

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 16, 2001
(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
Doug Burnett, Assistant County Attorney
Lenora Newsome, Deputy Clerk

(01/16/01 - 1 - 9:03 a.m.)
CALL TO ORDER

The meeting was called to order by Kohnke.

(01/16/01 - 1 - 9:03 a.m.)
The Invocation was given by Reardon. The Pledge of Allegiance was led by Meiszer.

(01/16/01 - 1 - 9:04 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(01/16/01 - 1 - 9:06 a.m.)
PUBLIC COMMENT

There were no public comments.

(01/16/01 - 1 - 9:04 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(01/16/01 - 1 - 9:04 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
12/12/00 – Regular BCC Meeting
12/19/00 – Regular BCC Meeting
12/19/00 – Special BCC Meeting
2. Motion approving a Final Order Approving an Extension of Service Area for St. Johns Service Company.

3. Motion approving the appropriation of \$12,600 from the Court Facilities Trust Fund pursuant to Florida Statute Section 129.06(2)(a).
4. Motion establishing February 13, 2001 at 9:00 a.m. and March 6, 2001 at 5:30 p.m. as public hearing dates to consider amendments to Article 3.09 of the Land Development Code, specifically Section 3.09.02, delineation of the North Coastal Corridor Overlay District.

(01/16/01 - 2 - 9:04 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to switch items 4 and 6.

(01/16/01 - 2 - 9:05 a.m.)

APPROVAL OF REGULAR AGENDA

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

(01/16/01 - 2 - 9:06 a.m.)

ADDITIONS/DELETIONS TO WORKSHOP AGENDA

Adams requested to pull item 7 from the Workshop Agenda to be rescheduled at a later date.

(01/16/01 - 2 - 9:06 a.m.)

APPROVAL OF WORKSHOP AGENDA

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

(01/16/01 - 2 - 9:07 a.m.)

1. PUBLIC HEARING - AMENDING ORDINANCE 97-34, "THE ST. JOHNS COUNTY BEACH CODE." THIS AMENDMENT FURTHER REGULATES THE LOCATION OF HOOFED ANIMALS ON THE UNINCORPORATED BEACHES IN ST. JOHNS COUNTY. NO PERSON IN CONTROL OF, WHO OWNS, OR WHO IS RESPONSIBLE FOR ANY HOOFED ANIMAL SHALL PERMIT SUCH ANIMAL TO BE ON ANY PORTION OF THE BEACH BETWEEN THE SOUTHERN BOUNDARY OF THE SURFSIDE BEACH ACCESS RAMP EXTENDING SOUTH TO THE SOUTHERN BOUNDARY OF ST. JOHNS COUNTY FROM MAY 1 TO OCTOBER 31 OF EACH YEAR AND DURING COUNTY RECOGNIZED SPRING BREAK PERIODS AS PREDETERMINED BY THE SUPERVISOR OF BEACH MANAGEMENT AND THE SHERIFF.

Proof of publication of notice of public hearing on Ordinance #97-34 Hoofed animals on unincorporated beaches of St. Johns County, was received having been published in The St. Augustine Record on December 27, 2000.

Dave Williams, Supervisor of Beach Management, reviewed this item. Jacalone questioned if this ordinance allowed horseback riding on sections of the beach south of Surfside down to the County line during certain times of the year. Williams replied that this was true. Meiszer questioned if horseback riding on the beach was a problem or a big issue. Williams responded that they have had a few comments, but not very many complaints of horseback riding on the beach. Kohnke questioned if it affects the riding on the north beaches and Williams replied no. Discussion followed on driving on the beach regarding

a portion of the beach code on page 15, Section 5.501(b), hours being updated for the turtles, and dogs on the beach.

(9:15 a.m.) Beverly Green, P.O. Box 5057/1725 CR 13-A South, thanked the Board, on behalf of the Horse Council, for their support and consideration.

(9:18 a.m.) Donald Manucy, 12561-C Aladdin Road, requested the Board to review the riding times for horses on the beach.

(9:19 a.m.) Reardon mentioned the concern that Manucy voiced about the riding times on the beach. Williams responded that the riding times for horses on the beach was discussed at great lengths in the Management Committee Meetings. **Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2001-5 amending the St. Johns County Beach Code to further regulate hoofed animals on the beach.**

ORDINANCE NO. 2001-5

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 97-34, THE "ST JOHNS COUNTY BEACH CODE." THIS AMENDMENT FURTHER REGULATES THE LOCATION OF HOOFED ANIMALS ON THE UNINCORPORATED BEACHES IN ST. JOHNS COUNTY.

(01/16/01 - 3 - 9:22 a.m.)

2. PUBLIC HEARING - NZ-VAR-2000-010 NORTH BEACH ADDITION (A.K.A. VILANO OAKS). THE SUBJECT PROPERTY IS LOCATED AT THE NORTH END OF PALMETTO, OAK AND PALM STREETS IN VILANO BEACH. THIS IS A REQUEST TO GRANT A VARIANCE TO CURB AND GUTTER REQUIREMENTS ON COUNTY ROADS. THIS NON-ZONING VARIANCE APPLICATION SEEKS TO ALLOW CONSTRUCTION OF A SWALE ROADWAY CROSS-SECTION WITHIN A COUNTY RIGHT-OF-WAY. SECTION 6.04.07.B (RIGHT-OF-WAY REQUIREMENTS) DOES ALLOW SWALES ALONG PRIVATE ROADS BUT PROHIBITS SWALED ROADS WITHIN COUNTY RIGHTS-OF-WAY. THE PROJECT IS ZONED RS-3 AND WILL PLAT 27 LOTS WITHIN 11.4 ACRES. THE FOUR COUNTY ROADS PROPOSED TO BE EXTENDED WITH A SWALED CROSS SECTION ARE FIRST STREET, PALM STREET, SECOND STREET AND PALMETTO STREET. FIRST STREET, BETWEEN MYRTLE AND PALM STREET, IS THE ONLY ROADWAY CURRENTLY OPEN WITHIN THE PROPOSED PROJECT AND IS A COUNTY MAINTAINED DIRT ROAD. ALL THE EXISTING ROADS WITHIN THE NORTH BEACH SUBDIVISION ARE SWALED ROADWAYS. THE REQUEST TO CONSTRUCT SWALED ROADWAYS WITHIN COUNTY RIGHT-OF-WAY IS PROHIBITED IN SECTION 6.04.07.B OF THE LAND DEVELOPMENT CODE AND THEREFORE STAFF RECOMMENDS DENIAL.

Proof of publication of notice of public hearing on NZV-00-010, North end of Palmetto, Oak, & Palm Streets, was received having been published in The St. Augustine Record on January 4, 2001.

Darrell Locklear, Development Review Engineering Manager, reviewed this item, stating that it is a request to grant a variance to curb and gutter requirements on County roads. Meiszer questioned why swales are prohibited in one place but not in another. Joe Stephenson, Public Works Director, responded to Meiszer's question. He voiced concern about other people wanting the curb and gutter underground drainage when they see the subdivision across the street has it. Stephenson stated that he would like to see early in the

process of developing this development, that the swales are sodded and looking like a permanent structure, and enter into the plat of the development a condition stating that everyone was on notice that this was permitted as an exception to the Land Development Code and therefore the people would not expect the County to come back and change the drainage system without being an expense to the individual. Discussion followed on roadways being opened or unopened, when the memo from Stephenson was distributed, which roads would be paved, the entrance and exit to the subdivision, and a letter received from a lady on 3rd Street regarding the traffic already on that street, plus the extra traffic this subdivision will cause on that street.

(9:41 a.m.) Gary Davenport, 3266 Pacetti Road, representing the applicant, spoke on swales drainage systems, all the roads being existing platted roads, and the roads they are planning on paving. Davenport mentioned that all the houses will be built by one builder.

(9:44 a.m.) Tony Viglianese, 108 Third Street, spoke on access to A1A and Third Street not being able to handle the extra traffic from the new subdivision.

(9:48 a.m.) Barbara Jenness, 4300 Coastal Highway, spoke on Third Street having too much traffic on it already and questioning why the developer is not providing an access to their own subdivision. Discussion followed on the County rights-of-way, the paving of Fifth Street and if the swales will be eliminated, and the reason a traffic study was done on Third Street by the State.

(9:58 a.m.) Tilli Viglianese, 108 Third Street, spoke on not being able to walk on Third Street because of so much traffic. Reardon suggested talking about some traffic calming effects on Third Street. Stephenson responded that they are always ready to talk about traffic. **Motion by Jacalone, seconded by Reardon, carried 5/0, to approve NZV-00-0010 a non-zoning variance that allows the use of roadway not up to County Standards with the conditions that; 1) the Developer be required to construct and sod the ditch system and that system be approved by the County before any vertical construction is permitted, 2) this approval will require a condition placed on the plat of the development with language saying this plat was approved under a non-zoning variance which allowed construction of a swale ditch drainage system in lieu of the curb and gutter, underground drainage system which is required by the St. Johns County Land Development Code, with supporting Findings of Fact 1-5.** (10:05 a.m.) Burnett left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting.

The meeting recessed at 10:06 a.m. and reconvened at 10:16 a.m.

(01/16/01 - 4 - 10:16 a.m.)

3. PUBLIC HEARING – NON-ZONING VARIANCE – 1850 BENNETT ROAD (OFF OF SR 208). THIS IS A REQUEST FOR A VARIANCE FROM RIGHT OF WAY WIDTHS. THIS NON-ZONING VARIANCE IS TO SECTION 6.04.07 (ROADWAY DESIGN) AND 6.04.10 (SPECIAL EXCEPTION) OF THE LAND DEVELOPMENT CODE TO ALLOW NEW DEVELOPMENT ON A DIRT ROAD. THE APPLICANT PURCHASED A MOBILE HOME AND ONE-ACRE LOT AT 1850 BENNETT ROAD IN 1991. THE LOT WAS SUBDIVIDED FROM A 5-ACRE PARENT PARCEL. THIS SUBDIVISION WAS NOT PERMITTED UNDER ORDINANCE 86-4 OR THE CURRENT LAND DEVELOPMENT CODE. BOTH CODES REQUIRE THE PAVING OF BENNETT ROAD. THE UNPERMITTED DIVISION OF THE PROPERTY WAS DISCOVERED WHEN THE APPLICANT ATTEMPTED TO PULL A PERMIT TO REPLACE THE EXISTING MOBILE HOME IN 2000. PERMITTING THIS DIVISION OF PROPERTY AND PLACEMENT OF ADDITIONAL RESIDENTIAL UNIT WOULD REQUIRE THIS DIRT ROAD BE BROUGHT UP TO CURRENT COUNTY STANDARDS (I.E. PAVED ROADS). THE APPLICANT IS REQUESTING A VARIANCE FROM THE REQUIREMENTS OF SECTION 6.04.07 AND 6.04.10 OF THE LAND DEVELOPMENT

CODE TO ALLOW THE REPLACEMENT OF THE EXISTING MOBILE HOME WITHOUT BEING REQUIRED TO MAKE ANY IMPROVEMENTS TO BENNETT ROAD. STAFF HAS RECOMMENDED DENIAL OF THIS REQUEST.

Proof of publication of notice of public hearing on NZV-00-007, Bennett Road/Miller, was received having been published in The St. Augustine Record on January 4, 2001.

Locklear reviewed this item, using visual display, stating that it is a non-zoning variance to Section 6.04.07 (Roadway Design) and 6.04.10 (Special Exception) of the Land Development Code to allow new development on a dirt road. Reardon questioned why the applicant is wanting a non-zoning variance. Locklear stated that the applicant wanted to replace a mobile home that is there now and when they tried to pull the permits for the new mobile home, found out that the subdivision was never permitted through the County. Reardon questioned if the applicant was the owner of the whole five acres. Locklear relayed that there are five different property owners. Reardon mentioned being contacted by another property owner in the area regarding upgrading his mobile home and not being able to, if it is on a dirt road. Locklear stated that if there is an existing mobile home there that was permitted, and it is on a lot that was permitted, then it can be replaced. Discussion followed on the subdivision not being permitted back in 1986, who approves sale of property, who permitted the mobile home to go on the property, interpretation of what happened back in 1986, and on private roads. Kohnke directed Adams to get with Stephenson to come up with better guidelines. Meiszer questioned who are the owners of the easement. Stephenson replied that the easements are held by the individual property owners with the common right of passage at crossings so that it can act as a road. Jacalone spoke on replacing existing mobile homes.

(10:38 a.m.) Marge Nichols, 4275 U.S. 1 South, explained the history of the property. **Motion by Reardon, seconded by Meiszer, carried 5/0, to approve NZV-00-007 a non-zoning variance to allow use of a roadway not up to County Standards, with Findings of Fact 1-5.**

The meeting moved to item #6.

(01/16/01 - 5 - 10:50 a.m.)

4. CONSIDER A REQUEST ALLOWING THE FREE USE OF THE CONVENTION CENTER SPACE BY THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL.

Liana Chapman, Tourist Development Council, reviewed this item, stating that this was a request allowing the free use of the Convention Center space by The Northeast Florida Regional Planning Council. **Motion by Jacalone, seconded by Reardon, carried 5/0, to approve the free use of the St. Johns County Convention Center for the Florida Regional Planning Council's Board Meeting on Thursday, February 2, 2001.**

(01/16/01 - 5 - 10:53 a.m.)

5. CONSIDER AN IMPACT FEE AGREEMENT FOR ROAD IMPACT FEES FOR ROYAL ST. AUGUSTINE GOLF AND COUNTRY CLUB PLANNED UNIT DEVELOPMENT.

Teresa Bishop, Planning Director, spoke on considering an impact fee agreement for road impact fees for Royal St. Augustine Golf and Country Club Planned Unit Development. **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution 2001-11 authorizing the County Administrator to execute the Impact Fee Credit Agreement with RSA Golf, Inc. for Road Impact Fee Credits in the amount of \$55,000.00.**

RESOLUTION NO. 2001-11

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH RSA GOLF, INC.

The meeting moved to the Commissioners' Reports.

(01/16/01 - 6 - 10:45 a.m.)

6. CONSIDER A RESOLUTION CHANGING THE TERMS OF THE SHIP HOME BUYER LIEN TO A DEFERRED PAYMENT LOAN.

Judy Foxworth, SHIP Administrator, spoke on the possibility of changing the terms for the SHIP Home Buyer lien. **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve Resolution No. 2001-10.**

RESOLUTION NO. 2001-10

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CLARIFYING THE MATURITY DATE AND TERMS OF THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) HOME BUYER PROGRAM MORTGAGE LIEN; AND SETTING AN EFFECTIVE DATE

The meeting returned to Item #4.

(01/16/01 - 6 - 10:56 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report.

(10:56 a.m.)

Commissioner Jacalone:

Jacalone spoke on a situation in the St. Augustine South Subdivision concerning a modular home with the same appearance of a mobile home. He stated that he would like to bring up to the Board the option of redefining a difference between pre-standing conventional built single family residences and modular homes and require some additional classification of the Zoning Code.

Jacalone spoke on permitting in a mixed used area and amending the Comp Plan. Kohnke suggested placing the issue on a workshop agenda.

Jacalone spoke on comments referencing St. Johns County Day in Tallahassee regarding the County soliciting monies from residents to fund a shrimp feast in Tallahassee, in which he didn't think that this was the County's intention. He stated that the County's intention was to accept any donor's funds to move this event forward, make it successful and bring some results back to the County. Adams added information to what Jacalone said.

(11:06 a.m.)

Commissioner Kohnke:

Kohnke mentioned the Joint School Board/BCC Meeting and stated that she was going to add legislative priorities and impact fees to the agenda.

Kohnke announced that the Martin Luther King breakfast was good, and well attended.

(11:09 a.m.)

Commissioner Reardon:

Reardon suggested the County sponsor a table at the next Martin Luther King breakfast.

Reardon spoke on the School Board Meeting agenda and stated that he would like to add as an agenda item an update on the trip that the School Board took to the site of the proposed DRI out on CR 210 East. Jacalone requested Reardon to get an opinion from the Attorney's Office to see if it is allowed to include the item on the agenda that he requested. Reardon replied that he would follow up on it.

Reardon mentioned there being a concern with Hortons Grocery Store regarding their usage with the gas pumps and the language. He asked if the language had been corrected. Bishop stated they are in the process of looking at it now and how it can be corrected. She stated that it may be a timely process to get it corrected, but they can.

(11:13 a.m.)

Commissioner Bryant:

Bryant mentioned that he wouldn't be at the Joint School Board/BCC Meeting, because he has to be in Jacksonville with the City of St. Augustine Beach on a meeting about the beach renourishment money.

Bryant spoke on The Kid Care Day and the Healthy Kid's Insurance Program.

(11:16 a.m.) Kohnke mentioned that Tillie Fowler Day was Saturday in Jacksonville, and how well it turned out.

(01/16/01 - 7 - 11:16 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams gave some of his time to Kevin Feldt, who requested to switch items 8 and 9 on the Workshop Agenda. **Motion by Jacalone, seconded by Reardon, carried 5/0, to switch items 8 and 9.**

Adams mentioned talking with Ray Ashton concerning the Palm Valley Community Association using the Fire Station.

(01/16/01 - 7 - 11:16 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(01/16/01 - 7 - 11:17 a.m.)

CLERK OF COURT'S REPORT

No report.

There being no further business to come before the Board, the meeting adjourned for lunch at 11:18 a.m.

REPORTS:

1. St. Johns County Board Database Check Register Check, #298589 through #298868, dated 1/12/01

CORRESPONDENCE:

1. Statement of acceptance of appointment dated 12/30/2000 from Mary A. Saunders on her appointment to the Mid-Anastasia Design Review Board
2. Statement of acceptance of appointment dated 11/26/2000 from George Robert Parker, Jr. on his appointment to the Contractors Review Board
3. Statement of acceptance of appointment dated 12/1/2000 from Donald M. House on his reappointment to the Planning and Zoning Agency
4. Loyalty Oath dated 12/8/2000 from Terrene P. Bennett as a member of the Code Enforcement Board
5. Loyalty Oath dated 12/28/2000 from Edward H. Underhill, Jr. as a member of the Design Review Board

Approved: February 13_____, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Mary F. Kohnke, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk