

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 14, 2000
(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: Mary Kohnke, District 4, Vice Chair
Pal Howell, District 1
John Reardon, District 2
Mark Jacalone, District 3
David Halstead, Assistant County Administrator
Daniel Bosanko, Deputy County Attorney
Richard Barfield, Assistant County Attorney
Judy Hamilton, Deputy Clerk

James E. Bryant, District 5, Chair, was on excused absence.

Also present were: Cheryl Strickland, Clerk of Courts

(03/14/2000 - 1 - 9:04 a.m.)

CALL TO ORDER

The meeting was called to order by Vice Chair Kohnke.

(03/14/2000 - 1 - 9:04 a.m.)

The Invocation was given by Howell. The Pledge of Allegiance was led by Kohnke.

(03/14/2000 - 1 - 9:04 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(03/14/2000 - 1 - 9:05 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

Halstead requested Item #11 be pulled from the Consent Agenda.

(03/14/2000 - 1 - 9:06 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
 - 02/15/00 BCC Regular Meeting
 - 02/15/00 BCC Workshop
 - 02/22/00 BCC Regular Meeting
2. Motion to adopt a Resolution approving a Final Plat for Lake Cunningham at Cunningham Creek Plantation Unit Two.

RESOLUTION NO. 2000-27

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR LAKE CUNNINGHAM AT CUNNINGHAM CREEK PLANTATION UNIT TWO

3. Motion to adopt a Resolution approving a Final Plat for Commodore's Club, Phase 3A.

RESOLUTION NO. 2000-28

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR COMMODORE'S CLUB, PHASE 3A

4. Motion to adopt a Resolution approving a Final Plat for Southwood PUD, Phase 1A, Unit 2, Replat.

RESOLUTION NO. 2000-29

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SOUTHWOOD PUD, PHASE 1A, UNIT 2, REPLAT.

5. Motion to adopt a Resolution naming a street Bonafede Lane.

RESOLUTION NO. 2000-30

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING A STREET BONAFEDE LANE

6. Motion to adopt a resolution naming a street Cyphers Way.

RESOLUTION NO. 2000-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, NAMING A STREET CYPHERS WAY.

7. Motion to approve two positions, Water and Sewer Specialist for the SJC Utility Authority and a Director/General Manager for the St. Augustine Amphitheater.
8. Motion to adopt a Resolution recognizing \$69,125.00 in unanticipated revenue and appropriating it to the St. Johns County sheriff's Department.

RESOLUTION NO. 2000-32

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND

**AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS
COUNTY SHERIFF'S DEPARTMENT**

9. Motion to adopt a Resolution recognizing \$122,914.00 in unanticipated revenue and appropriating it to the St. Johns County Sheriff's Department.

RESOLUTION NO. 2000-33

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE FISCAL YEAR 2000 GENERAL FUND
BUDGET TO RECEIVE UNANTICIPATED REVENUE AND
AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS
COUNTY SHERIFF'S DEPARTMENT**

10. Motion to adopt a Resolution revising the Fee Schedules in Development Review and Beach Services for FY 2000.

RESOLUTION NO. 2000-34

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AMENDING THE SCHEDULE OF FEES FOR THE
DEVELOPMENT REVIEW AND BEACH SERVICES
DEPARTMENT**

11. Motion to adopt a Resolution for FIND Grant for Vilano Boat Ramp Parking Expansion. *(This item was pulled from the agenda.)*
12. Approval of a motion allowing the County Administrator, or designee, to enter into a continuing contract with the top six (6) ranked firms for Engineering/Consulting Services for the Utility Department. **(See Attachment "A.")**
13. Approval of a motion to award Bid 00-14 for one (1) new 2000 Modular Ambulance to Aero Products Corporation. **(See Attachment "B.")**
14. Approval of a budget transfer from Reserve for contingencies in the amount of \$9,341.36 to reimburse the St. Augustine Lighthouse and Museum for maintenance costs incurred in 1999.
15. Approval of a motion establishing public hearing dates of April 4, 2000 at 5:30 p.m. and April 18, 2000 at 9:00 a.m. for consideration of amendments to Articles II, IV, VI, and VII of the Land Development Code.
16. File:
- a. Proof, Notice of Meeting, SJC Economic Development Committee, February 10, 2000.
 - b. Proof, Notice of Intent, Florida statutes Section #197.3632 Non Ad Valorem Sewage Facility Assessments, February 22, 2000.
 - c. Proof, Request for Proposals, RFP #00-31, Archaeological Survey/Consulting.
 - d. Proof, Notice of Meeting Location Change, SJC Water and Sewer Authority, March 1, 2000.
 - e. Proof, Notice of Special Joint Meeting, SJC Board of Commissioners and SA Airport Authority, February 28, 2000.

- f. Proof, Notice of Public Meeting, SJC government Channel Citizen Advisory Committee, January 10, 2000.
- g. Proof, Notice to Bidders, Bid No. 00-36.
- h. Proof, Notice of Canceled Meeting, SJC Water and Sewer Authority, March 1, 2000.
- i. Proof, Notice of special Meeting, R-PUD-99-028 Julington Creek Center and R-PUD-00-005 Whispering Woods, March 7, 2000.
- j. Proof, Certificate of Liability Insurance, BGCO, Inc.
- k. Proof, Certificate of Liability Insurance, Owen Ayres and Associates, Inc.
- l. Proof, Certificate of Liability Insurance, McKenzie Service Company, Inc.
- m. Proof, Certificate of Insurance, Highway Valets, Inc.

(03/14/2000 - 4 - 9:06 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Reardon requested the addition of Discussion of the Julington Creek Plantation Bald Eagle Management Plan as Item #1a. Howell requested the addition of Public Hearing to the Bartram Park DRI as Item #3a. (9:08 a.m.) Bosanko requested Item #8 be removed from today's agenda and continued to April 4, 2000 at 9:00 a.m. because the site plan applicant has already deeded out and sold a number of the lots in that group and those owners have not all been told about the hearing today, and at 5:00 p.m. the previous afternoon Bosanko was given a restatement of the appellate position which included some new legal issues which had to be researched. (9:10 a.m.) Al Hadeed, Flagler Beach, representing David Wiles on the appeal involving the Stetson tract, objected to the postponement and stated he had a conflict for April 4. Michael Givens, Chief Deputy-Finance, entered the meeting. Discussion of the appeal was held. (9:26 a.m.) Bosanko stated it was Staff's intention to formally ask the site plan applicant's attorney for a list of all persons they have sold lots to and addresses, to have the applicant notify those people, and the County would send letters advising them of the situation. Bosanko advised it was also his intention to double check that list with the County's own title search through its Real Estate Office, to make sure all lot owners are included. ***Item #8 was continued to April 11, 2000 at 1:30 p.m.***

(03/14/2000 - 4 - 9:29 a.m.)

APPROVAL OF REGULAR MEETING AGENDA

Motion by Reardon, seconded by Jacalone, carried 4/0, with Bryant absent, to approve the Regular Meeting agenda, as amended.

(03/14/2000 - 4 - 9:30 a.m.)

PRESENTATION OF A PROCLAMATION PROCLAIMING THE MONTH OF MARCH AS ARCHAEOLOGICAL MONTH

Charles Tingley, Vice President of the St. Augustine Archeological Association, accepted the Proclamation from the Board. *The next item discussed was Item #1.*

(03/14/2000 - 4 - 9:40 a.m.)

PUBLIC COMMENT

Marsha Sanks, 7130 Second St., addressed the Board, stating she had just built a new home at 7360 C.R. 208, and very old, mobile homes were being placed next door to her new home, without a pull-on permit. Sanks stated she had been to the County and reported same and had been assured that if a trailer was not properly permitted, it would be removed. However, the trailer is still there and she had been advised it was a hardship case and there was nothing that could be done. Sanks also spoke on mopeds creating noise problems. Staff was directed to get with Ms. Sanks after finding out if any rules and

regulations were violated and advise her of same and also to give her the Sheriff's number to call so they can measure the sound decibels of the mopeds on Sunday afternoons.

(9:46 a.m.) Louise Thrower, 288 Orange Avenue, addressed the Board, requesting that the problem of the County's older roads lacking drainage, which can degrade wetlands, and implementation of drainage could easily rectify this problem, including possible corrective actions, be included in the Staff's formal sales tax presentation for the town meetings. Thrower also requested that the town meetings dates and times be advertised on the auditorium screen.

(03/14/2000 - 5 - 9:47 a.m.)

1a. DISCUSSION OF THE JULINGTON CREEK PLANTATION BALD EAGLE MANAGEMENT PLAN

Bosanko and Barfield left the meeting; James Sisco, County Attorney, entered the meeting. There was a court reporter in attendance. Kohnke stated the issue is whether to allow construction to continue, or to continue the shutdown. (9:49 a.m.) Lucy E. Seeds, 144 Cattail Circle, gave a brief update of the behavior of the eagles in Julington Creek Plantation. (9:50 a.m.) Kohnke revealed ex-parte communication with Lucy Seeds, Don Beattie, and Linda Kane in the last week. (9:51 a.m.) Howell revealed ex-parte communication with Lucy Seeds and Don Beattie. (9:51 a.m.) Don Beattie, 808 Mill Pond Court, gave a statement on a report from Seeds about unusual behavior of the eagles recorded on several occasions this year and a report from the developer's contractor that they had not seen any unusual behavior of the eagles. Beattie recommended that construction be halted for two months and, if needed, to cover the construction in its present state in plastic sheeting to avoid weather damage and remove the covering in May. Givens left the meeting. (10:00 a.m.) Howell revealed ex-parte communication with Matt Dinkins between the last meeting and this meeting. (10:00 a.m.) Lynda White, Audubon of Florida, 1101 Audubon Way, Maitland, addressed the Board, as Eagle Watch Coordinator, which is an urban bald eagle monitoring program. White also spoke on behalf of Resy Collins, Vice President of Audubon of Florida, and Director of Center for Birds of Prey, who was unable to attend this meeting. She spoke on the eagles and eaglets and urged the Board to uphold the bald eagle management plan and honor construction restrictions until May 15.

(10:05 a.m.) Linda Connor Kane, 50 North Laura Street, Suite 3900, attorney for Julington Partners Limited Partnership, spoke on the following: a letter from Tim Hamilton to Don Palmer, United States Fish and Wildlife Services, dated October 9, 1998, accepted by an October 20, 1998 letter from Don Palmer, which indicated no objection by the USFWS to the proposed development to the referenced secondary zone as long as certain conditions were followed; jurisdiction of USFWS; the USFWS's authority to modify the management plan, provided that such modification is consistent with the plan's pole star of maintaining an environment suitable for joint use by eagles and man; inaccurate record keeping; compromise of a substantial reduction in the amount of construction; construction will be done during the non-nesting season after this year; and urged the Board to let them continue under their amended plan and to allow them to continue monitoring and to show that there is no harm being done to the eagles. (10:15 a.m.) Matt Dinkins, Environmental Services, Incorporated, 8711 Perimeter Park Blvd., reported on eaglet feedings; decibel meter; noted feeding times; advised the chicks are growing and developing adult plumage and getting fed.

(10:23 a.m.) Charles Arnold, Vice President of Operations for D. S. Ware Company, 12211 Lashbrook Ct., spoke to the Board, on behalf of his company and Mr. and Mrs. Broach and Mr. And Mrs. Perrone. Arnold pointed out guidelines defined by the United States Fish and Wildlife Service January 7, 1999, for his company to construct homes while coexisting with nesting bald eagles in the area. On January 24, 1999, the St. Johns County BCC

approved this proposal. Subsequently on February 7 and 10, approved building permits were issued by St. Johns County's Building Department to do the same. Arnold stated a schedule was set, commitments were made, work agreements were in place, in order to move through the critical structural phase of construction as quickly as possible. He said the homes are in a vulnerable state and that no construction activity had interfered with the eagles nesting and questioned on what basis could they stop construction and who would be responsible for the damages and liabilities. (10:28 a.m.) Larry Broach, 12133 Reservoir Lane, a future homeowner of Lot 1, Plantation Island, spoke to the Board stating he was sensitive to the raising of the chicks, and pointed out that Davis Pond Boulevard had significant traffic passing through a primary zone where there was to be no human involvement or activity whatsoever. He stated that a letter from the USFWS stated if these houses were under roof or dried in, that there would be interior activity in these homes that would not adversely affect these eagles. Broach requested that the Board allow a window of opportunity to dry the homes in so that interior activity could take place. (10:34 a.m.) Linda Perrone, 100 Bracken Ct., addressed the Board and asked the Board to abide by the permits issued to build and stated that the eaglets are thriving.

(10:38 a.m.) Deborah Andrews, 11 N. Roscoe Blvd., appeared before the Board, asking for their judgment on this issue, based on the facts and the law. She addressed issues raised by people on the development side. Andrews asked the Commission to investigate the Navy war games which apparently are taking place over Julington Creek and have the potential to harm the health, safety and welfare of the residents. She spoke on observations made by Ms. Seeds and feeding behavior was also discussed. Andrews presented a case handout which addressed the issue of a permit being issued for construction and the reliance on the issuance of that permit by the builder. USFWS said they only interpret the federal law, not the County ordinance or state endangered species act. She asked what is their legal opinion that they have gotten on the interpretation of state endangered species act and was the Board aware of any case law that states that the state endangered species act provides greater or lesser protection than the federal law. State procedure was also commented on by Andrews. She asked the Board to find that construction in the secondary protection zone constituted harassment and disturbance of the eagles in violation of state law and the development order.

(10:46 a.m.) Kohnke read a memorandum from Bryant who was unable to attend this meeting. There were numerous e-mails and written correspondence submitted for the record in regard to this issue.

(10:46 a.m.) Discussion was held by the Board on stopping construction until eaglets were fledged; writing an eagle management plan; Planning Department approving findings and modifications of USFWS; monitoring of eagles by Environmental Services and monitoring to be continued; acceptance of suggestion to do no more construction during the nesting period; the current construction get under roof as soon as possible; modifications to come before the BCC; weatherproofing of the houses; and, use of pneumatic guns. (11:22) Motion by Jacalone, seconded by Reardon, that they allow the houses that are not yet under roof to be put under roof, to be dried in, ("With shingles? No."), actually to be dried in where no further weather damage can occur and then no other construction occur on those sites until after the nesting season. Reiteration of the motion: Jacalone stated the houses under construction and not yet dried in be allowed to be dried in so no further weathering can occur, and no other construction will go on. (11:24 a.m.) The level of construction of the four homes was described: two under roof, meaning they are dried in with shingles ready to be installed on one of the structures and the other structure at slab stage exposed to the elements, the other structures consist of roof decking being nailed on, the shingles are loaded, but it is not dried in, meaning the felt is not installed; the other has trusses halfway installed, needing completion of structural framing, then installation of roof decking, and then felt. (11:26 a.m.) All active construction was represented, per Sisco. (11:27 a.m.) Kohnke repeated the status of construction: one with felt, one ready to be

felted, one with mid-framing, one to pour slab. (11:28 a.m.) Jacalone withdrew his motion and Reardon withdrew his second. (11:28 a.m.) *Motion by Jacalone, seconded by Kohnke, that the homes that are in roofing processes be allowed to be completed so that no further damage occurs by weathering on the three houses that are in roofing stages that were described by the speaker be allowed to be dried in, whatever is necessary to dry the house in and protect it from the elements; the next thing is that the house that has been prepared for slab construction be allowed to have slab construction and stop until the nesting season is over; once the houses that are dried in are to that stage, he was not directing the builders or the property owners to not be able to go inside and do things that would not offend these animals, so if there are things that can be done inside that will not offend the animals, they should be allowed to do so. Jacalone clarified minimal drying in as felt or tarpaper and they are allowed to maintain that tarpaper or felt to keep the home protected, but no shingles or all that.* (11:30 a.m.) Discussion was held by the Board on excess activity in putting up trusses, and pouring of concrete, etc. and cancellation of construction. (11:36 a.m.) Charlie Hotchkin, 190 Nix Boatyard Rd., a state licensed contractor, spoke on technicalities about pneumatic hammers, screw guns, and shingles. (11:37 a.m.) Jacalone repeated his motion: **Motion by Jacalone, seconded by Kohnke, carried 3/1, with Reardon dissenting and with Bryant absent, to allow the homes that are in the roofing phase to be completed and dried in to the extent that no damage is done to the homes and then the other house that has plumbing roughed in and needs slab pouring for protection be allowed to do so and no other construction occur. (No other construction, inside, outside, anywhere.)** Kohnke reiterated conditions: the monitoring will continue and there will be no construction once they are dried in. For clarification, Kohnke repeated the vote: that they may dry those roofs in with felt so that they are safe, that the third roof can be put on and dried in the same way, and suggested they use screw guns, and the slab be poured, and no other construction will go on. (11:40 a.m.) **It was the consensus of the Board to have a workshop on an eagle management plan and get Staff input on it and legal opinion.** (11:41 a.m.) Staff was directed to write the Navy and find out what was happening with the flights over that area and to let them know and inform them that there is an eagle management plan in the area and let them know the Board is concerned about what is taking place with that. Strickland left the meeting.

The next item discussed was Item #2.

(03/14/2000 - 7 - 9:35 a.m.)

1. APPROVAL OF A RESOLUTION DEDICATING THE MARCH 18, 2000 RIVER CELEBRATION AND CLEAN-UP TO THE MEMORY OF WILLIAM "JOE" PACETTI

The Pacetti family was present to receive Resolution No. 2000-35 from the Board. **Motion by Jacalone, seconded by Reardon, carried 4/0, with Bryant absent, to approve the Resolution as read.**

RESOLUTION NO. 2000-35

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA DEDICATING THE MARCH 18, 2000 RIVER CELEBRATION AND CLEANUP TO THE MEMORY OF WILLIAM "JOE" PACETTI

(03/14/2000 - 7 - 11:43 a.m.)

2. UPDATE ON SPACE IN THE ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES CENTER (THE FORMER FLAGLER WEST FACILITY)

Sisco left the meeting and Bosanko entered the meeting. Mary Ann Blount, Real Estate Manager, and Dr. James Walker, Medical Director, made a presentation to the Board, with an audio-visual display depicting the building area and proposed usage, and asked approval of the conceptual plan. Discussion was held on the permitting process of Environmental Health being moved to another location; staffing; Volusia County Council on Aging; leasing to other organizations. (11:58 a.m.) Mike Rubin, Director of Construction Services, spoke on testing and removal of asbestos in the building. Staff was directed to advise the building tenants of the asbestos problem. ***It was the consensus of the Board to put this issue off until Bryant returned and reschedule it for March 21, 2000.*** Givens left the meeting.

(03/14/2000 - 8 - 12:04 p.m.)

3. CONSIDER INSTALLATION OF STREET LIGHTING ON FRUIT COVE ROAD AND ROBERTS ROAD (PROJECT - NORTHWEST PHASE II).

Rick Mauldin, Project Coordinator Engineering, made a presentation to the Board of the proposed street lights installation with an audio-visual display depicting the area to be lit (Fruit Cove Road and Roberts Road). Discussion was held on JEA installing all required equipment and providing labor at no charge to the County. (12:14 p.m.) Charlie Hotchkin, 190 Nix Boatyard Rd., presented a handout regarding night sky pollution, and advised the Board on shielding lights. (12:12 p.m.) **Motion by Howell, seconded by Jacalone, carried 4/0, with Bryant absent, to recommend to install the street lights on Roberts Road and Fruit Cove Road on every pole.**

(12:13 p.m.) **Motion by Reardon, seconded by Jacalone, carried 4/0, with Bryant absent, to continue Item #3a and the rest of the morning agenda to the end of the afternoon session.**

The meeting recessed at 12:19 p.m. and reconvened at 1:30 p.m. with Kohnke, Howell, Reardon, Jacalone, Bosanko, Halstead and Deputy Clerk Yvonne King present. Commissioner Bryant was absent from the meeting.

(03/14/2000 - 8 - 1:33 p.m.)

4. PUBLIC HEARING – CONSIDER APPROVING THE VACATION OF A PORTION OF THE PLAT OF ST. ELMO

Proof of publication of the notice of intent to petition the Board to vacate a portion of a plat known as St. Elmo was received having been published in The St. Augustine Record on February 11, and 15, 2000.

Betty Sue Stepp, Development Review Manager, explained that this petition is to vacate the remaining portion of the St. Elmo plat. (1:35 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 4/0 with Bryant absent, to approve Resolution No. 2000-36, to vacate a portion of the plat of St. Elmo.**

RESOLUTION NO. 2000-36

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, VACATING THE REMAINING PORTION OF THE PLAT OF ST. ELMO SUBDIVISION

(03/14/2000 - 8 - 1:35 p.m.)

5. PUBLIC HEARING – R-00-001 - PUTNAM STATE BANK. THIS REQUEST SEEKS TO REZONE 1.14 ACRES OF LAND FROM CI WITH CONDITIONS TO CI WITH CONDITIONS TO PERMIT THE CONSTRUCTION OF A FINANCIAL

INSTITUTION, AND ALLOW PROFESSIONAL OFFICES AND SERVICES. THE PROPERTY IS LOCATED AT THE NORTHWEST INTERSECTION OF US1 SOUTH AND CALLE MADRID WITHIN THE MIXED USE FUTURE LAND USE DESIGNATION. THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND WITH THE SURROUNDING ZONING OF THE AREA. THE PROPOSED USES ARE MORE COMPATIBLE WITH THE ADJACENT RESIDENTIAL PROPERTIES THAN WHAT THE CURRENT ORDINANCE WOULD PERMIT. APPROVAL OF THIS REZONING WOULD NOT BE DETRIMENTAL TO THE SURROUNDING AREA WITH RESPECT TO HEALTH, SAFETY AND WELFARE. STAFF RECOMMENDS APPROVAL. THE PLANNING & ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT THEIR FEBRUARY 3, 2000 PUBLIC HEARING

Proof of publication of the notice of public hearing on the rezoning of R-00-001, Putnam State Bank, was received having been published in The St. Augustine Record on February 28, 2000.

Heather Morris, Planning Coordinator, explained the request to rezone 1.14 acres of property from CI with conditions to CI with conditions. Discussion followed regarding the surrounding property uses. (1:38 p.m.) Gerald Dixon, 45 Cordova Street, Architect for the project, further explained the request. (1:40 p.m.) **Motion by Reardon, seconded by Howell, carried 4/0 with Bryant absent, to enact Ordinance No. 2000-16; adopting Findings of Fact 1-5 to support the motion.**

ORDINANCE NO. 2000-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER TO MODIFY PRESENT ZONING CLASSIFICATION OF COMMERCIAL INTENSIVE (CI) WITH CERTAIN CONDITIONS: MAKING FINDINGS OF FACTS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/14/2000 - 9 - 1:41 p.m.)

6. PUBLIC HEARING – R-PUD-00-003, WAL-MART PUD. THIS REQUEST SEEKS TO REZONE THE EXISTING WAL-MART SUPERCENTER SITE, LOCATED AT 2355 US 1 SOUTH, FROM CG (COMMERCIAL GENERAL) TO PUD (PLANNED UNIT DEVELOPMENT). NO ADDITIONAL DEVELOPMENT AT THE SITE IS PROPOSED. THE PROPERTY CONTAINS AN EXISTING TIRE AND LUBE EXPRESS (TLE) PROVIDING RETAIL TIRE SALES AND INSTALLATION, OIL CHANGE AND LIMITED AUTOMOTIVE REPAIR. THIS USE HAS BEEN DETERMINED NOT TO BE AN ALLOWABLE USE WITHIN THE CG (COMMERCIAL GENERAL) ZONING DISTRICT; HOWEVER, THE USE IS CONSISTENT WITH THE FUTURE LAND USE DESIGNATION OF MIXED USE CORRIDOR AS WELL AS SURROUNDING DEVELOPMENT. IN THAT THE REQUEST IS CONSISTENT WITH ARTICLE 5.03 OF THE LAND DEVELOPMENT CODE AND THE MIXED USE CORRIDOR FUTURE LAND USE DESIGNATION, AND IS ALSO CONSISTENT AND COMPATIBLE WITH SURROUNDING DEVELOPMENT, STAFF RECOMMENDS APPROVAL OF THE REQUESTED REZONING. THE PLANNING & ZONING AGENCY RECOMMENDED APPROVAL WITH A VOTE 5:1 AT THEIR FEBRUARY 17, 2000 PUBLIC HEARING

Proof of publication of the notice of public hearing on R-PUD-00-003, Wal-Mart PUD, was received having been published in The St. Augustine Record on February 28, 2000.

Sonya Doerr, Principal Planner, explained the request to rezone the existing Wal-Mart Supercenter site from CG to PUD. Discussion followed regarding the rezoning. (1:44 p.m.) Bryan Sykes, Attorney representing Wal-Mart Stores, Inc., further explained the rezoning. (1:45 p.m.) **Motion by Reardon, seconded by Howell, carried 4/0 with Bryant absent, to enact Ordinance No. 2000-17; adopting Findings of Fact 1 - 5 to support the motion.**

ORDINANCE NO. 2000-17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION COMMERCIAL GENERAL (CG) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/14/2000 - 10 - 1:46 p.m.)

7. PUBLIC HEARING – R-PUD-00-004, 210 COMMERCIAL CENTER PUD. THIS REQUEST SEEKS TO REZONE 6.2 ACRES FROM OR (OPEN RURAL) TO PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW THE DEVELOPMENT OF UP TO 49,900 SQUARE FEET OF LIGHT INDUSTRIAL AND OFFICE WAREHOUSE USES. ALLOWABLE USES SHALL BE THOSE AS PROVIDED IN PART 2.02.01.H OF THE LAND DEVELOPMENT CODE. THE SITE IS LOCATED ON CR 210, APPROXIMATELY ONE-QUARTER MILE EAST OF INTERSTATE 95 AND IS WITHIN A MIXED USE CORRIDOR FUTURE LAND USE CATEGORY. THE 6.2 ACRE PARCEL CONTAINS 1.8 ACRES OF JURISDICTIONAL WETLANDS

Proof of publication of the notice of public hearing on R-PUD-00-004, 210 Commercial Center PUD, was received having been published in The St. Augustine Record on February 28, 2000.

Sonya Doerr, Principal Planner, explained the request to rezone 6.2 acres from OR to PUD. Discussion followed regarding concurrency, right-of-way, wetlands, and the traffic concerns. (2:07 p.m.) Mark Pionessa, Applicant, further explained the request. Pionessa then entertained questions from the Board. (2:10 p.m.) **Motion by Reardon, seconded by Jacalone, carried 4/0 with Bryant absent, to enact Ordinance No. 2000-18; adopting Findings of Fact 1-5 to support the motion.**

ORDINANCE NO. 2000-18

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/14/2000 - 10 - 9:08 a.m.)

8. PUBLIC HEARING – A-001 APPEAL OF THE LAURENCE/GRAUBARD SUBDIVISION SITE PLAN. ON DECEMBER 17, 1999, MR. DAVID WILES AND

MR. ROGER VAN GHENT SUBMITTED AN APPEAL TO THE LAURENCE/GRAUBARD SUBDIVISION, APPROVED ON NOVEMBER 17, 1999. THE APPEAL ALLEGES THAT: A) THE ACTUAL CALCULATION OF "ONE UNIT PER ACRE" LOTS IN TERMS OF ACTUAL LANDS TO BUILD AS A NON-WETLANDS "FOOTPRINT", AND B) THE PREMATURE CLEARING AND ENVIRONMENTAL DAMAGE ALREADY VISITED UPON THE 28 LOTS IN QUESTION. THE APPEAL FURTHER PROVIDES BASIS FOR THESE ALLEGATIONS. ON JANUARY 14, 2000, MR. DAVID WILES AND MR. ROGER VAN GHENT WERE NOTIFIED BY LETTER FROM THE PLANNING DIRECTOR THAT THE APPEAL FAILED TO SHOW STANDING, AS AN ADVERSELY AFFECTED PERSON, BY EITHER MR. WILES OR MR. VAN GHENT. THE LETTER FURTHER PROVIDED OPTIONS THAT THE APPELLANTS MAY TAKE TO RESOLVE THE ISSUE. ON FEBRUARY 3, MR. WILES SUBMITTED A PUBLIC DISCLOSURE THAT PROVIDED THAT HE OWNED PROPERTY WITHIN 300 FEET OF THE LAURENCE/GRAUBARD SUBDIVISION. THE PLANNING DEPARTMENT AND COUNTY ATTORNEY'S OFFICE AGREED THAT THE PUBLIC DISCLOSURE SHOWED STANDING AS AN ADVERSELY AFFECTED PERSON. ON FEBRUARY 13, MR. WILES CONTACTED THE PLANNING DEPARTMENT, BY E-MAIL TO PROCEED WITH THE APPEAL AND PROVIDED THAT MR. AL HADEED WOULD BE PROVIDING AN AFFIDAVIT TO PROVE THE DISTANCE FROM MR. WILES PROPERTY. ON FEBRUARY 14, STAFF PROCEEDED WITH PROCESSING THE APPEAL. IN CONCLUSION, STAFF DOES NOT CONCUR WITH THE FACTS PRESENTED IN APPEAL. STAFF IS OF THE OPINION, THAT THE LAURENCE/GRAUBARD SUBDIVISION MEETS THE DEVELOPMENT CRITERIA ESTABLISHED IN THE LAND DEVELOPMENT CODE, MEETS THE INTENT OF THE COMPREHENSIVE PLAN POLICIES, AND COMPLIES WITH THE OR ZONING REQUIREMENTS

Proof of publication of the notice of public hearing on the appeal, A-001, Laurence/Graubard Subdivision Site Plan was received having been published in The St. Augustine Record on February 28, 2000.

The public hearing on A-001, Appeal of the Laurence/Graubard Subdivision Site Plan was continued to April 11, 2000 at 1:30 p.m.

(03/14/2000 - 11 - 2:11 p.m.)

3a. BARTRAM PARK DRI DEVELOPMENT ORDER AND LAND USE AMENDMENT

Howell requested the Board set a public hearing date for the Bartram Park DRI Development Order and Land Use Amendment. (2:12 p.m.) **Motion by Howell, seconded by Jacalone, carried 4/0 with Bryant absent, to set the public hearing for the Bartram Park DRI Development Order and Land Use Amendment for Tuesday, May 16, 2000 at 9:00 a.m.**

(03/14/2000 - 11 - 2:13 p.m.)

COMMISSIONER'S REPORTS

Commissioner Reardon:

Reardon said the Census forms have been sent out. He then distributed Census t-shirts to the commissioners.

Reardon said he will not be attending the meeting in Tallahassee, but will be attending an emergency meeting in Orlando for all the Census Complete Count Committee Chairpersons for all counties in Florida on March 16 and 17, 2000.

(2:15 p.m.)

Commissioner Jacalone:

No report.

(2:15 p.m.)

Commissioner Howell:

Howell announced the River and Road Clean-up Day on Saturday, March 18, 2000 from 8:00 a.m. - 12:00 noon; and, after the clean-up, everyone will meet at Trout Creek for food and entertainment.

(2:16 p.m.)

Commissioner Kohnke:

Kohnke commented on an issue in Ponte Vedra regarding the library not being approved by the Architectural Review Board; the issues were regarding the color, landscaping, and windows.

Kohnke reported on the meeting held on Friday with the fertilizer ordinance representatives; said they will be meeting again to resolve the conflict regarding fast release fertilizer.

(03/14/2000 - 12 - 2:20 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Halstead said he was instructed this morning to write a Letter to the Navy regarding the exercises which are possibly disturbing the eagles; said he received a media release from the U.S. Joint Forces Command Office in Norfolk, VA, indicating that the exercises ended on March 10; therefore, a letter would not be necessary.

Halstead said the County will be going out for RFPs on the workers' compensation insurance. The company the County currently uses has gone under. The contract the County has with them ends in October.

(03/14/2000 - 12 - 2:21 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(03/14/2000 - 12 - 2:21 p.m.)

CLERK OF COURT'S REPORT

No report.

(2:21 p.m.) **Motion by Jacalone, seconded by Reardon, carried 4/0 with Bryant absent, to adjourn the meeting.** The meeting thereupon adjourned at 2:22 p.m.

REPORTS:

1. Minutes of meeting of the District 4 Health and Human Services Board held on February 10, 2000
2. St. Johns County Check Register, Disbursement Fund, checks number 286485 through 286859 totalling \$1,066,617.15 (03/10/00)

CORRESPONDENCE:

1. Memorandum from the Supervisor of Elections indicating whether David Largarce, Victor Martinelli, John Regan, Robert Cameron, and Brenda Diritto are registered to vote in St. Johns County (03/02/00)
2. Memorandum from the Supervisor of Elections indicating whether Keith Clarke and Gloria Myers are registered to vote in St. Johns County (03/02/00)
3. Letter to the Secretary of State filing Ordinance No. 2000-15 (03/09/00)
4. Letter to CCL Consultants with an ordinance enclosed (03/10/00)

Approved March 21, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk