health and Human Services for people needing care. Hunt questioned, in this process, if the County was going to deal with increasing the rate between today and the end of the month. Stern replied that the maker of the motion indicated that this would be understood at the current existing contract rate. Discussion followed on the Federal Law that obligated Dr. Marathe to see patients for 30 days after the closing date of the clinic, if it closed. Hunt mentioned negotiating a new contract for one month. Bryant asked Dr. Marathe if he was willing to operate for the month of December under the existing contract. Marathe replied he would operate under the proposal of a new

contract for one month. Bryant mentioned that Hudson could subcontract with Marathe to provide the staffing and the physician hours for one month, if she wanted to. Hudson commented that anything was possible and that they were willing to work in anyway they could to see that the patients were seen. (10:32 a.m.) **Jacalone moved to call the question, seconded by Bryant, carried 5/0. The motion carried 5/0.**

The meeting recessed at 10:33 a.m. and reconvened at 10:40 a.m. with Allen Mac Donald, Finance Director, leaving the meeting.

(11/25/03 - 6 - 10:40 a.m.)

4. CONSIDER A MOTION TO ADOPT A RESOLUTION ACCEPTING THE GREENWAY, BLUEWAY & TRAIL MASTER PLAN, MAP AND REPORT

Thomas Atkins, AICP, ASLA Vice President of Planning, HDR, gave a presentation on the greenways, Exhibit A. (10:45 a.m.) Steven Schnell, Community Planner/GIS Specialist, spoke on the process in developing the final Greenway, Blueway and Trails Master Plan document and the final Master Plan Map. Atkins spoke on the trail classifications. Discussion followed on the guidelines of the plan, the plan conflicting with DRI's that were already approved, the plan getting extra points, the costs associated with the plan, the 75-foot buffer on the pathways, the visioning directives, working with the City on interconnectivity, and the legal ramifications of adopting this plan. Jacalone stated that he would like to see a little more details on the map.

(11:08 a.m.) Sarah Bailey, 2202 Bishop Estates Road, spoke on the advantages of this plan.

(11:10 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on supporting this plan. Stern agreed that it was a real good plan. (11:14 a.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to adopt Resolution No. 2003-226, accepting the Greenway, Blueway & Trail Master Plan, Map and Report.**

RESOLUTION NO. 2003-226

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE ST. JOHNS COUNTY GREENWAY, BLUEWAY & TRAIL MASTER PLAN MAP AND REPORT PROVIDING GUIDANCE TO THE COUNTY

(11/25/03 - 6 - 11:15 a.m.)

5. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE ADDENDUM TO THE SAINT JOHNS DRI ROAD IMPACT FEE CREDIT AGREEMENT, DATED NOVEMBER 18, 1997, IN THE AMOUNT OF \$114,121.

Nicole Cubbedge, AICP, Planner III, stated that this request sought approval of an addendum to the Saint Johns DRI Road Impact Fee Credit Agreement. (11:17 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to adopt Resolution No. 2003-227.**

RESOLUTION NO. 2003-227

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN ADDENDUM TO THE ROAD IMPACT FEE CREDIT AGREEMENT WITH

IT LAND ASSOCIATES, LLC AND SJ LAND ASSOCIATES, LLC

6. PRESENTATION OF THE TRANSITION PLAN FOR THE COMMUNITY BASED CARE PROGRAM

This item was pulled from the meeting.

(11/25/03 - 7 - 11:17 a.m.)

7. CONSIDER A MOTION TO ADOPT A RESOLUTION SUPPORTING FLAGLER ESTATES 16 MILE CREEK LEGISLATIVE SURFACE WATER IMPROVEMENT GRANT REQUEST

Joe Stephenson, Public Works Director, stated that the Flagler Estates Road and Water Control District was seeking support for a Chapter 403.855, Florida Statutes, grant to make improvements to Sixteen Mile Creek with no expense to St. Johns County under this proposal. (11:20 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003- 228.**

RESOLUTION NO. 2003-228

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING AN APPLICATION BY THE FLAGLER ESTATES ROAD AND WATER CONTROL DISTRICT FOR FUNDING OF A CHAPTER 403.855, F.S., LEGISLATIVE GRANT TO PROTECT THE ENVIRONMENT BY IMPROVING WATER QUALITY, TO PROTECT THE PUBLIC HEALTH, AND TO IMPLEMENT LOCAL STORMWATER MANAGEMENT PLANS

(11/25/03 - 7 - 11:20 a.m.)

8. CONSIDER A MOTION TO AUTHORIZE PAYMENT OF \$25,000 AS SETTLEMENT IN G.C.R., INC. V. ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, IN THE CIRCUIT COURT, IN AND FOR ST. JOHNS COUNTY, FLORIDA. CASE NO.: CA 03-412, DIVISION: 55

Hunt reviewed the history of the settlement. (11:22 a.m.) **Motion by Meiszer, seconded by Jacalone, carried 5/0, to approve the payment of \$25,000 in settlement and to authorize the transfer of the \$25,000, as necessary.**

(11/25/03 - 7 - 11:22 a.m.)

- 8A. U.S. URBANIZED AREA FORMULA GRANTS FOR TRANSIT RELATED PURPOSES (49 USC 5307)

Bryant gave a brief history on the U.S. Urbanized Area Formula Grants for Transit related purposes. Jacalone asked if there was a match requirement for this grant. Bryant replied no. (11:26 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to authorize the Chair to sign the letter contained within this packet substantively in the form attached.**

(11/25/03 - 7 - 11:26 a.m.)

- 8B. END OF YEAR BUDGET TRANSFER - FY 2003

Joe Vonasek, Director, Office of Management and Budget, stated that this item was an end of the year adjustment to the fiscal year 2003 budget. (11:27 a.m.) **Motion by**

Maguire, seconded by Meiszer, carried 5/0, to approve the end of year transfers in the Group Insurance Fund, including \$138,858 from the Group Insurance Reserve Fund (5500-59920). Motion by Maguire, seconded by Meiszer, carried 5/0, to approve the end of year transfers in CH Arnold Road Grading MSBU, including \$5,940 from the CH Arnold Road Grading MSBU Contingency Reserve (1286-59923).

(11/25/03 - 8 - 11:28 a.m.)

8C. BUDGET TRANSFER TO COMMERCIAL PAPER FOR MITIGATION LAND DEBT SERVICE

Vonasek explained that a year ago the Board authorized the acquisition of a 760-acre parcel as mitigation land, and also authorized that the acquisition be funded through borrowing from the Florida Local Government Finance Commissions Pool Commercial Paper Program. He stated that the Board also adopted a reimbursement Resolution. He asked the Board to approve a transfer in the stated amount from the Transportation Trust Fund Reserve. (11:30 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to transfer \$193,834 from the Transportation Trust Fund Reserve (1131-59920) for payment of the December, 2003, Commercial Paper Debt service for Mitigation Land.**

(11/25/03 - 8 - 11:30 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer spoke on UN Day at the Pedro Menendez High School.

Meiszer spoke on the Planning and Zoning Agency having a workshop on growth and development issues last Thursday from 1:30 p.m. until about 6:00 p.m. He stated that there would be a repeated workshop at the Switzerland Point Middle School on December 3, 2003, at 7:00 p.m.

(11:34 a.m.)

Commissioner Maguire:

No report.

(11:34 a.m.)

Commissioner Stern:

Stern spoke on the UN program mentioned by Meiszer. She also spoke on raising money for groups.

(11:36 a.m.)

Commissioner Jacalone:

Jacalone announced, to the Board, that he would like to schedule an agenda item to discuss the current impact fee schedules for St. Johns County. He stated that he would try to do it in the early part of 2004 and he asked Adams to schedule it.

Jacalone also mentioned having a workshop on the Concurrency Management Ordinance. He asked Adams to schedule both items early in January, 2004.

(11:37 a.m.)

Commissioner Bryant:

Bryant spoke on grant programs regarding trips for the medicaid residents.

Bryant announced that last Wednesday the first class graduated from Drug Court, and that all of the credit should go to Audrey Fields, who heads the Cocaine/Crack Task Force.

(11/25/03 - 9 - 11:39 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams spoke on the School Board making the offer to the County of the possible use of the Hastings Elementary School site and buildings. He scheduled next Monday, December 1st or Wednesday, December 3rd at 2:30 p.m., to have a walk thru with the principal to show the Board the site, so they could make a better determination later.

(11/25/03 - 9 - 11:40 a.m.)

COUNTY ATTORNEY'S REPORT

Bosanko commented on the grant application that was approved today on the DOT, and stated that the County was not required to provide a match. However, this kind of grant was designed as a pass through and would be passed-through to another private company or non-profit agency. This grant was not a 100% grant, to whoever received it.

(11/25/03 - 9 - 11:41 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:41 a.m., and reconvened at 1:35 p.m. with Stern, Maguire, Meiszer, Bryant, Jacalone, Adams, Isabelle Lopez, Senior County Attorney, and Robin Platt, Deputy Clerk, present.

Maguire made a statement addressing the speed at which rezoning requests have been being approved.

(11/25/03 - 9 - 1:37 p.m.)

9. PUBLIC HEARING - PUD 2003-09, KENSINGTON - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 306.85 ACRES, LOCATED AT 7920 US 1 NORTH, FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR THE DEVELOPMENT OF 362 SINGLE FAMILY RESIDENTIAL UNITS WITH ASSOCIATED RECREATIONAL FACILITIES. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RESIDENTIAL-B FUTURE LAND USE DESIGNATION. A FINAL CERTIFICATE OF CONCURRENCY, CONMAJ 2002-36B, WAS APPROVED ON MAY 14, 2003, FOR THE DEVELOPMENT OF 361 SINGLE-FAMILY RESIDENTIAL UNITS. THE MAIN PROJECT ACCESS WILL BE PROVIDED FROM US 1 NORTH, WITH ADDITIONAL ACCESS FROM SHANNON ROAD AND SURROUNDING PROPERTIES. CENTRAL WATER, SEWER AND ELECTRIC WILL BE PROVIDED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. UTILITIES WILL BE INSTALLED UNDERGROUND

Proof of publication for the Kensington PUD Public Hearing was received, having been published in *The St. Augustine Record* on November 10, 2003.

Nicole Cubbedge, Planner III, presented the details of this item and addressed the sand pine habitat and gofer turtle burrows located on the property. She stated that the project would be developed in two five-year phases, with 181 units per phase, with construction to commence within three years of approval. She illustrated the project's

access and proposed roadways on the MDP and Access Road Map, Exhibits A and B. Cubbedge then addressed the requested waivers, including: a waiver to the recreation area details requirement; the advertising display area on signage, as well as other signage requirements; the phase acceleration requirement; and a reduction to the second front yard set back on corner lots. She commented further that the PZA recommended approval of this project, with a 5/1 vote, on October 16th, and that they had not received any item of correspondence regarding the project.

(1:45 p.m.) Jacalone questioned which road segments were in the concurrency analysis area, other than US 1 and IGP. Cubbedge responded everything within a four-mile radius was included. Jacalone then asked about the impact of the number of units proposed in this project, as well as those in Palencia, to the intersection of US 1 and IGP. Scott Clem, Director of Growth Management, addressed the proposed improvements in the area and discussion followed on access through the Ball Tract.

(1:50 p.m.) John Metcalf, 245 Riverside Ave., Jacksonville, representing the applicant, addressed the Site Plan, Exhibit C, stating that access to Parcel B-2 would have to be through the proposed Las Calinas PRD, if approved. He commented that they had made an agreement with the developers of Palencia (formerly Marshall Creek) concerning the development of this property.

(1:52 p.m.) Bryant questioned the type of agreement they made with Marshall Creek. Metcalf explained that the agreement had to do with water, discharge ponds and deep wells. Discussion followed on the possible sale of the Ball Tract.

(1:54 p.m.) Maguire questioned the water and sewer plans for the project. Metcalf explained that water and sewer for the homes would be supplied by St. Johns County, and that shallow wells would be used for irrigation. Discussion followed on roadway impacts.

(1:56 p.m.) Meiszer questioned which schools would serve this development and Metcalf responded that he believed it would be Nease High School and Mill Creek Elementary, he was not certain of the middle school. There was additional discussion regarding the requested waivers.

(1:59 p.m.) Jacalone stated that the back section of lots of the proposed development had no access. Clem stated that this was the first time a proposal like this had been presented to them. Jacalone stated that there was a lot of speculation that the PRD that would have to be approved to give access would be approved. He stated that he did not want to approve a project that had lots that were not accessible. Clem stated that Staff and the Attorney's Office had the same concerns, but that that portion of the development could not be developed without access, as they would not approve a plat until there was access and discussion followed.

(2:04 p.m.) Metcalf stated that what they were seeking today was a zoning change, not plat approval, and he readdressed access.

(2:08 p.m.) Bryant questioned how long the proposed road to the back lots was from U.S. 1, which would allow for access by emergency vehicles. Metcalf approximated it to be 3,000 feet. Metcalf explained that there was the possibility that access could be made through Marshall Creek, if they agreed. He also pointed out that the back lots could not be platted without access, so there would never be lots sold that did not have access.

(2:11 p.m.) Jacalone stated that, in his opinion, it would be more reasonable not to have the back 63 lots as a part of this project, as there was no access, and the PUD could be

modified later to include those lots. He asked Lopez if the lack of access to the back lots would be justification enough to not support this project. Lopez replied that she was not present for the review of the PUD documents, but she was under the impression that the issue of legal access had been resolved, however the Board could take action based on an overriding health and welfare determination, based on competent and substantial evidence. The lots without access could not be sold until properly platted, and could not be platted without access. Jacalone stated that access, at that point, was speculative at best as the developer did not have ownership of the property yet. Metcalf addressed the ownership and access road issues.

(2:17 p.m.) Stern questioned the access concerns that were raised at the PZA hearing, and how they were resolved. Teresa Bishop, Planning Director, stated that what the PZA saw was no access at all, but a potential for access through the Las Calinas PRD. After the hearing Staff and the developer worked out the scenario with the access road, that was presented today. Discussion followed regarding vacated rights-of-way and eliminating them from future maps.

(2:19 p.m.) Dan Bosanko, County Attorney, stated that he was the one who raised the access issue at the PZA hearing. He found a PUD with lots that had no access road unusual. He agreed with Metcalf's comment that there was a legal feasibility to build the road, but that was not presented at the PZA hearing. Only after the PZA hearing did the developer's planners add the third page to the MDP to show the road. Metcalf addressed the feasibility of the access plan and discussion continued.

(2:24 p.m.) Motion by Stern, seconded by Maguire, failed 2/3 by roll call vote, to enact Ordinance 2003-97, known as PUD 2003-09, Kensington PUD, adopting Findings of Fact, contained in the packet, to support the motion.

Roll Call Vote:

| | |
|-----------------|------------|
| Jacalone | nay |
| Maguire | aye |
| Bryant | nay |
| Meiszer | nay |
| Stern | aye |

(2:25 p.m.) Metcalf asked for a waiver to the one-year limitation on bringing the request back before the Board to give the developer a chance to resolve the access issue and discussion followed. Jacalone stated that he would be willing to give a waiver to the one-year waiting period, and rehear the application without the lots that were not properly accessible.

(11/25/03 - 11 - 2:29 p.m.)

10. PUBLIC HEARING - PUD 2003-24 RIVERPOINT - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 24.1 ACRES, LOCATED AT 1140 HOLLY BERRY LANE, FROM RESIDENTIAL MOBILE HOME (RMH), OPEN RURAL (OR) AND COMMERCIAL NEIGHBORHOOD (CN) TO PLANNED UNIT DEVELOPMENT (PUD), TO ALLOW FOR THE DEVELOPMENT OF TWENTY-FOUR (24) SINGLE-FAMILY RESIDENTIAL DWELLING UNITS WITH ASSOCIATED ANCILLARY FACILITIES AND INFRASTRUCTURE. THE FUTURE LAND USE DESIGNATION OF THE SUBJECT PROPERTY IS RESIDENTIAL-A, THE SURROUNDING FUTURE LAND USE DESIGNATION IS RESIDENTIAL-A, AND THE SURROUNDING ZONING IS OPEN RURAL (OR), COMMERCIAL, HIGHWAY AND TOURIST (CHT) AND RESIDENTIAL SINGLE-FAMILY (RS-1). A FINAL CERTIFICATE OF CONCURRENCY, CONMIN 2003-22, WAS APPROVED ON AUGUST 14, 2003, FOR THE

DEVELOPMENT OF 24 SINGLE-FAMILY RESIDENTIAL UNITS. THE PUD IS CONSISTENT WITH THE APPROVED CONCURRENCY CERTIFICATE. A NEW ROADWAY LOCATED DIRECTLY ON STATE ROAD 13 WILL ACCESS THE PROJECT. JEA WILL PROVIDE CENTRAL WATER AND SANITARY SEWER. THERE IS NO KNOWN SIGNIFICANT NATURAL COMMUNITIES HABITAT OR LISTED SPECIES LISTED ON SITE

Proof of publication for the Riverpoint PUD Public Hearing was received, having been published in *The St. Augustine Record* on November 10, 2003.

Bruce Ford, Chief Planner, presented the details of this item and illustrated it on the Master Development Map, Exhibit A. He also stated that the project would be developed in one five-year phase, and that a waiver to the one-acre of active recreation, required for all PUDs, was being requested. He pointed out that two Adjacent Property Owner Notices were received in opposition to the development, but Staff supported the request.

(2:33 p.m.) Jacalone questioned what the surrounding zoning classifications were and Ford explained. Jacalone stated that he did not have a problem with the application, but he did not support the waiver to the recreational requirement.

(2:34 p.m.) Maguire addressed the "optional common deck" area shown on the map and he stated that he had a problem with the term "optional." He would also like to see an acre of recreational use.

(2:36 p.m.) Meiszer questioned what the PZA's decision was on this matter. Ford explained that the PZA voted to approve it, by a vote of 5 to 1. Meiszer also stated that he would not agree to grant the waiver.

(2:37 p.m.) Michael Antonopoulos, 2029 Art Museum Dr., Jacksonville, addressed the two letters of opposition that were received, by pointing out that there were currently 18 mobile homes on the parcels, as well as a small commercial building and other structures, that already generate traffic onto State Road 13. He spoke regarding the one-acre active recreation area, the pathway through the development edge, the roadway design and configuration of the lots, which was done to minimize tree removal. Discussion followed on the existing docks and the proposed new docks. Antonopoulos said that he would agree to a stipulation to build the deck as part of the active recreation.

(2:43 p.m.) Teresa Bishop, Planning Director, stated that an observation deck would be classified as passive recreation. Antonopoulos stated that there was a seven-acre parcel where he could place equipment that would qualify as active recreation. Bishop stated that the Comp Plan would not allow for that to occur in the development edge and discussion followed on what would be a typical active recreation facility, i.e. a playground, and where it could occur.

(2:47 p.m.) Motion by Jacalone, seconded by Meiszer, carried 5/0, to enact Ordinance 2003-97, known as PUD 2003-24, Riverpoint PUD, adopting Findings contained in the packet to support the motion, and without authorizing the waiver to the recreation requirement, and with the commitment made verbally by the applicant to construct the proposed observation deck. (2:48 p.m.) Stern disclosed ex parte communication.

(2:49 p.m.) Barbara Williams, 1106 Friendship Drive, Switzerland, Florida, stated that she owned property on the north side of this project and that she was concerned about the observation deck abutting her property. Bishop explained that there would be a

five-foot set back for accessory structures and the deck could be placed within five-feet of her property line.

(2:52 p.m.) Jacalone amended the motion to require that the observation deck be constructed 15 feet from the property line and could be within the 35-foot [development] edge, the second accepted the amendment. The amended motion passed 5/0. (2:53 p.m.) The original motion passed 5/0.

ORDINANCE NO. 2003-97

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL MOBILE HOME (RMH), OPEN RURAL (OR) AND COMMERCIAL NEIGHBORHOOD (CN) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(11/25/03 - 13 - 2:54 p.m.)

11. PUBLIC HEARING - REZ 2003-15 C&K ASSET - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 7.7 ACRES, LOCATED AT US 1 NORTH (JUST SOUTH OF VENETIAN BOULEVARD), FROM COMMERCIAL GENERAL (CG) TO COMMERCIAL INTENSIVE (CI), FOR A PROPOSED WAREHOUSE FACILITY. THE PROJECT WILL BE SERVED BY CENTRAL WATER AND SEWER, TO BE PROVIDED BY THE CITY OF ST. AUGUSTINE. FCOC 01-CD-05 WAS APPROVED ON AUGUST 13, 2003, FOR THE DEVELOPMENT OF 92,400 SQUARE FEET OF SHOPPING CENTER SPACE (BASED ON THE MOST INTENSE POSSIBLE USE ON 7.7 ACRES AT 12,000 SQ. FT./ACRE). THE CERTIFICATE WILL EXPIRE ON AUGUST 13, 2005

Proof of publication for the C&K Asset Management Rezoning Public Hearing was received, having been published in *The St. Augustine Record* on November 10, 2003.

Sherry Smith, Court Reporter, was present for this item.

Bruce Ford, Chief Planner, presented the details of this item and stated that the PZA voted 6/0 to approve this project, and that Staff found the request consistent with the applicable regulations, and therefore had no objections.

(2:56 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance 2003-98, known as REZ 2003-15, with the Findings to support the motion, 1 through 4.**

ORDINANCE NO. 2003-98

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

The meeting recessed at 2:57 p.m., and was called back to order at 3:06 p.m.

(11/25/03 - 14 - 3:06 p.m.)

12. PUBLIC HEARING - EAST CORNER OF MICKLER AND NECK RD - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 2.93 ACRES, LOCATED AT 4315 MICKLER ROAD, FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE-FAMILY (RS-2) FOR THE DEVELOPMENT OF UP TO 7 SINGLE-FAMILY HOMES. CONMAJ 2003-22 IS CURRENTLY UNDER REVIEW AND IS SCHEDULED TO BE HEARD BEFORE THE CONCURRENCY REVIEW COMMITTEE ON SEPTEMBER 24, 2003, FOR THE APPROVAL OF 7 SINGLE FAMILY UNITS IN PHASE 3 AND 21 SINGLE FAMILY UNITS IN PHASE 4. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS ITEM AT THEIR OCTOBER 16, 2003 PUBLIC HEARING

Proof of publication for the Southeast Corner of Mickler and Neck Roads Rezoning Public Hearing was received, having been published in *The St. Augustine Record* on November 10, 2003.

Sherry Smith, Court Reporter, was present for this item.

Bruce Ford, Chief Planner, presented the details of this item, reviewed the surrounding zoning classifications, stated that Staff supported the request and that two Adjacent Property Owner Response Forms, in favor of this project, were received.

(3:09 p.m.) Bryant questioned if Staff was aware of a potential four-laning road project in the area, and if so would there be adequate right-of-way.

(3:10 p.m.) Shawn Collins, Transportation Planner, stated that a minimum of 100 to 150 feet would be needed. Maguire commented that 100 feet would suffice and addressed the need to inform potential purchasers of the proposed homes that there was the possibility that a four-lane highway would be put through the area. Discussion followed regarding the conditions or requirements, i.e. informing potential buyers of proposed roadway modifications, that could be imposed on a straight rezoning. Bishop addressed the screening requirements for residential developments that are adjacent to roadways. Ford then addressed access to the development, which would be from Neck Road.

(3:16 p.m.) Bishop stated that the right-of-way along Mickler Road varied from 66 feet to 100 feet, but that she was unsure of the exact right-of-way in the area of Neck Road, and discussion followed.

(3:18 p.m.) Bryant clarified that the ingress and egress would be from Neck Road, not Mickler Road, and Ford concurred. Meiszer revisited the issue of roadway improvement disclosures to potential buyers, to make the future right-of-way line clear.

(3:21 p.m.) Lopez commented that conditions could not be imposed on straight rezoning Ordinances, but that when the lots were platted, the plat would show the right-of-way easement and discussion followed.

(3:23 p.m.) D. Randall Briley, 135 Professional Drive, Ponte Vedra Beach, on behalf of the applicant, stated that the developer was currently in negotiations regarding selling some property to the County to facilitate the widening of Mickler Road. He stated that it was his understanding, per discussions with Dan Bosanko and Joe Stephenson, that the right-of-way in this area was already 100 feet wide, which would allow for the widening. He added that he and his client were committed to full disclosure, and are bound by law not to mislead any potential buyers about what was being sold.

(3:25 p.m.) Motion by Jacalone, seconded by Bryant, carried 5/0, to enact Ordinance 2003-99, known as REZ 2002-06, adopting Findings contained within the packet, 1 through 4.

ORDINANCE NO. 2003-99

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

(11/25/03 - 15 - 3:25 p.m.)

13. PUBLIC HEARING - WORLD COMMERCE CDD PETITION - THE WORLD COMMERCE COMMUNITY DEVELOPMENT DISTRICT (CDD) IS PROPOSED FOR THE WORLD COMMERCE CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI) WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON DECEMBER 10, 2002, PURSUANT TO RESOLUTION 2002-267. THE CDD COVERS APPROXIMATELY 934.51 ACRES OF LAND LOCATED AT THE SOUTHWEST QUADRANT OF THE I-95/INTERNATIONAL GOLF PARKWAY INTERSECTION IN NORTHWEST ST. JOHNS COUNTY. THE CDD BOUNDARY IS COTERMINOUS WITH THE DRI BOUNDARY WITH THE EXCEPTION OF APPROXIMATELY 32 ACRES, MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF THE DRI PROPOSED FOR AFFORDABLE HOUSING. THIS MIXED USE PROJECT HAS BEEN APPROVED AND PLANNED FOR THE FOLLOWING USES: 2,192,800 SQUARE FEET OF OFFICE USE; 908,800 SQUARE FEET OF RETAIL/SERVICE USE; 405,900 SQUARE FEET OF LIGHT INDUSTRIAL USE; 1,000 HOTEL ROOMS; AND A TOTAL OF 1,156 RESIDENTIAL UNITS

Proof of publication for the World Commerce CDD Petition Public Hearing was received, having been published in *The St. Augustine Record* on October 31, November 7, 14 and 21, 2003.

Sherry Smith, Court Reporter, was present for this item and Bosanko took over as attorney for this item.

Bruce Ford, Chief Planner, explained that the CDD would finance the following infrastructure improvements: internal roadways, to be owned and maintained by St. Johns County; water and sewer facilities, also to be owned and maintained by St. Johns County; recreation facilities, to be owned and maintained by the CDD; stormwater facilities, to be owned and maintained by the CDD; landscaping, security and lighting, to be owned and maintained by the CDD; off-site improvements, to be owned and maintained by St. Johns County; with contingency funding at \$8.62 million. Ford also outlined the factors that were reviewed by the County's CDD processing group and he summarized the findings: including no evidence of false statements; the establishment of the CDD reasonably supported the State and County Comp Plans; the CDD did not, due to its size, adversely affect infrastructure; it had adequate financing; and a need for the CDD was demonstrated, etc.

(3:29 p.m.) Jacalone questioned if there were any documents, i.e. the DRI documents, that stipulated that the County would own the internal roadways. He was concerned with the probable high maintenance of the road to/from Ring Power, due to a high volume of traffic.

(3:31 p.m.) Meiszer asked if the 32 acres of affordable housing would be exempt from the CDD. Ford responded that the applicant felt that it would not be compatible with the affordable housing goals of keeping costs down. Meiszer disagreed, and requested a legal opinion on whether the CDD could issue debt, build roads, and then make the roads the responsibility of the County. Dan Bosanko, County Attorney, responded that they could, but that the County did not have to accept the roads. Bosanko also addressed the affordable housing exemption, stating that the affordable housing residents would not be required to make the CDD payments, if they were not included in the CDD, and discussion followed.

(3:37 p.m.) Bryant commented that the roadways that would be constructed within the affordable housing area would be paid for by the CDD. Jacalone clarified that the CDD would finance all of the roadways within the boundaries of the CDD, whether they were affordable housing or not, and discussion followed.

(3:39 p.m.) Jonathon Johnson, 123 South Calhoun St., Tallahassee, representing the applicant, spoke on the affordable housing parcel being a separate subdivision and addressed the maintenance of the bonds. He also pointed out that the conveyance of the roads was optional, and would be governed by PUD approval, not anything that was before the Board today. Discussion followed on the financing of the CDD, the bond structure, and the language in the petition that dealt with road ownership and maintenance. Johnson commented that written testimony to support the petition was supplied to the Clerk at today's meeting. He also addressed wetlands and the required CDD disclosures. Maguire asked for clarification that the CDD would not be buying wetlands and Johnson concurred.

(3:49 p.m.) Motion by Bryant, seconded by Stern, carried 4/1 with Meiszer dissenting, to enact Ordinance 2003-100, approving the petition for World Commerce Community Development District, adopting Findings of Fact to support the motion, and with the condition that the petition be amended to delete reference to County maintenance and ownership of the roads.

ORDINANCE NO. 2003-100

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE WORLD COMMERCE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2003); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

(3:50 p.m.) Maguire clarified that his previous comment regarding the rate at which developments were being approved was in reference to the northwest area of the County.

(3:50 p.m.) Motion by Maguire, seconded by Jacalone, carried 5/0, to adjourn.

With there being no further business to come before the Board, the meeting adjourned at 3:50 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 342793 through 343305, totaling \$2,631,911.69 (11/18/03)

CORRESPONDENCE:

1. Letter dated November 18, 2003, to Suzie Still, Department of State, Division of Elections, with affidavits of official signatures.

Approved December 23, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Karen R. Stern
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Rebin S. Platt
Deputy Clerk

