

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 28, 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, Chair
Marc Jacalone, District 3, Vice Chair
Nicholas Meiszer, District 1
John Reardon, District 2
James E. Bryant, District 5
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Lenora Newsome, Deputy Clerk

Also present were: Cheryl Strickland, Clerk of Courts; Michael Givens, Chief Deputy-Finance.

(11/28/2000 - 1 - 9:00 a.m.)
CALL TO ORDER

The meeting was called to order by Kohnke.

(11/28/2000 - 1 - 9:01 a.m.)
The Invocation was given by Kohnke. The Pledge of Allegiance was led by Reardon.

(11/28/2000 - 1 - 9:01 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(11/28/2000 - 1 - 9:02 a.m.)
SPECIAL RECOGNITION OF COUNTY EMPLOYEES VICKI RENNA, PLANNING DEPARTMENT & HAROLD LAW, BUILDING OFFICIAL

Adams recognized Harold Law for being elected to a two-year term on the Mechanical Code Action Committee at the Southern Building Code Congress International Conference in Tennessee, and also for completing the first section of the Toastmasters International Communication and Leadership Program. Adams relayed that the County was recognized, through Vicki Renna's efforts, by the Florida Planning and Zoning Association recently, for the Coastal and Conservation Element of the County Comprehensive Plan and also from the Scenic A1A Corridor Group.

(11/28/2000 - 1 - 9:07 a.m.)
PUBLIC COMMENT

Joyce Watson, 401 Standing Oak Court, spoke on the ceremony being held in the court yard today at 9:30 a.m. on the signing of a Domestic Violence Interagency Agreement.

(9:09 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., gave an update on the situation with the whooping crane issue. He stated that the Audubon Society is offering a reward

of \$2,500 for information leading to the apprehension and conviction of the person or persons responsible for shooting the cranes. He announced that the Fish and Wildlife Conservation Commission is offering a \$1,000 reward, the Sierra Club is offering a reward, and the Federal Authorities are offering a reward.

(9:11 a.m.) Louise Thrower, 288 Orange Avenue, spoke on the election commentary and the tower update.

(11/28/2000 - 2 - 9:19 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

Meiszer requested to pull Consent item 2 and place it on the Regular Agenda as item 7a.

(11/28/2000 - 2 - 9:19 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of a motion to adopt a Resolution authorizing the Chair to execute the Project Cooperation Agreement for Right-of-Entry for Construction between the Department of Army and St. Johns County for construction, operation and maintenance of the Palm Valley Bridge Replacement Project.

RESOLUTION NO. 2000-180

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A DEPARTMENT OF THE ARMY RIGHT-OF-ENTRY FOR CONSTRUCTION FROM ST. JOHNS COUNTY TO THE UNITED STATES OF AMERICA FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PALM VALLEY BRIDGE REPLACEMENT PROJECT.

2. Authorization for the County Administrator to execute a Interlocal Agreement with the Town of Hastings and execute a Project Agreement with the Department of Community Affairs for the Hastings Community Center Special Needs Evacuation Center Project.

Pulled and placed on the Regular Agenda as item 7a. (See page 6.)

3. File:
 - a. Proof, Notice of Special Meeting of the Board of County Commissioners, November 21, 2000.
 - b. Proof, Notice of Canceled Meeting and Workshop of the Board of County Commissioners.
 - c. Proof, Notice of Public Hearing, Petition to Vacate Crescent Cove Subdivision, November 28, 2000.
 - d. Proof, Notice to Bidders, Bid No: 01-09.
 - e. Proof, Notice of Canceled Meeting of the Intergovernmental Committee
 - f. Proof, Notice of Public Hearings, Establishment of Ordinance/Regulations Affecting the Use of Land, October 10, 2000.
 - g. Proof, Notice of Intent to Consider Proposed Development and Impact Fee Agreement, November 21, 2000 and December 12, 2000.
 - h. Proof, Notice to Bidders, Bid No. 01-07.

- i. Proof, Notice of Adoption of Resolution, Vacating, Abandoning, Discontinuing/Closing Certain Streets, Alleyways, Roads or Easements.
- j. Proof, Notice of Public Hearing, Amending Ordinance 82-59, November 21, 2000.
- k. Proof, Request for Proposals, RFP #01-08, Roadway Maintenance Program.
- l. Proof, Notice of Public Hearing, Establishment of Ordinance/Regulations Affecting the use of Land (Display Ad) Ponte Vedra Recorder.
- m. Proof, Certificate of Liability Insurance, Hartman and Associates.
- n. Proof, Certificate of Liability Insurance, Burt Preformed Metal Systems, Inc.
- o. Proof, Certificate of Insurance, Jones Edmunds & Associates, Inc.
- p. Proof, Certificate of Liability Insurance, Jones Edmunds & Associates, Inc.
- q. Proof, Certificate of Liability Insurance, Glatting Jackson Kercher.

(11/28/2000 - 3 - 9:19 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Reardon requested to add the issue, *Heavy Truck Traffic Using Local or State Roadways other than I-95*, to the Regular Agenda as item 1a. Bosanko requested to pull item 7 to be rescheduled at a later date.

(11/28/2000 - 3 - 9:21 a.m.)

APPROVAL OF REGULAR AGENDA

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

(11/28/2000 - 3 - 9:21 a.m.)

- 1. UPDATE ON THE STATE ROAD 13 WIDENING PROJECT FROM ROBERTS ROAD TO DAVIS POND BLVD.

Suraya Teeple, Florida Department of Transportation, gave an update on the SR 13 widening project from Roberts Road to Davis Pond Blvd. She stated that there would be a traffic signal installed at Davis Pond Blvd. and SR 13, there would be landscaping and irrigation. Meiszer suggested that the County not enter into any maintenance agreement, unless the area is xeriscape or that reuse water is available. Discussion followed on landscaping, maintenance agreements, and the traffic signal.

(11/28/2000 - 3 - 9:32 a.m.)

- 1a. HEAVY TRUCK TRAFFIC USING LOCAL OR STATE ROADWAYS OTHER THAN I-95 (*Requested by Reardon*)

Teeple spoke on a proposal being currently evaluated by the Department in Tallahassee regarding a request to increase the tonnage allowed, going from 80,000 pounds currently to 95,000 pounds being the maximum amount permitted to be carried on roadways. She stated that any vehicles weighing from 80,000 pounds to 95,000 pounds would have to use state and local roadways. Reardon voiced his concerns on the truck traffic and weight allowed on the roadways. Kohnke questioned trucks being allowed to use CR 210. Teeple replied that CR 210 does not have a truck prohibition. Kohnke mentioned that the Board took a position on opposing the change in the weight limit and should send a letter to the State and Legislative Delegations. **Motion by Meiszer, seconded by Reardon, carried 5/0, to oppose the change in the weight limit.**

(9:39 a.m.) Kohnke requested to place an item on the agenda to discuss the proposed bridge from Clay County to St. Johns County. Jacalone agreed with Kohnke and stated that he thought it would be beneficial for the Department of Transportation to know where the Board stands and to allow the Department to give the Board a presentation on the proposed new crossing. Teeple gave a brief update and stated that this study was on the

Board's priority list last year and it was also on Clay County's priority list. Adams suggested placing it on the agenda for December 12, 2000 in the morning. Teeple stated that she will provide information on this agenda item before the meeting. Kohnke requested Teeple to get a map of Clay and St. Johns County for the Board to follow during the discussion of the item. Meiszer stated that he hoped the study request for proposal would not be limited to just the traffic but that it will include the impact of the bridge. Teeple responded that any study done in the road building process begins with a planning level study evaluating demand needs. Discussion followed on what the study included.

(9:45 a.m.) Louise Thrower, 288 Orange Avenue, questioned in regards to the widening of SR 13, what the actual width of the four lanes were and how much was right-of-way, is it being built to County or State road building requirements, how the decision was made on how this will be done, and will swales or curb and gutter be used for the sides of the roads. She stated that she supported the Board having a workshop on this item. She spoke on the Northwest Study. Kohnke suggested for Thrower to get with Teeple for the answers to her questions.

The meeting recessed at 9:48 a.m. and reconvened at 9:58 a.m.

Reardon had not yet returned to the meeting. Cheryl Strickland, Clerk of Court, left the meeting.

(11/28/2000 - 4 - 9:58 a.m.)

2. REPORT ON THE GREAT FLORIDA BIRDING TRAIL PROJECT FOR THE FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION.

Representatives were not present, will reschedule to a later date.

(11/28/2000 - 4 - 9:58 a.m.)

3. CONSIDER A TRANSFER OF FUNDS TO COMPLETE THE CLOSURE OF PHASE II TILLMAN RIDGE LANDFILL.

John Schwab, Special Projects Manager, presented this item, stating that the closure of Phase II Tillman Ridge Landfill was scheduled for September 12, 2000, but due to weather issues, the closure date was rescheduled to October 12, 2000. He relayed that the transfer budget amount is \$527,096.00, which included an add on amount of \$40,000 by the contractor for services rendered due to the closure, which has not been approved by the Board. Reardon returned to the meeting at 10:00 a.m. Discussion followed on the add on amount and the reason for it, and the explanation of the 10% reconciliation fee. **Motion by Bryant, seconded by Jacalone, carried 4/1 with Meiszer opposed, to transfer \$487,096 from the Solid Waste Enterprise Reserve Account #407-59920 to the Solid Waste Construction Account #400-54611.**

(11/28/2000 - 4 - 10:10 a.m.)

4. CONSIDER AUTHORIZATION TO PROCESS "OUT OF COUNTY WASTE" THROUGH THE TILLMAN RIDGE TRANSFER STATION.

Schwab mentioned that the Republic Industries of Florida required this item be brought before the Board for consideration. This authorization is to allow a specific source of out of county solid waste to be processed through the County transfer station, with the tipping fee for the additional tonnage being \$47.00 per ton. Discussion followed on the County being responsible for waste that comes from out of county, in the event that there is a problem; most of the growth occurring in the northern part of the County; the revenue that processing out of County waste would produce for the County; hazardous material, transportation/processing/disposal; and the rights the County has which is listed in the contract. **Motion by Bryant, seconded by Reardon, carried 4/1 with Meiszer opposed, to**

adopt Resolution 2000-181 authorizing the County Administrator to execute a contract in the form attached between the Transfer Station Contractor, Republic Services of Florida (Seaboard Services), to process, transport, and dispose Out of County Solid Waste through Tillman Ridge Transfer Station.

RESOLUTION NO. 2000-181

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A CONTRACT WITH REPUBLIC SERVICES OF FLORIDA LIMITED PARTNERSHIP, PROVIDING FOR THE ESTABLISHMENT OF A RATE PER TON TO BE PAID TO THE COUNTY FOR A SPECIFIC SOLID WASTE STREAM TO BE PROCESSED THROUGH THE COUNTY'S TILLMAN RIDGE TRANSFER STATION; PROVIDING AN EFFECTIVE DATE

(11:23 a.m.) Kohnke suggested rescheduling item 5 until later in the morning. Adams requested to pull item 2, to be rescheduled to a later date.

The meeting moved to item 6, because Michael Weinstein who is presenting item 5 was not yet present.

(11/28/2000 - 5 - 11:23 a.m.)

5. OVERVIEW OF THE CITY OF JACKSONVILLE'S PLAN FOR SUPER BOWL XXXIX BY MICHAEL WEINSTEIN, EXECUTIVE DIRECTOR OF THE JACKSONVILLE SUPER BOWL HOST COMMITTEE.

Michael Weinstein, Executive Director of Jacksonville Super Bowl XXXIX, presented this item with the assistance of a video. Weinstein spoke on having cruise ships for accommodations, there not being a hotel or restaurant available within the eight counties that surround them, and on having a meeting in December with all the Convention Business Bureaus within the region. Discussion followed on St. Johns County putting together a government team and a private sector team to plan for Super Bowl XXXIX, and the web page on the internet telling all about the Super Bowl plans.

(11/28/2000 - 5 - 10:33 a.m.)

6. CONSIDER AUTHORIZING THE COUNTY ADMINISTRATOR TO RENEGOTIATE THE ARCHITECT'S FEE FOR THE PONTE VEDRA LIBRARY EXPANSION/RENOVATION.

Bosanko reviewed this item, stating that he was asked by Administration to go through all the contracts to recommend adjustment to payment due Architects for the renovation and expansion of the Ponte Vedra Beach branch of the St. Johns County Library. His recommendation was not to exceed \$170,074, and he explained how he came up with that amount. Kohnke explained why Bosanko was asked to review the architect's fee. Bosanko stated, if approved, it would not increase the cost of the building, and the fee would come out of the money already appropriated for the building. Meiszer commented on, in future contracts with architects or professional services, the fee not be expressed in terms of a percentage of the construction price and if the architect designs a building, there should be a cost estimate, in which the architect should be responsible for redoing the plans to come into that cost estimate. Kohnke explained that her and Bosanko will work together with all parties involved, and come up with a final product. **Motion by Meiszer, seconded by Reardon, carried 5/0, to authorize the County Administrator or his designee to renegotiate and execute the Ponte Vedra Library Expansion/Renovation Architect fee in accordance with the recommendations of the Office of the County Attorney not to exceed**

\$170,074.

(11/28/2000 - 6 - 9:19 a.m.)

7. CONSIDER A REQUEST THAT A DRAINAGE EASEMENT IN MARSH CREEK BE GRANTED TO THE COUNTY.

This item was pulled to be rescheduled at a later date.

(11/28/2000 - 6 - 10:52 a.m.)

- 7a. AUTHORIZATION FOR THE COUNTY ADMINISTRATOR TO EXECUTE A INTERLOCAL AGREEMENT WITH THE TOWN OF HASTINGS AND EXECUTE A PROJECT AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS FOR THE HASTINGS COMMUNITY CENTER SPECIAL NEEDS EVACUATION CENTER PROJECT. *(Pulled from Consent item 2)*

Joe Vonasek, Director of Management & Budget, reviewed the authorization for the County Administrator to execute a interlocal agreement with the Town of Hastings and execute a project agreement with the Department of Community Affairs for the Hastings Community Center Special Needs Evacuation Center Project. Meiszer voiced his concern on the County being responsible for all costs of the project paid in advance of the State reimbursement. Vonasek stated that the State's appropriation is a total of \$250,000. Meiszer questioned if the State reimbursement fee would be adequate to cover the expense incurred by the County. Vonasek replied yes. **Motion by Reardon, seconded by Bryant, carried 5/0, to authorize the County Administrator to execute the Interlocal Agreement with the Town of Hastings and to execute the Project Agreement with the Department of Community Affairs for the Hastings Community Center Special Needs Evacuation Center Project.**

The meeting recessed at 10:58 a.m. and reconvened at 11:07 a.m.

(11/28/2000 - 6 - 11:08 a.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant requested to ask Kevin Feldt to check the DOT's Five Year Priority List to see what was actually approved on the Transportation Study.

Bryant mentioned attending the reception at the Library.

Bryant mentioned that tonight was the first home basketball game for Pedro Menendez High School and at 7:15 p.m. Artis Gilmore, former NBA player from Jacksonville, will be there to dedicate the gym.

(11:09 a.m.)

Commissioner Reardon:

Reardon announced that his nephew was the starting quarterback on Junior Varsity at Pedro Menendez High School.

(11:10 a.m.)

Commissioner Jacalone:

Jacalone spoke on the Municipal Service District Sewer Project and the questionnaire letter the Board received from the MSD. Vonasek gave a status report on the sewer project. Kohnke requested that the Commissioners and everyone involved be given an update on

the MSD Sewer Project.

Jacalone mentioned submitting requests to the Chairman for committee assignments and questioned how it would be handled. Kohnke responded.

(11:17 a.m.)

Commissioner Meiszer:

Meiszer mentioned that the Director of H.A.W.K.E. asked him to remind the Board that their open house and reception was scheduled for Sunday afternoon from 1 p.m. to 4 p.m.

Meiszer spoke on the whooping crane reward and stated that the County Attorney's Office prepared a resolution with the dollar amount blank. He suggested for the County to at least match the reward of \$2,000, that was proposed and funded by the Audubon Society. Kohnke suggested to place Meiszer's request on the agenda as item 11a. **Motion by Reardon, seconded by Meiszer, carried 5/0 to reopen the agenda and to place Meiszer's request on the agenda as 11a.**

(11:20 a.m.)

Commissioner Kohnke:

Kohnke mentioned that the Friends of the Library had a reception yesterday.

(11/28/2000 - 7 - 11:20 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reviewed next week's meeting schedule.

(11/28/2000 - 7 - 11:20 a.m.)

COUNTY ATTORNEY'S REPORT

No report

(11/28/2000 - 7 - 11:20 a.m.)

CLERK OF COURT'S REPORT

No report

The meeting returned to item #5.

The meeting recessed for lunch at 11:38 a.m. and reconvened at 1:30 p.m. with Kohnke, Jacalone, Bryant, Meiszer, Reardon, Bosanko, Adams and Deputy Clerk Judy Hamilton in attendance.

(11/28/2000 - 7 - 1:30 p.m.)

8. PUBLIC HEARING - CONSIDER A PETITION TO VACATE CERTAIN DRAINAGE AND UTILITY EASEMENTS IN CRESCENT COVE SUBDIVISION. THIS IS A REQUEST TO VACATE TWO DRAINAGE EASEMENTS AND COMBINE THREE RESIDENTIAL LOTS INTO ONE SINGLE LOT WITH THE PROPOSED HOME TO BE BUILT OVER THE EXISTING COMMON LOT LINES. THE REQUESTED EASEMENTS TO BE VACATED ARE BETWEEN LOTS 11, 12, AND 13, CRESCENT COVE WAS PLATTED IN 1978 AND THE PLAT CONTAINS THE FOLLOWING NOTE: "EASEMENTS FOR UTILITY AND DRAINAGE PURPOSES ARE RESERVED AND DEDICATED FOR THE PUBLIC USE OVER AND ACROSS THE SIDE AND REAR 5' OF EACH LOT." THE APPLICANT HAS OBTAINED A RELEASE OF EASEMENT FROM FLORIDA POWER AND LIGHT,

BELLSOUTH AND CRESCENT COVE WATER, INC. STAFF HAS NO OBJECTION TO THE EASEMENT VACATION BETWEEN LOTS 11 AND 12, PROVIDED DEED RESTRICTIONS BE PLACED TO ASSURE THE COMBINATION OF THE TWO LOTS INTO ONE HOMESITE. HOWEVER, THE EASEMENT BETWEEN LOTS 12 AND 13 IS UTILIZED AS A DRAINAGE OUTFALL FOR THE ROADWAY AND SHOULD NOT BE VACATED.

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 November 11, 2000.

Darrell Locklear, Development Review Engineering Manager, presented the requested vacation to the Board. Staff had no objection to the easement vacation between Lots 11 and 12, provided deed restrictions be placed to assure the combination of the two lots into one homesite. However, Staff stated the easement between Lots 12 and 13 was utilized as a drainage outfall for the roadway and should not be vacated. (1:33 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve Resolution No. 2000-182, approving vacating the drainage and utility easement in Crescent Cove Subdivision between Lots 11 and 12 only.**

RESOLUTION NO. 2000-182

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

(11/28/2000 - 8 - 1:34 p.m.)

9. PUBLIC HEARING - NZV 00-009 BUZZMART CORPORATION. CONSIDER A NON-ZONING VARIANCE TO GRANT AN ALLOWANCE AN INCREASE IN THE SIZE OF THE PROJECT IDENTIFICATION SIGN. C.E. AND JOYCE DUPONT (OWNERS OF THE "BUZZMART" CONVENIENCE STORE) ARE REQUESTING A NON-ZONING VARIANCE TO AUTHORIZE AN INCREASE IN THE ALLOWABLE SIZE OF AN ON-PREMISE SIGN. THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE CURRENTLY ALLOWS A MAXIMUM OF 32 SQUARE FEET OF DISPLAY AREA AND A MAXIMUM OF 10 FEET IN HEIGHT. APPLICANTS ARE REQUESTING A SIGN THAT HAS 89 SQUARE FEET OF DISPLAY AREA AND 21 FEET IN HEIGHT TO BE SITUATED ON THEIR OPEN RURAL (OR) ZONED PROPERTY.

Proof of publication of the notice of public hearing on NZV-00-009 Buzzmart Corporation, was received having been published in *The St. Augustine Record* on November 13, 2000.

James L. Acosta, Supervisor of Code Enforcement, made a presentation on the requested variance to the Board with use of the video display. Discussion was held, among other issues, on control of ingress and egress and placement of signs. (1:42 p.m.) Ron Brown, 66 Cuna Street, St. Augustine, representing Joyce and Buzzy Dupont, addressed the Board, on the variance request of the nonconforming sign. (1:49 p.m.) Bosanko advised the Board of the five requirements which had to be met if this variance was to be approved. He stated if only one requirement was not met, it could be denied. Further discussion followed about the sign utilization, needed permit, and payment for sign. (1:53 p.m.) Joyce Dupont, P.O. Box 847, Hastings, spoke as owner of the station and the pumps. Further discussion ensued. (2:13 p.m.) Wilton Rooks, 151 Santa Monica Ave., St. Augustine, spoke against granting the non-zoning variance and recommended denial.

(2:15 p.m.) **Motion by Jacalone, seconded by Meiszer, carried 4/1 with Bryant dissenting, that the non-zoning variance request be denied based on the following Findings of Fact: (#1) There are no practical difficulties in carrying out the strict letter of the regulation; and, (#4) The effect of the Variance is not in harmony with the general intent of this Code and the specific intent of the relevant subject area of the Code.**

(11/28/2000 - 9 - 2:16 p.m.)

10. PUBLIC HEARING - MJM-00-005 - BELVEDERE PLACE PLANNED UNIT DEVELOPMENT MAJOR MODIFICATION. THE SUBJECT PROPERTY IS LOCATED AT 475 SOLANA ROAD. THIS MODIFICATION TO THE BELVEDERE PLACE PUD, WHICH WAS APPROVED IN JANUARY OF THIS YEAR, REQUESTS THAT THE UPLAND BUFFER AND SETBACK REQUIREMENTS OF ARTICLE IV OF THE LAND DEVELOPMENT CODE BE ELIMINATED IN ORDER TO PROVIDE FLEXIBILITY IN THE CONFIGURATION OF SEVERAL LOTS AT THE NORTHERN END OF THE PROJECT FOR THE PURPOSE OF TREE PRESERVATION. THE REQUEST ALSO SEEKS TO MODIFY REAR AND SIDE YARD SETBACKS AND TO ELIMINATE THE SIDEWALK ON ONE SIDE OF THE INTERNAL ROADWAY, BOTH FOR THE PURPOSE OF TREE PRESERVATION. FINALLY, A MODIFICATION TO THE DEVELOPMENT SCHEDULE IS REQUESTED, WHICH ESTABLISHES COMMENCEMENT TO OCCUR WITHIN THREE YEARS OF APPROVAL OF THIS MAJOR MODIFICATION RATHER THAN THREE YEARS FROM APPROVAL OF THE ORIGINAL PUD ORDINANCE.

Proof of publication of the notice of public hearing on MJM-00-005, Belvedere Place PUD Major Modification, was received having been published in *The St. Augustine Record* on November 8, 2000.

Sonya Doerr, AICP, Chief Planner, addressed the Board, presenting the major modification to the Board for its consideration. (2:21 p.m.) Kohnke revealed ex-parte communications with the applicant's lawyer who spoke to her about what they were doing in changing this and she had discussed it with them in terms of what they were doing and requested that they see Doerr to get a definitive answer from her in terms of the wetlands. Bryant had no ex-parte communication to disclose. Reardon disclosed that he had met with Ms. Durden and the tree consultant, Mr. Fullerton, the extent of the conversation was an explanation of the project of how they say that they have gone around the trees and tried to save the trees and talked about the wetlands, and the lot configurations and along those lines. Kohnke disclosed ex-parte communication in terms of this major modification prior to this on the original development, at which time she walked the lot with Mr. Fullerton and met with the applicant and met with the people in Ponte Vedra. Her ex-parte communication for this time was merely a phone conversation with Ms. Durden, in which Kohnke asked her to speak with Ms. Brewer. Jacalone had no ex-parte communication to disclose. Meiszer stated he had no ex-parte communication. (2:23 p.m.) Further discussion ensued about increase or decrease in buffers; elimination of buffers; wetlands and trees; nonconforming wetlands; drainage; altered hydrology of site; tree preservation. (2:31 p.m.) Brenna Durden of Lewis, Longman & Walker, applicant, introduced Nancy Ziesky, 1597 Greens Way, Jacksonville Beach, wetlands biologist, Teresa Kiefer, civil engineer with Prosser Hollack, and Ben Geiger, a tree specialist. Ms. Durden made further presentation to the Board, after which she answered questions from the Board. Further discussion ensued.

(3:00 p.m.) **Motion by Bryant, seconded by Reardon, carried 5/0, to enact Ordinance No. 2000-67, adopting Findings of Fact 1-5 to support the motion, the insertion of the wording specifying "761 trees be saved" be included; that the revised Master Development Plan, as submitted to the Development Review Committee, was incorporated by reference; the insertion of the wording "*private restrictions and***

covenants provide additional restrictions related to tree preservation” be included; and, that the tree survey was going in with the development plan–Staff confirmed the language.

ORDINANCE NO. 2000-67

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE BELVEDERE PLACE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 2000-07, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 3:07 p.m. and reconvened at 3:20 p.m.

(11/28/2000 - 10 - 3:20 p.m.)

11. PUBLIC HEARING - R-PUD-00-026 PORTER PLACE PUD. THE SUBJECT PROPERTY IS LOCATED AT 1102 STATE ROAD A1A NORTH. THIS REQUEST SEEKS TO REZONE A 3.61-ACRE PARCEL FROM OR TO PUD TO ALLOW THE DEVELOPMENT OF NEIGHBORHOOD COMMERCIAL USES, LIMITED TO BUSINESS AND PROFESSIONAL OFFICE AS SUCH USES ARE DEFINED BY ARTICLE 12 OF THE LAND DEVELOPMENT CODE. THE PLAN OF DEVELOPMENT PROPOSES TWO, TWO-STORY BUILDINGS NOT TO EXCEED A COMBINED TOTAL OF 29,575 SQUARE FEET. THIS SITE IS HEAVILY WOODED, AND SEVERAL WAIVERS FROM SPECIFIC REQUIREMENTS OF THE LAND DEVELOPMENT CODE ARE REQUESTED FOR THE PURPOSE OF TREE PRESERVATION. THESE WAIVERS ARE DESCRIBED ON PAGES 10 AND 11 WITHIN PARAGRAPH P OF THE MASTER DEVELOPMENT PLAN TEXT. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY A 4 TO 2 VOTE AT THE SEPTEMBER 21, 2000 PUBLIC HEARING OF THIS ITEM.

Proof of publication of the notice of public hearing on the rezoning R-PUD-00-026 Porter Place PUD, was received having been published in *The St. Augustine Record* on November 13, 2000.

Laura Pierle, Court Reporter, was present.

Sonya Doerr, AICP, Chief Planner, presented the rezoning to the Board for consideration, with use of the video display, and answered questions from the Board. (3:31 p.m.) Blake Deal, Bartlett & Deal, P.A., 50 Highway A1A North, Suite 103, Ponte Vedra, attorney for Paul Porter, the applicant, showed Option B with use of overhead video display to the Board. Discussion was held on the proposed rezoning. (3:50 p.m.) Kevin Feldt, Transportation Planning Manager, addressed concerns about the entranceway and entrance to the parking facility and the right-of-way line. Discussion was held on the proposed entrance being within FDOT right-of-way and also four-laning of the road. (3:52 p.m.) Kohnke revealed ex-parte communication with Mr. Porter, who spoke to her seven months ago and told her what he was planning to do; she told him that whatever he did had to be screened on the north because that retention pond belonged to Seaside and that it had to be very carefully screened so that they could not see it. Kohnke stated she spoke with Feldt about his referenced concern about an entry way into FDOT right-of-way. Bryant, Reardon, Jacalone, and Meiszer had no ex-parte communication to disclose.

(3:54 p.m.) Sid Ansbacher, Upchurch, Bailey & Upchurch, 780 N. Ponce de Leon Blvd., St. Augustine, representing the Seaside at Crossroads Homeowners Association, referenced a November 17 letter which listed in descending order of preference, what his clients were

most interested in. Ansbacher further clarified his clients' concerns. Discussion followed.

(4:08 p.m.) Patricia Marin, 116 Seaside Circle, Ponte Vedra Beach, owner of Lot #20, stated residential should be maintained and proper buffers should be provided. (4:11 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, Vice President of the Homeowners Association, spoke against building next to the lake and requested the Board require him to properly screen the development. Ms. Cowan submitted a petition with 202 signatures, asking them to protect their property values. (4:14 p.m.) Susan Laurich, 120 Seaside Circle, owner of Lot 19, asked that the developer change the plans, and stated that she did not want her property value to go down. (4:15 p.m.) Joseph Coulter, 225 Stellar Court, Seaside Subdivision, Ponte Vedra Beach, stated he did not think the property owners were being well taken care of and asked the Board to look at it carefully. (4:16 p.m.) Benjamin Moore, 108 Seaside Circle, Ponte Vedra Beach, owner of Lot 22, spoke on the lake view and said they did not need another building looking down on them. (4:18 p.m.) Howard Renforth, 144 Crosstide Circle, Seaside, Ponte Vedra Beach, stated he wanted to see the trees and the lake and the birds and the bees; he did not want to see the office building; a buffer was promised; and, the building should be relocated south. (4:19 p.m.) James E. O'Toole, 125 Seaside Circle, Ponte Vedra Beach, stated he was a retiree and reiterated why he had moved there. He stated he was opposed to this development in the present form and requested the buildings be placed at the south end, and that the natural buffer be maintained. (4:24 p.m.) Gray Edwards, 9550 Regency Sq. Blvd., #1118, Jacksonville, spoke on the problem of moving the buildings to the south. (4:28 p.m.) Paul C. Porter, 209 Oak Point Lane, Ponte Vedra Beach, spoke on his attempts to communicate with people about the proposed development, and stated he had tried to do everything possible to meet the community's requirements. (4:37 p.m.) Deal asked the Board for a continuance to look at further development and direction from the Board. Further discussion was held by the Board and Staff. (4:43 p.m.) *Motion by Meiszer, seconded by Reardon, to grant the applicant time to make their indicated good faith effort to resolve their differences, table this item until they came back with a request to put it back on the agenda, having resolved the problem; or, if they were unable to come together, be tabled for 30 days.* Further discussion ensued.

(4:48 p.m.) Deputy Clerk Judith Hamilton left the meeting. Deputy Clerk Yvonne King entered the meeting.

Discussion followed regarding buffering, screening, and lighting. (5:02 p.m.) **Motion by Meiszer, seconded by Reardon, to continue the public hearing to January 16, 2001 at 3:00 p.m.; and re-advertise for a special meeting.**

(11/28/00 - 11 - 5:02 p.m.)

11.a. REWARD FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF THE INDIVIDUAL(S) RESPONSIBLE FOR THE ILLEGAL SHOOTING AND DEATH OF TWO WHOOPING CRANES PROTECTED AS THREATENED AND ENDANGERED SPECIES

Doug Burnett, Assistant County Attorney, explained the resolution. Jacalone commented in opposition to the resolution. Bryant commented in opposition to the resolution. Discussion followed on the resolution. (5:19 p.m.) **Motion by Reardon, seconded by Meiszer, carried 3/2 with Jacalone and Bryant dissenting by a roll call vote, to adopt Resolution No. 2000-183, with a \$1,000 reward to come from the General Fund Reserves.**

Roll Call Vote

Meiszer **aye**
Reardon **aye**
Jacalone **nay**
Kohnke **aye**

Bryant nay

Motion carried 3/2.

RESOLUTION NO. 2000-183

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING A REWARD FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF THE INDIVIDUAL(S) RESPONSIBLE FOR THE ILLEGAL SHOOTING AND DEATH OF TWO WHOOPING CRANES PROTECTED AS THREATENED AND ENDANGERED SPECIES

(5:22 p.m.) Discussion followed regarding individual commissioners directing the County Attorney's Office to draft resolutions.

Motion by Kohnke, seconded by Reardon, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 5:23 p.m.

REPORTS:

1. St. Johns County Board Database Check Register, dated 11/22/00, Check Numbers 296604 through 296834, totaling \$775,533.99.

CORRESPONDENCE:

1. Letter from Publix Super Markets, Inc., request for copy of Solid Waste Ordinance 99-27, and payment via check for \$69.00, dated October 20, 2000.
2. Letter to Sharon Hulseley, Corporate Facilities, re copy of Solid Waste Ordinance No. 99-27, returning check in the amount of \$69.00, since cost for copy is \$10.20 dated November 22, 2000.
3. Florida Commission on Ethics, Financial Disclosure Notification System, Response Sheet 2000, for Ponte Vedra Zoning & Adjustment Board.
4. Florida Commission on Ethics, Financial Disclosure Notification System, Response Sheet 2000, for St. Johns County Water & Sewer Utility Reg. Authority.
5. Florida Commission on Ethics, Financial Disclosure Notification System, Response Sheet 2000, for Economic Development Committee and Historic Resource Review Board, new boards.
6. Letter to Reasa E. Pabst regarding appointment to Recreation Advisory Board, dated November 21, 2000.
7. Letter to George Parker, Jr. regarding appointment to Contractors Review Board, dated November 21, 2000.
8. Letter to Warren Michael regarding reappointment to Code Enforcement Board, dated November 21, 2000.
9. Letter to Robert Taylor regarding reappointment to Planning and Zoning Agency, dated November 21, 2000.
10. Letter to Ernest O'Neal regarding appointment to Code Enforcement Board, dated November 21, 2000.
11. Letter to Donald House regarding reappointment to Planning and Zoning Agency, dated November 21, 2000.
12. Letter to Liz Cloud, Chief, Department of State, Bureau of Administrative Code, regarding Ordinance No. 2000-63.
13. Loyalty Oath for Appointed Officials for Barbara Wilson, Member Category II

- Funding Panel, notarized July 18, 2000.
14. Loyalty Oath for Appointed Officials for Thomas G. DeLaughter, appointment to Economic Development Committee, notarized November 7, 2000, and Statement of Acceptance of Appointment by Thomas G. DeLaughter, for a three year term commencing October 10, 2000 and ending June 22, 2003, dated November 6, 2000.

Approved December 19, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Mary F. Kohnke, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk