

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 10, 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: James E. Bryant, District 5, Chair
Mary Kohnke, District 4, Vice Chair
John Reardon, District 2
Marc Jacalone, District 3
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Lenora Newsome, Deputy Clerk

Also present were: Cheryl Strickland, Clerk of Courts; Dennis Hollingsworth, Tax Collector; and Doug Burnett, Assistant County Attorney

Commissioner Pal Howell was absent from the meeting.

(10/10/2000 - 1 - 9:05 a.m.)

CALL TO ORDER

The meeting was called to order by Bryant.

(10/10/2000 - 1 - 9:05 a.m.)

The Invocation was given by Reardon. The Pledge of Allegiance was led by Bryant.

(10/10/2000 - 1 - 9:06 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(10/10/2000 - 1 - 9:07 a.m.)

PROCLAMATION RECOGNIZING FIRE PREVENTION WEEK, OCTOBER 8TH – OCTOBER 14TH, 2000.

Jacalone read and presented the proclamation recognizing Fire Prevention Week to Frank McElroy and the Fire Departments. McElroy voiced his appreciation.

(10/10/2000 - 1 - 9:11 a.m.)

PROCLAMATION RECOGNIZING THAT KATHERINE C. BRANDON WAS A SPECIAL COMMUNITY LEADER.

Bryant read and presented the proclamation recognizing Katherine C. Brandon as a special community leader. She passed away recently and the following people came up to receive the proclamation in her honor: Patty Hunt, Audrey Fields, Dr. Ken Robertson, Ralph Weinmen, and Dr. James Walker. Audrey Fields spoke about Katherine Brandon, and also presented a plaque to Dr. Robertson and Dr. Walker on Brandon.

(10/10/2000 - 1 - 9:16 a.m.)

PROCLAMATION RECOGNIZING DOMESTIC VIOLENCE AWARENESS MONTH.

Reardon read and presented a proclamation recognizing Domestic Violence Awareness Month to Beth Hughes for the Betty Griffin House. Beth Hughes thanked the Commission for their support and reviewed events going on for Domestic Violence Awareness Month.

(10/10/2000 - 2 - 9:24 a.m.)

PUBLIC COMMENT

Louise Thrower, 288 Orange Avenue, spoke on: 1) proposed Landrum School telecommunication tower; 2) the article in the St. Augustine Record on September 30, 2000, referencing County Planner's comments on Nocatee; and 3) LDRs - who passes them. Kohnke requested a copy of the information on item 1 from Thrower, and directed Adams to fax it to Mr. UpChurch and Mr. Balboni. Kohnke spoke on considering safety when placing antennas towers.

(10/10/2000 - 2 - 9:41 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

There were no additions nor deletions to the Consent Agenda.

(10/10/2000 - 2 - 9:42 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Kohnke, seconded by Jacalone, carried 4/0 with Howell absent, to approve the Consent Agenda as submitted.

1. Approval of Minutes:

09/05/00 – BCC Special Meeting
09/12/00 – BCC Special Meeting
09/19/00 – BCC Regular Meeting
09/19/00 – BCC Special Meeting
09/26/00 – BCC Regular Meeting

2. Sheriff's Bonds:

Cancel: Gloria A. Benyacko
Cancel: Richard J. Ferraro, II

3. Approval of a motion adopting a Resolution approving the contract with Sungard Pentamation for the purchase of software upgrades and hardware to the County's Financial Package, and authorizing the County Administrator to execute the contract.

RESOLUTION NO. 2000-150

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, MAKING FINDINGS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTRACT BETWEEN THE BOARD AND SUNGARD PENTAMATION, INC. FOR COMPUTER EQUIPMENT, SOFTWARE AND SERVICES.

4. Approval of a motion authorizing the County Administrator to sign the contract with the Humane Society.

5. Approval of a motion allowing the County Administrator to transfer Contingency

funds in the amount of \$10,000 to 704-56200 to close EMS/Sheriff's Storage Facility contract.

6. Approval of a motion extending the contract for Pharmaceutical Services with St. Johns/Hays Pharmacy for 12 months beginning 11/1/00.
7. Approval of a motion allowing the County Administrator, or his designee, to negotiate with and enter into a contract for Design Services for the Renovation to the St. Johns County Amphitheater (RFP 00-75), with the No. 1 ranked firm, Herbert Hallback, Inc. (*See Exhibit A*)
8. Approval of a motion adopting a Resolution accepting Easement for Utilities for access, installation and maintenance of water lines to property owners along Keller Lane.

RESOLUTION NO. 2000-151

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING EASEMENT FOR UTILITIES FOR ACCESS, INSTALLATION AND MAINTENANCE OF WATER LINES TO PROPERTY OWNERS ALONG KELLER LANE.

9. Approval of a motion adopting a Resolution approving the terms of a License Agreement authorizing use of a certain public right-of-way of Old Dixie Highway.

RESOLUTION NO. 2000-152

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF THESE LICENSE AGREEMENTS AUTHORIZING USE OF A CERTAIN PUBLIC RIGHT-OF-WAY OF OLD DIXIE HIGHWAY

10. Approval of a motion adopting a Resolution approving transfer of certain County owned right-of-way to the State of Florida Department of Transportation for the improvements to State Road No. 207.

RESOLUTION NO. 2000-153

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING TRANSFER OF CERTAIN COUNTY OWNED RIGHTS-OF-WAY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO STATE ROAD NO. 207

11. Approval of a motion adopting a Resolution authorizing the Parks and Recreation Foundation of Northeast St. Johns County to raise funds and name fields at the Northeast Park.

RESOLUTION NO. 2000-154

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY,

FLORIDA, MAKING FINDINGS OF FACT AND CONVEYING TO THE PARKS & RECREATION FOUNDATION OF NORTHEAST ST. JOHNS COUNTY, INC., THE RIGHT, UNDER CERTAIN TERMS AND CONDITIONS, TO NAME CERTAIN FACILITIES THAT ARE OR WILL BE CONSTRUCTED ON THE COUNTY'S NEW PARK IN NORTHEAST ST. JOHNS COUNTY

12. Approval of a motion authorizing the BCC Chairman to execute the State FRDAP Grant for the Northeast Park Development.
13. Approval of a motion deleting County asset #4489 from the County's active asset list.
14. File:
 - a. Proof, Notice of Public Hearing, Ordinance 85-20 Employees Deferred Compensation Plans, October 10, 2000.
 - b. Proof, Notice of Public Hearings, St. Johns County Value Adjustment Board Special Master, October 5, 6, 12, & 13, 2000.
 - c. Proof, Notice of Public Hearing, Ordinance 87-57, Health & Fitness Center, October 10, 2000.
 - d. Proof, Notice of Meeting, Open House Meeting St. Johns County Engineering Department, September 25, 2000.

(10/10/2000 - 4 - 9:42 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions nor deletions to the Regular Agenda.

(10/10/2000 - 4 - 9:42 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Kohnke, seconded by Reardon, carried 4/0 with Howell absent, to approve the Regular Agenda as submitted.

(10/10/2000 - 4 - 9:43 a.m.)

1. CONSIDER EXTENSION OF THE 2000 TAX ROLL.

Dennis Hollingsworth, Tax Collector, requested an extension of the tax roll until after the Value Adjustment Board meets, so the corrections and adjustments can be made. **Motion by Jacalone, seconded by Reardon, carried 4/0 with Howell absent, approving the 2000 tax roll to be extended prior to the completion and adjustments of the Value Adjustment Board parcels.** Strickland, Hollingsworth, and Burnett left the meeting.

(10/10/2000 - 4 - 9:46 a.m.)

2. PUBLIC HEARING – NZVAR-00-006, LAWRENCE PETERSON. THIS REQUEST SEEKS A NON-ZONING VARIANCE FROM THE 25' UPLAND BUFFER REQUIRED IN ARTICLE IV, SECTION 4.01.02.E, OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED AT 1701 COUNTY ROAD 13 SOUTH ON THE ST. JOHNS RIVER. THE SITE PLAN FOR CONSTRUCTION OF A SINGLE FAMILY HOME WAS APPROVED BY STAFF ON AUGUST 16, 2000 WITH AN 11' UPLAND BUFFER NOT THE REQUIRED 25' UPLAND BUFFER. THE ERROR WAS CAUGHT ON A SEPTEMBER 15, 2000 REVIEW FOR A ZONING VARIANCE TO ALLOW A BALCONY TO OVERHANG THE REAR YARD SETBACK. AT THAT TIME THE APPLICANT WAS NOTIFIED OF THE 25' UPLAND BUFFER REQUIREMENT AND ADVISED OF THE VARIANCE OPTION. STAFF

RESCINDED ITS PREVIOUS SITE PLAN APPROVAL AND NO BUILDING PERMIT WAS ISSUED. BASED ON THE CONDITIONS OF THE LOT, STAFF IS OF THE OPINION THAT THE VARIANCE REQUEST COMPLIES WITH SECTION 10.04.03 OF THE LAND DEVELOPMENT CODE.

Proof of publication of notice of public hearing on NZVAR-00-006, Lawrence Peterson, was received having been published in The St. Augustine Record on September 26, 2000.

Jan Brewer, Environmental Manager, reviewed this item stating this request seeks a non-zoning variance from the 25 foot upland buffer required in Article IV, section 4.01.02.E, of the Land Development Code and is located at 1701 CR 13 South on the St. Johns River. She presented background information on this issue with the use of maps. Jacalone questioned the length of time the bulkhead and the septic system had been in place. Brewer responded that the bulkhead was permitted in 1991 and she was not sure about the septic system. Discussion followed on the drain field being bigger than the house and the date it was put in, the original approval with a 11 foot buffer being in error and now requiring a 25 foot buffer, some of the lots in the area being unbuildable, having the well and drain field reconfigured so the house would fit on the lot, what rights the applicant has in this matter, there being other options to developing the lot, central sewer and small package plants, and other technology that can be used on small lots.

(10:04 a.m.) Lawrence Peterson, 1750 Hickory Lane, applicant, stated that the drain field was put in on his property, in 1991 by the County Health Department standards. He stated that he had done everything he was suppose to do and spent a lot of money doing it. He displayed pictures of other houses in the area showing that his house would be comparable to the other houses in the area. Discussion followed on it not being impossible to reconfigure the existing house plans, the distance between the slab and existing septic system, the height of the drain field, and moving the house toward CR 13. Bosanko commented on the County making a mistake, but everyone has a responsibility to know what the rules are, and the 25 foot setback being in affect by 1990. Brewer stated that the 25 foot upland buffer was in affect since the Comp Plan of 1990. Bishop stated that the Comp Plan was adopted September 14, 1990, but in 1990 that 25 foot buffer did not apply to existing plats, lots of record that were existing prior to September 14, 1990. Peterson mentioned that he bought his lot in June, 1990, prior to September 14, 1990. Kohnke questioned building a two story house. Peterson stated that his plans are for a two story house. Kohnke questioned why the septic system was put in before the house was built. Peterson replied that he was told in order for it to be a buildable lot he had to have septic approval. Reardon questioned how Peterson could go through the process and get approval saying that it is a buildable lot when automatically the process is, that it has to come for variance approval. Bishop remarked that Peterson should have been told about the variance process from the beginning, but when Staff was doing the variance request for the balcony that is when the original error was found. Peterson mentioned there was a grace period up to August where the 25 foot buffer wouldn't have applied that he wasn't informed about. Bosanko relayed that the Board's decision on approving this variance should be based on the five factors found on the required Findings sheet and the issue about whether there was a mistake made by Staff should not be considered. Peterson replied that he has a bank loan now, based on the information that he was approved, on a home he still can't build. Jacalone stated that he would like to find a way to approve this request. Bishop mentioned that the 25 foot buffer was not required before July 1990. Reardon questioned if this was an existing lot of record before 1990. Bishop replied yes. Bosanko emphasized two ways in the code to obtain a relief from the 25 foot limit, a variance procedure and a vesting procedure. Discussion followed on getting a vesting, when the property was bought, when the septic tank went in, an error occurring when the septic was put in, Environmental Services approving the septic tank, Environmental Health having regulations that they follow, knowing about the 25 foot buffer, this issue being a vesting, and having guidelines for an applicant to know what is required. (10:38 a.m.)

Motion by Jacalone, seconded by Kohnke, carried 4/0 with Howell absent, to approve NZVAR-00-006 supported by Findings of Fact 1-6, add to Finding 2, *because the lot becomes practically unbuildable*; and add to Finding 3, *it is unnecessary to develop the site in any fashion*.

The meeting recessed at 10:40 a.m. and reconvened at 10:48 a.m.

(10/10/2000 - 6 - 10:48 a.m.)

3. CONSIDER CONTRACTS FOR FISCAL YEAR 2001 WITH GOLD & ASSOCIATES ADVERTISING AND MID FLORIDA RESEARCH AGENCY.

Glen Hastings, TDC Executive Director, reviewed this item, stating its to renew two contracts on advertising and marketing research for one year with the funding coming from the Tourist Development Fund. Kohnke spoke on these contracts being one year, who the targets are they are advertising to, how they position St. Augustine, why the consumers are coming here and why they are told to come here, what their strategy is, what the agency is doing, what the research is telling us to do, and who isn't coming here. Hastings stated that he has 99.9 percent of the answers and would be glad to get with Kohnke to answer them. Reardon suggested scheduling a workshop presentation on advertising. Hastings stated that he would do that. He stated that they do know the expenditures and the amount of money people spend. **Motion by Reardon, seconded by Jacalone, carried 4/0 with Howell absent, to approve contracts for Fiscal Year 2001 with Gold & Associates Advertising Agency based in Ponte Vedra and Mid Florida Research Agency.**

(10/10/2000 - 6 - 10:58 a.m.)

4. CONSIDER REQUEST FROM THE ST. GERARD HOUSE (CAMPUS) FOR THE FREE USE OF THE SJC CONVENTION CENTER.

Hastings reviewed this item stating that this was a continuation from a few weeks ago. Kohnke stated that she had requested for The St. Gerard House to return to the Board with different language on the cover sheet, other than for the sole purpose of raising funds, but there seems to be no change. Jacalone expressed that the event has other purposes than raising funds. Discussion followed on free use of the convention center following the calendar year, the applicants submitting another application, the positive things that St. Gerard House does for the community, having testimony as to the educational aspects of the meeting, and adding a Finding of Fact that it is for education and not solely for fund raising. Paul Fagundo, 15 Willow Drive, Chairman of St. Gerard House, stated that he was here to answer questions if need be. Fagundo replied that they did submit another application with the revised language. Reardon expressed that he feels comfortable with accepting the new language that has been submitted. Bosanko stated that being a fund raiser is not prohibited as long as it is not the sole purpose.

(11:09 a.m.) Don Crichlaw, 302 St. George Street, Board of Directors on St. Gerard Campus, stated that they can't deny it's a fund raiser, but more importantly it is a public awareness to make people aware of what the campus is all about. (11:10 a.m.) Doug Burnett, Assistant County Attorney, entered the meeting. Reardon read into record the description of the event: a) To make the public aware of why, how, and who we are, b) There will be a fashion show, a luncheon, celebrity guests, guests of honor, a guest speaker, music and entertainment. There will be need of two additional rooms (breakout rooms) to seat approximately 500 people, c) There is an admission fee of \$35.00 per ticket of which it will cost approximately \$27.00 in expenses. The \$8.00 per ticket will go back to defray the cost of the FREE day care program that we provide all students while attending our FREE accredited high school. Therefore indirectly all of the net proceeds does filter back to the community. We are not able to in the last 5 years to obtain any help from the county, city, and state for the day care, d) We have held this event at the World Golf Center the last two

years. **Motion by Reardon, seconded by Jacalone, carried 4/0 with Howell absent, that the County grant free use of the St. Johns County Convention Center at the World Golf Village on December 2, 2000 for the purpose of an informational and public awareness event for the St. Gerard House (Campus).** Fagundo thanked everyone and stated next year they will be more careful at filling out the application. He asked for support with informing the citizens of St. Johns County where they can go for help. Bosanko left the meeting.

(10/10/2000 - 7 - 11:13 a.m.)

5. CONSIDER MOTION APPROVING ST. JOHNS COUNTY UTILITY DEPARTMENT POLICY REGARDING CUSTOMERS IN IDENTIFIED AREAS CONNECTING TO CENTRALIZED SEWER SYSTEM FROM EXISTING SEPTIC TANKS, WHERE LEGISLATIVE GRANTS ARE UTILIZED TO FUND INFRASTRUCTURE.

Bill Young, Director of Utilities, requested the Board's approval of Utility Department's Policy which applies to areas where the County is working with grant funds to extend centralized sewer into their service area where septic tanks currently exist. The policy allows residents 365 days to connect and that the County will waive sewer unit connection fees as part of the matching share of State or Federal grant funds. The proposed resolution will facilitate the waiver of the unit connection fees. Kohnke questioned how the people will be notified that they have a year to connect free. Young responded that they will notify them through door tags, etc., and the utility provider that installs the lines have the obligation to inform the customers. Burnett stated that there are two functions that the Florida Statute requires when the sewer lines are expanded into an area: if the property owner has a failing septic system, they are required to connect within 90 days; if it's a properly functional system, they have to connect within 365 days. If they don't connect in the allotted time, then it becomes a code enforcement issue. Jacalone voiced concern about getting a grant, allowing totally relaxed unit connection fees for a year and being able to fund it. Young mentioned that the language, *that substantial portion of the cost*, was added this morning to Section 2, which made the Board receive the proposed resolution late. Jacalone stated that any waivers have to be approved by the Board, which they would have to identify on a case by case basis. Discussion followed on the threshold where the match amount is met through a waiver of unit connection fees; not doing the projects if they don't get a matching grant; putting in the proposed resolution the language, *a 50% or greater match*; leaving the language as substantial and not putting in a percentage amount; having the language in the policy statement read, *connection fees will be partially or fully waived*; placing this item on the next Consent Agenda; and the way the proposed resolution is currently written, it will be up to the Utility Department to see that the proposed resolution is carried out under the guidance of the County Administrator. ***It was the consensus of the Board, with Howell absent, to continue this item to the afternoon meeting as item #16a.***

(10/10/2000 - 7 - 11:30 a.m.)

6. CONSIDER APPOINTMENTS TO THE ADJUSTMENTS & APPEALS BOARD.

Patsy Heiss, Assistant to the Administrator, stated that there is an opening in the General Public Alternate Position and the two people up for that position are James Schock and David Clark. **Motion by Jacalone, seconded by Reardon, carried 4/0 with Howell absent, to appoint David Clark to the General Public Alternate position on the Adjustments & Appeals Board to complete a term scheduled to expire February 8, 2001. Motion by Kohnke, seconded by Reardon, carried 4/0 with Howell absent, to appoint David Peterson to the Architect position on the Adjustments & Appeals Board for a four-year term scheduled to expire October 10, 2004. Motion by Jacalone, seconded by Reardon, carried 4/0 with Howell absent, to reappoint James Yoder to the Building Industry position on the Adjustments & Appeals Board for a term scheduled to expire October 10, 2004. Motion by Jacalone, seconded by Kohnke, carried 4/0 with Howell absent, to**

reappoint Dennis Shepherd to the Electrical Contractor position on the Adjustment & Appeals Board for a term scheduled to expire October 10, 2004.

(10/10/2000 - 8 - 11:34 a.m.)

7. CONSIDER APPOINTMENTS TO THE CATEGORY II ARTS/GRANTS PANEL.

Heiss reviewed this item, stating that she has an additional application, Jan Pearce to distribute to the Board, that got reactivated after the agenda item was prepared. **Motion by Jacalone, seconded by Reardon, carried 4/0 with Howell absent, to appoint Susanne Murphy to the District 3 position on the Category II Arts/Grants Funding Panel for 3-year term scheduled to expire September 30, 2003. Motion by Reardon, seconded by Kohnke, carried 4/0 with Howell absent, to reappoint Brenda Bushell to the TDC representative position on the Category II Arts/Grants Funding Panel, for a 3-year term scheduled to expire September 30, 2003.**

(10/10/2000 - 8 - 11:37 a.m.)

8. CONSIDER AN APPOINTMENT TO THE CHILDREN'S COMMISSION.

Heiss reviewed this item. **Motion by Reardon, seconded by Bryant, carried 4/0 with Howell absent, to appoint Tommy Ray Bledsoe to the Children's Commission to complete a term scheduled to expire April 27, 2001.**

(10/10/2000 - 8 - 11:38 a.m.)

9. APPOINTMENT TO THE ECONOMIC DEVELOPMENT COMMITTEE.

Heiss reviewed this item. **Motion by Reardon, seconded by Kohnke, carried 4/0 with Howell absent, to appoint Dr. Thomas DeLaughter to the District 2 position on the Economic Development Committee to complete a term scheduled to expire June 22, 2003.**

(10/10/2000 - 8 - 11:39 a.m.)

COMMISSIONERS' REPORTS

Kohnke thanked everyone for coming to the Town Meeting in Ponte Vedra.

Kohnke mentioned placing on the School Board agenda, issues on towers and on what regulations in the County the School Board has to follow.

(11:40 a.m.)

Commissioner Jacalone:

Jacalone mentioned attending the Florida Association of Counties Policy Conference and Board of Directors Meeting in Orlando. He stated that he had been selected to serve on the Board of Directors for the Florida Association of Counties. He gave an update on the items covered at the meeting. Discussion followed.

(11:51 a.m.)

Commissioner Reardon:

Reardon spoke on someone joining the Chamber Of Commerce. He recommended instructing the County Administrator to join in behalf of the County. Bryant replied not at this time and suggested placing it on the agenda.

(10/10/2000 - 8 - 11:53 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams spoke on Joe Vonasek and Doug Timms presenting to the Board a working copy of the final bound Financial Plan 2000 within the next few days.

(10/10/2000 - 9 - 11:54 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(10/10/2000 - 9 - 11:54 a.m.)

CLERK OF COURT'S REPORT

No report

The meeting therefore recessed for lunch at 11:54 a.m. The meeting reconvened at 1:30 p.m. with Bryant, Jacalone, Kohnke, Reardon, Adams, Bosanko, and Deputy Clerk Judy Hamilton present. Commissioner Howell was absent due to illness.

(10/10/2000 - 9 - 1:36 p.m.)

10. CONSIDER WAIVER OF A FILING FEE FOR APPEAL TO DENIAL OF A ZONING VARIANCE. THE REQUEST BY MR. AND MRS. ANDREW WELTON IS TO WAIVE FILING FEE OF \$300.00 FOR AN APPEAL. THE APPLICANT SEEKS THE WAIVER OF FEE FOR AN APPEAL TO THE BOARD OF COUNTY COMMISSIONERS REGARDING A DENIAL OF ZONING VARIANCE BY THE PLANNING AND ZONING AGENCY

Rosemary Yeoman, Zoning Manager, Development Services, presented the requested waiver. Yeoman stated Staff did not support a waiver, since this case did not appear to support findings of Resolution 99-147. (1:38 p.m.) Bosanko advised the Board to ask the applicants what their public purpose was for having the fee waived. (1:39 p.m.) Andrew and Teresa Welton, 616 Coral Circle, St. Augustine, the applicants, presented their reasons for asking that the fee be waived, including a letter dated August 31, 2000, addressed to Ms. Yeoman. Discussion was held on the requested filing fee waiver. (1:52 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/0 with Howell absent, to deny the waiver of filing fee for zoning variance for Mr. and Mrs. Andrew Welton, finding the request not in compliance with Resolution No. 99-147 in that it does not support a public purpose and is not in the best interest of the County.**

(10/10/2000 - 9 - 1:56 p.m.)

11. PUBLIC HEARING - CONSIDER AN ORDINANCE AMENDING ORDINANCE NO. 85-20, ALLOWING CONSTITUTIONAL OFFICERS TO PARTICIPATE IN DEFERRED COMPENSATION PLANS ESTABLISHED BY THE BCC, AND RATIFYING THEIR PARTICIPATION IN ANY PREVIOUS PLANS ESTABLISHED BY THE BCC

Proof of publication of the notice of public hearing on the Ordinance, amending Ordinance 85-20, allowing Constitutional Officers to participate in Deferred Compensation Plans established by the BCC, and ratifying their participation in any previous plans established by the BCC, was received having been published in *The St. Augustine Record* on September 22, 2000.

Property Appraiser Sharon Outland addressed the Board, stating the ordinance amendment was needed to expand the Deferred Compensation Program options for Constitutional Officers' employees. The amendment had been approved by the Constitutional Officers. County Attorney Jim Sisco had reviewed and approved the requested language. Outland explained the amendment allowed employees to participate in any deferred compensation plan that the Board had already approved or may approve

in the future, or the Board's designees, such as the County Administrator. (1:57 p.m.)
Motion by Jacalone, seconded by Kohnke, carried 4/0 with Howell absent, to adopt Ordinance No. 2000-54, amending Ordinance No. 85-20.

ORDINANCE NO. 2000-54

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, RELATED TO EMPLOYEES DEFERRED COMPENSATION PLANS; AMENDING ST. JOHNS COUNTY ORDINANCE NUMBER 85-20 BY ALLOWING THE SHERIFF, TAX COLLECTOR, PROPERTY APPRAISER, CLERK OF THE CIRCUIT COURT, AND SUPERVISOR OF ELECTIONS, AND THEIR EMPLOYEES, TO PARTICIPATE IN DEFERRED COMPENSATION PLANS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY; RATIFYING AND APPROVING ANY PREVIOUS PARTICIPATION BY SAID CONSTITUTIONAL OFFICERS IN ANY OF THE PLANS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS; DESIGNATING A COUNTY OFFICIAL TO MAKE THE DETERMINATIONS PERTAINING TO SUCH PLANS REQUIRED BY SECTION 112.215 OF THE FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

(10/10/2000 - 10 - 1:57 p.m.)

12. PUBLIC HEARING - CONSIDER AN ORDINANCE DESIGNATING AN "IDLE SPEED - NO WAKE" ZONE AT CUNNINGHAM CREEK, FROM THE STATE ROAD 13 BRIDGE TO THE INTERSECTION OF THE ST. JOHNS RIVER

Proof of publication of the notice of public hearing on the Ordinance designating an "Idle Speed - No Wake" Zone Ordinance at Cunningham Creek, from State Road 13 Bridge to the Intersection of the St. Johns River, was received having been published in *The St. Augustine Record* on September 19, 2000.

Dan Weimer, Recreation and Parks Supervisor, presented the ordinance to the Board for consideration. He explained this was a very narrow portion with a very deep channel in it and large boats were going back up in there and getting stuck trying to turn around, so it was advisable to properly sign the area and get it approved by the State. Doug Burnett, Assistant County Attorney, entered the meeting at 1:58 p.m. Discussion was held on the proposed ordinance. (2:00 p.m.) John H. Franklin, 1392 Fruit Cove Rd. South, addressed the Board, advising them of the situation and of the need for an idle speed, no wake zone. (2:01 p.m.) Isabelle Lopez, Assistant County Attorney, entered the meeting. Bosanko left the meeting. (2:06 p.m.) **Motion by Jacalone, seconded by Reardon, carried 4/0 with Howell absent, to approve Ordinance No. 2000-55.**

ORDINANCE NO. 2000-55

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING AN IDLE SPEED, NO WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY WITHIN CUNNINGHAM CREEK; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE IDLE SPEED, NO WAKE ZONE; PROVIDING DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR THE POSTING OF SIGNS;

PROVIDING EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 2:07 p.m. and reconvened at 2:17 p.m.

The next item discussed was Item #16a.

(10/10/2000 - 11 - 2:20 p.m.)

13. PUBLIC HEARING - CONSIDER COMPLIANCE OF INTERCOASTAL UTILITIES WITH FINAL ORDER 2000-00001

Proof of publication of the notice of public hearing on the Final Order for Intercoastal Utilities, was received having been published in *The St. Augustine Record* on September 29, 2000.

George Flint, Executive Director, Water & Sewer Authority, presented the issue for Board consideration, i.e., determination of whether Intercoastal Utilities was in compliance with the Final Order requiring the audit or not in compliance; Staff to present various options in either event. Discussion ensued on this issue. (2:30 p.m.) Mashall Deterding, attorney for Intercoastal Utilities, spoke on their differences of opinion. (2:43 p.m.) Michael B. Twomey, on behalf of customers of Intercoastal Utilities, spoke on additional delays and other concerns. (2:54 p.m.) Marilyn Wiles, 8220 A1A South, spoke on the delay in performing the audit. Further discussion was held on the audit.

(3:18 p.m.) Motion by Jacalone, seconded by Kohnke, carried 4/0 with Howell absent, to issue an order to the utility to provide data as requested for Calendar Year 1999 to be issued no later than 14 days from today, which would be October 24, 2000 and to set a penalty of \$500.00 per day every day thereafter in the event they do not respond.

(3:19 p.m.) Motion by Jacalone, seconded by Kohnke, carried 4/0 with Howell absent, that at the time the base year and the test year are established that the financial data be available no later than 14 days after the date of establishment and that the same penalties would apply in the event that they failed to respond; that, once the test year and the base year are established that the data be provided no later than 14 days after the establishment of that information, and that the maximum penalty be \$500.00 per day in the event that they do not respond within 14 days.

(3:24 p.m.) Motion by Reardon, seconded by Kohnke, carried 4/0 with Howell absent, to adopt Resolution No. 2000-156.

RESOLUTION NO. 2000-156

A RESOLUTION RELATING TO INTERCOASTAL UTILITIES, INC. WITHDRAWING CASE NO. 00-3132, PENDING BEFORE THE DIVISION OF ADMINISTRATIVE HEARINGS, FROM SUCH DIVISION AND PROVIDING THAT SUCH APPLICATION SHALL BE HEARD AND DETERMINED BY THE ST. JOHNS COUNTY UTILITY AUTHORITY AND/OR THE BOARD OF COUNTY COMMISSIONERS

(3:25 p.m.) Flint stated Staff would prepare an Order based on the motion for the chairman to sign and they will also prepare a Motion or documents to be sent to DOAH to be sent to them on October 11, 2000, who has a hearing scheduled on October 16, 2000, and the test year will be addressed at a rescheduled meeting of the Water and Sewer Authority.

(10/10/2000 - 11 - 3:28 p.m.)

14. PUBLIC HEARING - R-00-029, LAMPS & SHADES. THIS REQUEST SEEKS TO REZONE .064 ACRE OF LAND FROM RS-3 TO CN. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF STATE ROAD 16, WITHIN THE MIXED USE FUTURE LAND USE DESIGNATION. THE SURROUNDING ZONING IS CG AND RS-3 AND THE DEVELOPMENT PATTERN FOR THE AREA IS COMMERCIAL ON PROPERTY FRONTING STATE ROAD 16 AND RESIDENTIAL TO THE SOUTH. ALTHOUGH THERE IS NO OTHER CN ZONING IN THE AREA, POLICY A.1.3.12 OF THE COMPREHENSIVE PLAN WOULD REQUIRE A COMMERCIAL REZONING TO CN ON PROPERTY ADJACENT TO SINGLE FAMILY RESIDENTIAL. IN ADDITION, THE CN ZONING CLASSIFICATION IS NOT INCONSISTENT WITH THE ADJACENT CG ZONED PROPERTY. THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN, AND COMPATIBLE WITH THE SURROUNDING AREA

Proof of publication of the notice of public hearing on R-00-029, Lamps & Shades, was received having been published in *The St. Augustine Record* on September 19, 2000.

Heather Morris, Planning Coordinator, presented this item to the Board. Discussion ensued on the rezoning. The applicant, Nancy Lewis, 317-1/2 S.R. 16, was present. (3:30 p.m.) **Motion by Reardon, seconded by Jacalone, carried 4/0 with Howell absent, to enact Ordinance No. 2000-56, adopting Findings of Fact 1 through 6 to support the motion.**

ORDINANCE NO. 2000-56

**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**

(10/10/2000 - 12 - 3:31 p.m.)

15. PUBLIC HEARING - CONSIDER A PETITION TO VACATE CERTAIN DRAINAGE AND UTILITY EASEMENTS IN CRESCENT COVE SUBDIVISION

Proof of publication of the notice of public hearing on the Petition to Vacate Certain Drainage and Utility Easements in Crescent Cove Subdivision, was received having been published in *The St. Augustine Record* on September 19, 2000.

Darrell Locklear, Development Review Engineering Manager, presented this request to the Board. Bosanko distributed Exhibit A to the Resolution to the Board and a memorandum from Locklear which stated vacation of this easement will not impair the drainage of the land or the lots in the subdivision. Bosanko also stated that each of the easements are in connection with the roads. Discussion ensued. (3:35 p.m.) Hamilton Upchurch, attorney for the petitioner, Crescent Cove Enterprises, answered questions of the Board. (3:36 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/0 with Howell absent, to approve Resolution No. 2000-157, which is a resolution of the Board of County Commissioners of the County of St. Johns, State of Florida, vacating certain drainage and utility easements and that two Findings of Fact where (1) The real property vacated, as described in the attached Schedule "A," are drainage easements in connection with the roadways found within the Crescent Cove Subdivision; and (2) The drainage easements,**

as described in the attached Schedule "A," are not necessary to the drainage of land or roads within the Crescent Cove Subdivision.

RESOLUTION NO. 2000-157

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING CERTAIN DRAINAGE AND UTILITY EASEMENTS AS MORE FULLY DESCRIBED BELOW

(10/10/2000 - 13 - 3:38 p.m.)

16. PUBLIC HEARING - CONSIDER AN AMENDMENT TO THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE

Proof of publication of the notice of public hearing on the Amendment to the St. Johns County Road Impact Fee Ordinance, was received having been published in *The St. Augustine Record* on September 19, 2000.

Scott Clem, AICP, Director of Growth Management Services, presented this item to the Board. (3:38 p.m.) **Motion by Kohnke, seconded by Reardon, carried 4/0 with Howell absent, to enact Ordinance No. 2000-57, amending Ordinance No. 87-57 as previously amended, the St. Johns County Road Impact Fee Ordinance.**

ORDINANCE NO. 2000-57

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 87-57, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY ROAD IMPACT FEE ORDINANCE). THIS ORDINANCE MAKES FINDINGS; ADDS HEALTH AND FITNESS CENTER AS AN ADDITIONAL RECREATIONAL LAND USE TYPE; PROVIDES DOLLAR AMOUNTS FOR HEALTH AND FITNESS CENTER; AND PROVIDES AN EFFECTIVE DATE

(10/10/2000 - 13 - 2:17 p.m.)

16a. WASTEWATER CONNECTION POLICY

After deferred discussion, Burnett advised the Board that the resolution was originally prepared as a general policy to waive unit connection fees when the Utility Department received State grant money. The revised resolution was specific, as to the State grant funds that had been obtained, to aid in the utility expansion to St. Augustine by the Sea. Burnett stated that by having a resolution every time the Utility Department received grant funds, it allowed the Board control over whether or not it would waive the fees each and every time.

(2:19 p.m.) **Bryant moved, seconded by Jacalone/Kohnke, carried 4/0 with Howell absent, to readvertise this item and place it on the Consent Agenda for next Tuesday or as soon as possible.**

The next item discussed was Item #13.

The meeting recessed at 3:39 p.m.

And reconvened at 5:30 p.m. with Bryant, Kohnke, Jacalone, Adams, Bosanko, Lopez, and Deputy Clerk Yvonne King present. Commissioners Howell and Reardon were absent from the evening session of the meeting.

(10/10/2000 - 14 - 5:34 p.m.)

Kohnke reported on an article in the Florida Times Union regarding the I-295 Overpass traffic. In the article, Glenn Lassiter, a Clay County Commissioner, said that the best way to fight traffic congestion would be for the State to build a new bridge across the St. Johns River, linking Clay and St. Johns Counties somewhere between the Buckman and Shands bridges. Kohnke said this will not happen.

(10/10/2000 - 14 - 5:38 p.m.)

17. PUBLIC HEARING – CONSIDER AMENDMENTS TO ARTICLES III, V, IX, X AND XII OF THE LAND DEVELOPMENT CODE

Proof of publication of the notice of public hearing on the amendments to Articles III, V, IX, X, and XII of the Land Development Code was received having been published in The St. Augustine Record on September 29, 2000.

Scott Clem pointed out that with the adoption of these changes, a new overlay district for the Mid Anastasia Overlay area will be incorporated in the ordinance. Clem reviewed the changes in Article III. In Section 3.07.14, the same language that was incorporated in the ordinance for the Mid-Anastasia Overlay District will be incorporated for the South Anastasia Overlay District regarding residency requirements for the Architectural Review Committee. Discussion followed regarding the residency requirement. (5:45 p.m.) Clem reviewed the changes in Article III. Section 3.08 was added, and was titled “Mid Anastasia Island Coastal Corridor Overlay District.” (5:47 p.m.) Clem reviewed the changes in Article V. In Section 5.03, the first paragraph was removed. In Section 5.03.01 (E) (5), a paragraph was added which allows Staff to ask for information surrounding a PUD to obtain information on the land uses, zoning, roadway and environmental features to be evaluated within the context of what is around the PUD. In Section 5.04.03(F), underground utilities being required for PRDs. In Section 5.04.03(G), recreation to be provided for larger PRDs with 100 or more residential units. In Table 5.01, Optimal Density Bonus be limited to PUDs. (5:52 p.m.) Clem reviewed the changes in Article XII. The definition of “Baseline Upland Buffer” was revised. Discussion followed on the definition. (5:54 p.m.) Bosanko suggested a Section 7 be added to the ordinance, which states, “This ordinance shall become effective on October 17, 2000, or soon thereafter as this ordinance has been filed with the Secretary of the State of Florida. Bosanko also suggested that, in Section 5.01.01(C)(1), add “(or unified ownership tract)” after the word “parcel” throughout the paragraph.

(6:00 p.m.) George McClure, 170 Malaga Street, addressed the issue of the availability of unified site plans as an alternative to development. (6:04 p.m.) Bosanko offered some alternative language to the end of Section 5.01.01(C)(1), which states: “that this provision shall not apply to Subdivisions made pursuant to Site Plan(s) lawfully approved or pending approval on the effective date of this ordinance. (6:07 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 3/0 with Howell and Reardon absent, to enact Ordinance No. 2000-58, amending Articles III, V, IX, X, XII of the Land Development Code, with the following changes: add Section 7, Effective Date of October 17, 2000 to the adopting ordinance; Article V, Section 5.01.01(C)(1), after the use of the term parcel(s), add “(or unified ownership tract)”;** and at the end of the same paragraph, add “this provision shall not apply to Subdivisions made pursuant to Site Plan(s) lawfully approved or pending approval on the effective date of this ordinance.”

ORDINANCE NO. 2000-58

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE III, ARTICLE V, ARTICLE IX, ARTICLE X, AND ARTICLE XII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING PART 3.03.00 SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT; SPECIFICALLY AMENDING SECTION 3.07.14 ADMINISTRATIVE REQUIREMENTS; ADDING PART 3.08.00 MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT; SPECIFICALLY ADDING SECTION 3.08.01 PURPOSE AND INTENT; ADDING SECTION 3.08.02 DELINEATION OF THE MID-ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT; ADDING SECTION 3.08.03 USES AND ACTIVITIES SUBJECT TO MID-ANASTASIA OVERLAY DISTRICT STANDARDS; ADDING SECTION 3.08.04 DEVELOPMENT STANDARDS; ADDING SECTION 3.08.05 MINIMUM YARD REQUIREMENTS; ADDING SECTION 3.08.06 ADDITIONAL BUFFERING REQUIREMENTS; ADDING SECTION 3.08.07 ADDITIONAL SIGNAGE REQUIREMENTS; ADDING SECTION 3.08.08 DESIGN REVIEW GUIDELINES; ADDING SECTION 3.08.09 DESIGN ELEMENTS AND MATERIALS; ADDING SECTION 3.08.10 ADMINISTRATIVE REQUIREMENTS; AMENDING PART 5.01.00 SUBDIVISION; SPECIFICALLY AMENDING SECTION 5.01.01 GENERALLY; AMENDING SECTION 5.01.02 SUBDIVISION TYPES; AMENDING PART 5.02.00 SITE PLAN; SPECIFICALLY AMENDING SECTION 5.02.02 GENERAL REQUIREMENTS; DELETING SECTION 5.02.03 UNIFIED SITE PLANS; AMENDING PART 5.03.00 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS; SPECIFICALLY AMENDING SECTION 5.03.01 GENERALLY; AMENDING SECTION 5.03.02 GENERAL STANDARDS; AMENDING SECTION 5.03.03 SPECIFIC STANDARDS; AMENDING SECTION 5.03.05 CHANGES IN APPROVED PLANNED UNIT DEVELOPMENTS; ADDING SECTION 5.03.09 PSD'S APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS CODE; ADDING SECTION 5.03.10 FDP'S APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS CODE; ADDING SECTION 5.03.11 CERTAIN CHANGES CONSTITUTE A VARIANCE; AMENDING PART 5.04.00 PLANNED RURAL DEVELOPMENT (PRD); SPECIFICALLY AMENDING SECTION 5.04.03 DEVELOPMENT AREA; ADDING NEW SECTION 5.04.05 REVIEW CRITERIA; AMENDING SECTION 5.04.05 EXEMPTIONS TO PRD REQUIREMENTS; ADDING SECTION 5.04.07 CHANGES IN APPROVED PLANNED RURAL DEVELOPMENTS; AMENDING PART 5.05.00 DEVELOPMENT AGREEMENTS; SPECIFICALLY AMENDING SECTION 5.05.02 PROCEDURES;

AMENDING PART 5.08.00 WETLAND DENSITY BONUS; SPECIFICALLY AMENDING SECTION 5.08.03 STANDARDS OF APPROVAL; AMENDING PART 5.10.00 OPTIONAL DENSITY BONUS; SPECIFICALLY AMENDING SECTION 5.10.03 STANDARDS; AMENDING PART 9.00.00 GENERALLY; SPECIFICALLY AMENDING SECTION 9.00.05 TIME PERIODS; AMENDING PART 9.01.00 DEVELOPMENT PERMIT REQUIRED; SPECIFICALLY AMENDING SECTION 9.01.03 EXCEPTIONS TO REQUIREMENT OF A FINAL ORDER; AMENDING PART 9.06.00 HEARINGS, SPECIFICALLY AMENDING SECTION 9.06.03 QUASI-JUDICIAL HEARINGS; AMENDING SECTION 9.06.04 NOTICE OF HEARINGS; AMENDING PART 10.02.00 DETERMINATION OF VESTED RIGHTS; SPECIFICALLY AMENDING SECTION 10.02.03 DETERMINATION OF VESTED RIGHTS AND PROJECTS DEEMED VESTED; AMENDING PART 12.01.00 DEFINITIONS; SPECIFICALLY ADDING: BASELINE UPLAND BUFFER, CONTIGUOUS WETLAND, FRAGMENTATION, IRREPARABLE OR IRREVERSIBLE VIOLATION, ISOLATED WETLAND, LEGALLY DOCUMENTED UNRECORDED SUBDIVISION, NATURAL WETLAND HYDRO PERIOD, UPLAND BUFFER, AND WETLAND BUFFER; AND SPECIFICALLY REVISING: LOT FRONTAGE, ROADWAY CLASSIFICATIONS, PROTECTIVE BARRIER, SIGNIFICANT NATURAL COMMUNITIES HABITAT, SUBDIVISION, AND YARD, SIDE; AND PROVIDING FOR AN EFFECTIVE DATE

(10/10/2000 - 16 - 6:10 p.m.)

18. PUBLIC HEARING – CONSIDER AMENDMENTS TO THE PONTE VEDRA ZONING DISTRICT REGULATIONS, ORDINANCE 99-43

Proof of publication of the notice of public hearing on the amendments to the Ponte Vedra Zoning District Regulations (Ordinance No. 99-43) was received having been published in The St. Augustine Record on September 29, 2000.

Sonya Doerr, Principal Planner, reviewed the changes in the regulations: private schools were included as a permitted use in the R-2 District; the 35 feet maximum building height was restated in the coastal area and throughout the Ponte Vedra District; and the old PSD language has been replaced with the PUD language from Article V of the Land Development Code. Discussion followed regarding communication towers. Doerr continued reviewing the changes. In Section VIII(F)(10), the removal of an exemption in the Ponte Vedra regulations that allows property to be exempt from all of the county buffer requirements if they can obtain a FDEP permit. In Section VIII(Q)(4)(6), add: “non-substantive changes, which shall be defined as those changes that do not alter the character, design or commonly observed appearance of a site or structure.” Section VIII(Q)(5)(2) makes the LDC buffering and screening applicable in the Overlay District. Section regarding permitted sign sizes was changed. The amendments require wall signs to be directly mounted on the face of the building. Transformers and all electrical components have to be concealed behind the face of the building. Discussion followed regarding the membership of the Architectural Review Committee. The Application and Permitting Requirements Section was changed, which allows the ARC to provide a written determination that a development complies with the ordinance. The allowable size of real estate signs were decreased from 32 to 16 square feet. The reference to Building Department was changed to Growth Management Services Department. In Section

XII(H)(1)(b), "Article 9.06 of the Land Development Code" was incorporated. PSD modifications were removed from Section XII(I). The section was removed regarding Minor Adjustments to an Ordinance creating a PSD. Discussion followed on the section regarding Use Variances. (6:48 p.m.) Harry Graham, 223 Pablo Road, informed the Board of the few times the Ponte Vedra Zoning and Adjustment Board has used use variances. Doerr explained that the vested rights procedures of Article X of the Land Development Code apply in the Ponte Vedra District. Doerr then read five proposed standards that would be included in the accessory use structure of the regulations: 1) permanent basketball goals may be located within required front yards adjacent to residential driveways connected to local streets only, and shall not be allowed along residential driveways on minor or major collectors; 2) permanent basketball goals located along residential driveways shall be no closer than five feet from the side lot line and 20 feet from the street edge, which shall be defined as the line between the street curb and the edge of the driveway; 3) basketball goals and backboards shall be mounted on a single pole or on the garage face; 4) no portion of the structure shall exceed 12 feet in height where basketball goals are mounted on a pole; the components of the structure shall be clear acrylic or plexi glass; white, black, gray, or silver in color; if a wooden pole is used, the natural wooden color may be maintained; and 5) no permanent basketball goals shall be located wherein the determination of the County Administrator of any interference where traffic or safety hazard may be created; basketball goals shall be maintained in a good state of repair so as to not create a visual nuisance.

(7:01 p.m.) ***Bryant announced the second public hearing scheduled for November 14, 2000 at 9:00 a.m.***

Motion by Jacalone, seconded by Kohnke, carried 3/0 with Howell and Reardon absent, to adjourn. The meeting adjourned at 7:01 p.m.

REPORTS:

1. St. Johns County Check Register, checks 294602 through 294886 totaling \$1,590,749.96

Approved October 24, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk