

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 13, 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
Isabelle Lopez, Assistant County Attorney
Judy Hamilton, Deputy Clerk

(03/13/01 - 1 - 8:59 a.m.)

The meeting was called to order by Chair Kohnke.

(03/13/01 - 1 - 8:59 a.m.)

The Invocation was given by Rev. John Williams from the Hearst Chapel AME Church. The Pledge of Allegiance was led by Reardon.

(03/13/01 - 1 - 9:03 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(03/13/01 - 1 - 9:03 a.m.)

PUBLIC COMMENT

Commander Harold Grossman, 650 W. Pope Rd., Apt. 245, St. Augustine, spoke on the lack of U.S. flags being flown at various institutions. The Board advised they would check into flag poles, and flags, being provided.

(03/13/01 - 1 - 9:09 a.m.)

DELETIONS TO CONSENT AGENDA

Lopez requested Consent Agenda Item #6 be placed at the end of the regular morning agenda. It was placed on the Regular Agenda as Item #13a.

(03/13/01 - 1 - 9:10 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 minutes:
02/20/01 - BCC Regular Meeting
02/20/01 - BCC Workshop

2. Motion to adopt **Resolution No. 2001-38**, approving a Final Plat for Saint Johns Six Mile Creek Unit 2 Replat

RESOLUTION NO. 2001-38

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK UNIT 2 REPLAT

3. Motion to adopt **Resolution No. 2001-39**, approving a Final Plat for South Hampton Unit Two-B

RESOLUTION NO. 2001-39

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SOUTH HAMPTON UNIT TWO-B

4. Motion to approve the transfer of \$7,150 from Law Enforcement Impact Fee Reserve (169-59920) to cover the expenses on the Sheriff's Office Expansion
5. Motion to approve transfer to the Sheriff of \$5,600 from the Law Enforcement Trust Fund Reserve (194-59920) for the purchase of bulletproof vests
6. Motion to adopt a Resolution authorizing the Clerk of Courts to file the survey map of Russell Sampson Road claiming a vested interest in St. Johns County in the right-of-way described in this survey by prescriptive rights of the public per Berger vs City of Coral Gables, 101 So.2d 396 (Fla. Dist. Ct. App. - 3d Dist. 1958)

This item was pulled and placed on the Regular Agenda as Item No. 13a.

7. Motion to adopt **Resolution No. 2001-40**, approving the terms and authorizing the execution of a Grant of Easement from St. Johns County, Florida to the School Board of St. Johns County, Florida

RESOLUTION NO. 2001-40

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A GRANT OF EASEMENT FROM ST. JOHNS COUNTY, FLORIDA, TO THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA

8. Approval of a motion allowing the County Administrator, or his designee, to enter into a contract under Bid No. 01-27 (A1A Water Main Replacement), with Milestone Carlo Contracting, LLC (*See Attachment "A."*)
9. Approval of a motion allowing the County Administrator, or his designee, to enter into a contract under Bid No. 01-28 (Annual Maintenance of St. Johns County Ocean Beaches, excluding State-owned and operated beaches) for one (1) year with Beachcombers, Inc. with four (4) renewal options of one (1) year each (*See Attachment "B."*)

10. Approval of a motion allowing the County Administrator, or his designee, to award the contract for Bid No. 01-23 (Emergency Generator for St. Johns County Jail) to the low bidder, Thompson Electric, Inc. (*See Attachment "C."*)
11. Proofs:
 - a. Proof, Notice of Meeting, Economic Development Committee, February 8, 2001
 - b. Proof, Notice of Proposed Change, Development of Regional Impact Julington Creek Plantation, March 1, 2001 and March 13, 2001
 - c. Proof, Notice of Public Hearing, Ordinance Adoption St. Johns County Animal Leash Law, February 27, 2001
 - d. Proof, Notice of Special Meetings, Application for Development Approval for a Development of Regional Impact known as Nocatee, February 22, 23 and 26, 2001
 - e. Proof, Notice of Special Meeting, SJC Evaluation Team Request for Proposal #01-16 Computer-aided Dispatch, March 8, 9 and 12, 2001
 - f. Proof, Notice of Adoption of a Resolution, Vacating, Abandoning, Discontinuing, and Closing Certain Streets, Alleyways, Roads, or Easements
 - g. Proof, Notice of Public Hearing, Application of North Beach Utilities for Extension of Service Area, March 7, 2001
 - h. Proof, Notice of Special Meetings, Vaill Tract and North Coastal Corridor Overlay District, March 6, 2001
 - i. Proof, Notice of Special Meetings, Application for Development Approval for a Development of Regional Impact known as Nocatee, February 22, 23 and 26, 2001
 - j. Proof, Request for Proposals, RFP 01-45
 - k. Proof, Certificate of Insurance, Connelly & Wicker, Inc.
 - l. Proof, Certificate of Liability Insurance, Walding Company
 - m. Proof, Certificate of Insurance, Holly Thompson
 - n. Proof, Certificate of Insurance, Maltby, Gregory A. and Andrea

(03/13/01 - 3 - 9:10 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Consent Agenda Item #6 was placed on the Regular Agenda as Item #13a.

(03/13/01 - 3 - 9:11 a.m.)

APPROVAL OF REGULAR AGENDA

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

(03/13/01 - 3 - 9:11 a.m.)

1. PUBLIC HEARING - NZ-VAR-2001-001 - WILLIAMS NON-ZONING VARIANCE. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO SECTION 6.04.07 (ROADWAY DESIGN) AND SECTION 6.04.10 (SPECIAL EXCEPTION) OF THE LAND DEVELOPMENT CODE. THE OWNER OF THE 5-ACRE PARCEL AT 2681 C.H. ARNOLD ROAD WISHES TO SUBDIVIDE 1-ACRE FOR HIS SON TO PLACE A MOBILE HOME. C.H. ARNOLD ROAD IS A DIRT ROAD APPROXIMATELY 1.2 MILES LONG WITHIN A PRIVATE 60' EASEMENT. APPROXIMATELY 40-50 RESIDENTIAL LOTS EXIST ALONG THIS ROAD.

Proof of publications of notice of public hearing in the matter of NZV-01-001, C. H. Arnold Road, was received, having been published in *The St. Augustine Record* on March 1, 2001.

Darrell Locklear, Development Review Engineer Manager, addressed the Board, stating the applicant was seeking a non-zoning variance, because he wished to divide off the back

one acre for his son to place a mobile home. Discussion was held on the easement, the dirt road, and when it would be necessary for the dirt road to be brought up to County standards. (9:32 a.m.) The applicant, Otto J. Williams, 2681 C.H. Arnold Road, answered questions of the Board. (9:35 a.m.) Lee Mackay, 2590 C.H. Arnold Rd., asked about construction on C.H. Arnold Road and spoke on needed maintenance of that road.

(9:41 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve NZV-01-001, which is a Non-Zoning Variance to allow use of a roadway not up to County standards, with the following reasons: (1) There are practical difficulties in carrying out the strict letter of the regulation. Multiple families use private roadway but no determination of parties responsible for maintenance of said roadway. (2) The Variance request is not based exclusively upon a desire to reduce the cost of developing the site. The roadway is pre-existing with multiple family for ingress and egress. Burden for maintenance is undetermined and should not fall on one family. (3) The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public. It is proposed adding a single-family residence which will not substantially increase traffic in the area, as this is a family farm parcel, is frequently visited by the client. All Building Codes will be met so as not to create any hazard to public welfare and emergency services is available. (4) The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. The area is currently populated with approximately 95% mobile homes; applicant is proposing installation of a new 2000 model mobile home, keeping in the theme of the surrounding area. (5) The effect of the proposed Variance is in harmony with the general intent of this Code. The surrounding area is rural in nature and this development would not impede on the existing subject area. And adding the condition as offered by the applicant where the property will not be further subdivided in the future.**

The next item discussed was Item #3.

(03/13/01 - 4 - 9:47 a.m.)

2. CONSIDER A RESOLUTION THAT DISBANDS AND ABOLISHES THE HOUSING ADVISORY COMMITTEE

Tom Crawford, Director of Housing and Community Services, addressed the Board, answering questions, from the Board, regarding the consolidation of Housing Finance Authority and moving responsibilities over from the Housing Advisory Committee. Sisco advised that the effective date needed to be established in the Resolution. **Motion by Jacalone, seconded by Reardon, carried 5/0, to adopt Resolution No. 2001-41 and the effective date to be March 13, 2001.**

RESOLUTION NO. 2001-41

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REPEALING RESOLUTION 99-112, WHICH IS THE RESOLUTION THAT ESTABLISHED THE HOUSING ADVISORY COMMITTEE. THIS RESOLUTION ALSO DISBANDS AND ABOLISHES THAT COMMITTEE

The next item discussed was Item #4.

(03/13/01 - 4 - 9:43 a.m.)

3. PUBLIC HEARING - ORDINANCE AMENDING ORDINANCE 89-5 THAT ESTABLISHES THE HOUSING FINANCE AUTHORITY. THIS PROPOSED ORDINANCE INCREASES THE NUMBER OF MEMBERS ON THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY

Proof of publication was received for public hearing of Ordinance amending Ordinance 89-5 that establishes the Housing Finance Authority, having been published in *The St. Augustine Record* on February 27, 2001.

Tom Crawford, Director of Housing and Community Services, addressed the Board, answering questions, from the Board, regarding the consolidation of Housing Finance Authority and moving responsibilities over from the Housing Advisory Committee. Lopez left the meeting and Jim Sisco, County Attorney, entered the meeting. Sisco distributed a revised ordinance, after which the pertinent resolution (Item #2) would be addressed. Discussion ensued on the ordinance. It was consensus that seven members were better than nine members on the HFA. (9:46 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance No. 2001-20, the draft marked 3/12/01.**

ORDINANCE NO. 2001-20

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 80-7 AS RATIFIED, CONFIRMED AND REENACTED BY ST. JOHNS COUNTY ORDINANCE 89-5, WHICH IS THE ORDINANCE THAT CREATED THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY. THIS ORDINANCE INCREASES THE NUMBER OF MEMBERS OF THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY AND ESTABLISHES THE INITIAL TERMS OF THE ADDED MEMBERS; AUTHORIZES THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY TO ACT AS A HOUSING ADVISORY COMMITTEE TO THE BOARD OF COUNTY COMMISSIONERS; ALLOWS THE MEMBERS OF THE AUTHORITY TO ESTABLISH THE STANDARDS AND CRITERIA FOR DETERMINING WHETHER PERSONS ARE ELIGIBLE PERSONS FOR PROGRAMS ESTABLISHED OR SUPPORTED BY THE AUTHORITY, PROVIDED HOWEVER, THAT SUCH STANDARDS AND CRITERIA MUST IN ALL EVENTS BE CONSISTENT WITH THE REQUIREMENTS AND PROVISIONS OF THE FLORIDA HOUSING FINANCE AUTHORITY LAW; CONFIRMS THAT THE AUTHORITY MAY ENTER INTO INTERLOCAL AGREEMENTS WITH HOUSING FINANCE AUTHORITIES OF OTHER COUNTIES WHEN NECESSARY OR CONVENIENT TO ACCOMPLISH THE PURPOSES FOR WHICH THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY WAS CREATED; PROVIDES THAT THE AMENDMENTS AND PROVISIONS OF THIS ORDINANCE SHALL APPLY PROSPECTIVELY; AND PROVIDES AN EFFECTIVE DATE

The next item discussed was Item #2.

(03/13/01 - 5 - 9:48 a.m.)

4. CONSIDER APPOINTMENTS TO THE EXPANDED HOUSING FINANCE AUTHORITY

Crawford explained appointment of members to the new Housing Finance Authority. (9:50 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to appoint Floyd Phillips, to represent District 2, designated knowledgeable in Commerce. (9:51 a.m.) Motion by**

Meiszer, seconded by Bryant, carried 5/0, to appoint Wayne E. Flowers, to represent District 1, designated knowledgeable as Attorney/Commerce. (9:52 a.m.) Motion by Kohnke, seconded by Reardon, carried 5/0, to reappoint Harry Maxwell, to represent District 3, designated knowledgeable in Labor. (9:54 a.m.) Motion by Bryant, seconded by Reardon, carried 5/0 to appoint Carol M. Alford, representing District 5, designated knowledgeable in Finance. (9:54 a.m.) Motion by Reardon, seconded by Jacalone, carried 5/0, to reappoint James A. Swanson, knowledgeable in Finance. (9:55 a.m.) Motion by Reardon, seconded by Bryant, carried 5/0, to remove Martha Cesery Taylor because she is not a resident of St. Johns County. (9:57 a.m.) Motion by Kohnke, seconded by Reardon, carried 5/0, to appoint Wayne Flowers to fill the unexpired term of Martha Taylor, removed because she was not a resident of St. Johns County.

Crawford stated the HFA had a meeting scheduled for March 21, 2001 at 4:00 p.m. Reardon is the designated Board liaison for the Housing Finance Authority.

The meeting recessed at 9:58 a.m. and reconvened at 10:08 a.m. with Cheryl Strickland, Clerk of Courts, and Allen MacDonald, Finance Director, present.

(03/13/01 - 6 - 10:08 a.m.)

5. REVIEW OF THE PROPOSED INVESTMENT POLICY AND ORDINANCE

Allen MacDonald, Finance Director, addressed the Board, stating the purpose of this item was for the Board's review and discussion to the County Investment Policy and to schedule a public hearing date for the ordinance and adoption of the resolution. Steve Alexander, Investment Advisor to the Clerk of Courts, was introduced and reviewed the investment policy. Discussion followed on the proposed policy. (10:18 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to set a public hearing for the ordinance and resolution on March 27, 2001, at 9:00 a.m., during the regular meeting of the Board of County Commissioners.**

(03/13/01 - 6 - 10:19 a.m.)

6. CONSIDER A REQUEST TO GRANT THE FREE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER TO THE ST. JOSEPH ACADEMY PARENT FACULTY ASSOCIATION FOR THEIR 2001 SENIOR AWARDS BREAKFAST ON MAY 18, 2001

Sisco left the meeting and Doug Burnett, Assistant County Attorney, entered the meeting. Liana Chapman, Tourist Development Council, presented this item to the Board for consideration. **Motion by Reardon, seconded by Meiszer, carried 5/0, to grant the use of the St. Johns County Convention Center to the St. Joseph Academy Parent Faculty Association for the Academy's 2001 Senior Awards Breakfast on May 18, 2001 from 8:00 a.m. to Noon.**

(03/13/01 - 6 - 10:20 a.m.)

7. CONSIDER A REVISED INTERLOCAL AGREEMENT BETWEEN FLAGLER ESTATES AND ST. JOHNS COUNTY FOR THE INSTALLATION AND ENFORCEMENT OF TRAFFIC REGULATORY SIGNS

Joe Stephenson, Public Works Director, addressed the Board, stating this was another private road issue and reviewed the modified Interlocal Agreement pertaining to stop sign installations, which established a different rate structure. (10:23 a.m.) Jerry Durchholz, 10405 Baylor Avenue, Hastings, spoke in favor of the agreement. (10:25 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt an amendment to the original Interlocal Agreement between Flagler Estates and St. Johns County.**

(03/13/01 - 7 - 10:25 a.m.)

8. CONSIDER ACCEPTING OR REJECTING THE CHAPTER 11 PLAN OF LIQUIDATION FOR GOVERNMENTAL RISK INSURANCE TRUST (GRIT)

Burnett left the meeting and Daniel Bosanko, Deputy County Attorney, entered the meeting. David Halstead, Assistant County Administrator, presented this item, with legal counsel from Bosanko. Foley & Lardner, Attorneys-At-Law, are representing the County in connection with the GRIT bankruptcy case. Mark Wolfson, Esquire, was elected Vice chair of the Ad Hoc Committee of GRIT Members, which was formed in September, 2000 to monitor and participate in matters affecting the case. A Plan of Reorganization and Disclosure Statement was developed after lengthy negotiations with representatives of GRIT, the Official Committee of Unsecured Creditors and the Ad Hoc Committee. The Plan achieves the primary objective of the members: the waiver by GRIT of any claims based upon the "claims reimbursement program." It was Wolfson's recommendation that the Board authorize him to cast an affirmative ballot on the County's behalf with respect to the plan; said ballots have to be filed and served by March 16, 2001.

Discussion was held on counsel's recommendation. (10:31 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to authorize Mark Wolfson, Esquire, to execute Acceptance of the Proposed Chapter 11 Plan for Liquidation for the Governmental Risk Insurance Trust (GRIT) on behalf of St. Johns County.**

(03/13/01 - 7 - 10:32 a.m.)

9. CONSIDER A RESOLUTION FOR THE NOCATEE UTILITY SERVICE AREA

Bill Young, Director of Utilities, addressed the Board, stating that in May of 1999, the Board enacted Ordinance No. 99-36, the Water and Wastewater Service Area Ordinance. Young stated he was requesting that the unincorporated area of St. Johns County, known as the Nocatee development, be declared exclusive service area for the County. Young said Nocatee was in the process of forming a private utility at the Florida Public Service Commission. Intercoastal Utilities is also seeking the same service area. Young said the St. Johns County Utility Department was willing and able to serve the Nocatee service area. (10:49 a.m.) Sisco entered the meeting. Suzanne Brownless, Utility counsel, and the County Attorney's Office answered legal questions from the Board. (11:07 a.m.) Allen MacDonald, Finance Director, entered the meeting. (11:26 a.m.) Doug Miller, England, Timms & Miller, 14775 Old St. Augustine Road, the engineers for Nocatee Utility Corporation, advised the Board of its plan of service. (11:45 a.m.) Lynn Pappas, 200 W. Forsythe St., Jacksonville, representing Nocatee Utility, spoke on current applications pending before the PSC for Nocatee Utility Corporation. They had entered into an exclusive agreement with JEA to provide for bulk service to Nocatee to meet the criteria for service to Nocatee. She stated this process was proceeding regardless of the County's action. (11:48 a.m.) Gary Grove, 8048 Whisper Lake Lane, Ponte Vedra, spoke on the need for a lot more homework on this issue before a decision was finally made. (11:54 a.m.) Louise Thrower, 288 Orange Avenue, spoke on other plans reviewed, her distress with the JEA contract for Nocatee, and other concerns. (11:59 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S., Fruit Cove, spoke in favor of the resolution. (12:04 p.m.) Don Beattie, 808 Mill Pond Court, spoke on water caution areas and other issues.

(12:10 p.m.) Further discussion was held by the Board on the proposed resolution and various aspects of this issue. (12:17 p.m.) *Motion by Meiszer to adopt the resolution and called the question.* Motion died for lack of a second. (12:17 p.m.) ***It was recommended that Staff bring back a plan to the Board which was viable financially, that tells everything that will be done with it, and Jacalone, Staff, and Mr. Grove will meet to firm up whatever JEA is talking about, so the Board has something to look at.***

(12:19 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to move Agenda Items 10, 11, 12, 13 and 13a to the end of the day.** The meeting recessed at 12:19 p.m. and reconvened at 1:35 p.m with Kohnke, Jacalone, Bryant, Meiszer, Bosanko, Burnett, Adams, and Deputy Clerk Lenora Newsome.

Reardon was not yet present at the meeting.

(1:35 p.m.) Kohnke stated that she has had a request to do items 10 and 11 first this afternoon. **Motion by Kohnke, seconded by Jacalone, carried 4/0 with Reardon absent, to move items 10 and 11 to the beginning of the afternoon session.**

(03/13/01 - 8 - 1:36 p.m.)

10. CONSIDER A RESOLUTION TERMINATING A COUNTY EASEMENT LOCATED OFF WILDWOOD DRIVE AND ACCEPTING OF A NEW EASEMENT

John Schwab reviewed this item, stating that they are requesting approval of the resolution, to accept the new easement, to expand an existing easement, and to terminate the old easement that has been encroached upon. **Motion by Bryant, seconded by Jacalone, carried 4/0 with Reardon absent, to adopt Resolution No. 2001-42 terminating an easement, expanding an existing easement and accepting a new easement to facilitate the continued ability of the County and their lessees to access the County water tower as described by legal description attached.**

RESOLUTION NO. 01-42

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF NEW EASEMENTS AND AUTHORIZING THE EXECUTION OF A TERMINATION OF EASEMENT

(03/13/01 - 8 - 1:38 p.m.)

11. CONSIDER A LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY AND POWERTEL FOR THE USE OF THE COUNTY WATER TOWER LOCATED OFF OF WILDWOOD DRIVE

Schwab reviewed this item. Jacalone questioned if this is the tower behind Publix, and if this changes the amount of the rent. Schwab answered that this is the tower behind Publix and this is an \$18,000 lease agreement per year for the first five years. Kohnke questioned how tall the tower was and on top of that, how tall are they going to put their antennas. Schwab responded that the tower was 120 feet and Joe Burch, Purchasing Manager, responded that they will put the antenna roughly 20 more feet on top of the tower. Kohnke questioned how many more groups can do this besides Powertel. Schwab replied, Powertel plus two other groups. Burnett clarified, why they are limited by the easement, how many leases they could acquire, and also clarified the lease agreement. **Motion by Bryant, seconded by Jacalone, carried 4/0 with Reardon absent, to approve the lease agreement between St. Johns County and Powertel of Jacksonville for the use of the County water tower located off Wildwood Drive and to authorize its execution by the County Administrator or his designee with the correction in the lease to read 2001, not 2000, on page 1 and place the date of 13 of March, 2001.**

(1:43 p.m.) Kohnke mentioned that the other items will be addressed at the end of the meeting and the meeting would continue with item 14.

(03/13/01 - 9 - 1:43 p.m.)

14. NOTE: THIS PUBLIC HEARING WILL BE RESCHEDULED UNTIL MARCH 20, 2001 AT 1:30 P.M. PUBLIC HEARING - VACROA 99-0002 - VACATING A PORTION OF 4TH STREET LOCATED IN THE SURFSIDE SUBDIVISION.

Darrell Locklear, Development Review Engineering Manager, requested that this item be continued to March 20, 2001 because this item is associated with other public hearings that are to be presented on that date. **Motion by Jacalone, seconded by Bryant, carried 4/0 with Reardon absent, to continue the Public Hearing until March 20, 2001 at 1:30 p.m.**

(03/13/01 - 9 - 1:44 p.m.)

15. PUBLIC HEARING - CONSIDER A FINAL PLAT FOR VILANO OAKS. THIS ITEM IS A PUBLIC HEARING FOR A RESOLUTION TO APPROVE THE VILANO OAKS FINAL PLAT. THE SUBJECT PROPERTY IS LOCATED WEST OF S.R. A1A NORTH AND CONTAINS A PORTION OF NORTH BEACH SUBDIVISION. THIS REQUEST IS FOR FINAL PLAT APPROVAL FOR APPROXIMATELY 11 ACRES TO BE DEVELOPED WITH 27 SINGLE-FAMILY LOTS. THE CURRENT ZONING OF THE PROPERTY IS RS-3 AND REQUIRES A MINIMUM LOT SIZE OF 7,500 SQUARE FEET. THIS PLAT INCLUDES A REPLAT OF A PORTION OF NORTH BEACH SUBDIVISION AND IN ACCORDANCE WITH F.S. 177.101, UPON RECORDATION OF THE REPLAT, WILL SIMULTANEOUSLY VACATE AND ANNUL ALL OF THE PRIOR PLAT ENCOMPASSED BY THE REPLAT. THE BOARD SHOULD BE MADE AWARE THAT THE PORTION OF OAK STREET, BETWEEN FIRST AND SECOND STREETS, IS BEING REPLATTED INTO A UTILITY EASEMENT. STAFF HAS REVIEWED THIS CONFIGURATION AND HAS DETERMINED THAT ACCESS WILL NOT BE DENIED TO ANY PREVIOUSLY PLATTED LOTS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL ON MARCH 1, 2001.

Proof of publication of notice of public hearing on Final Plat for Vilano Oaks, was received having been published in The St. Augustine Record on March 5, 2001.

Kathy Nielsen, Application Review Coordinator, stated that this request is to adopt a resolution for a final plat for Vilano Oaks Subdivision. (1:46) Reardon entered the meeting. Bosanko spoke on why they are doing this, that they are going to develop a written procedure for this, but they don't have one now. He stated for caution they advertised this for a public hearing. He spoke on one of the roads turning into a drainage easement, and asked someone, with visual display, to indicate that road. Gary Davenport, 3266 Pacetti Road, explained which one was the platted road. Bosanko stated if it hadn't closed a road, it would have been on the Consent Agenda. Reardon questioned how the homeowners would get back on A1A. Nielsen replied on Third Street. (1:48 p.m.) Burnett left the meeting. Davenport relayed, using visual display, that there are actually two ways to get to A1A, and explained them. Discussion followed on the paving, and what the access easement will be housing.

(1:51 p.m.) Vivian DeRaad, 203 Third Street, spoke on traffic filling up Third Street.

(1:53 p.m.) Anthony Viglianese, 108 Third Street, stated that he didn't know that this plat had been approved. He voiced concern about all the traffic spilling out on Third Street and suggested opening up Second Street to A1A. Viglianese stated that Fifth Street is open but not paved, so no one uses it and Fourth Street is not open. Reardon voiced concern about Third Street being overburdened, and Fifth Street being unpaved and no one using it. Bosanko commented on the issue today being to approve the plat, and the plat as proposed will create a new cul-de-sac, and there is no access on Second Street. Locklear agreed with Bosanko and explained. Bosanko presented one other point, as for Third Street, the citizen may believe sincerely that there is too much traffic, but the plat should not be approved if

this violates concurrency. He questioned Staff if there will be a violation of concurrency on Third Street. Locklear answered that he didn't think it did.

(2:02 p.m.) Barbara Jenness, 4300 Coastal Highway, spoke about the number of accidents on Third Street. She offered two proposals; to open Second Street to A1A or to open Fourth Street. Discussion followed on what the Board approved before on this item, the reason this item was not placed on the Consent Agenda, and postponing this item until Joe Stephenson can come and talk on it. Kohnke questioned Stephenson if he said, that should it become possible to open this, the DOT would frown on putting another exit that close to Third Street. Stephenson responded that in traffic practice, a number of small intersections generally are considered more problematic than a single large volume intersection. He stated that the preferable way of handling a higher traffic volume, is to approve an existing intersection rather than adding a series of small intersections to a busy road like SR A1A. Discussion followed on paving Fifth Street.

(2:14 p.m.) Heidi Mosier, 3730 Bluff Lane, spoke on having problems building a home on Second Street because of needing the street extended. She then found out that if Vilano Oaks is approved, they will provide her with a road to her property. Davenport stated that they would start construction of the roads immediately.

(2:19 p.m.) Bill Jenness, 4300 Coastal Hwy., spoke on improvements that were proposed to A1A, connecting Second Street to A1A, Fourth Street not connecting to A1A, paving Fifth Street would help the situation, and Third Street taking the entire burden for residential and commercial traffic.

(2:22 p.m.) Vivian DeRaad, 203 Third Street, questioned why Third Street has to take on the burden of the developer and why they can't provide their own access. Stephenson relayed that Fifth Street is in the Year 2002 Dirt Road Improvement Project.

(2:25 p.m.) Davenport presented a few small points, some residents don't want A1A improvements, there could be no expectations of Second Street being put through, it taking time for homes to be developed and Fifth Street will be paved by then. **Motion by Bryant, seconded by Meiszer, carried 5/0, to approve Resolution 2001-43 approving a Final Plat for Vilano Oaks.**

RESOLUTION NO. 2001-43

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

(03/13/01 - 10 - 2:29 p.m.)

16. PUBLIC HEARING - RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF THE HASTINGS FIRE/EMS STATION. THE PROPERTY OWNER OF A 2.5 ACRE PARCEL SOUTH OF EAST ST. JOHNS AVE. AND NORTH OF STATE ROAD 207 ON MORRISON ROAD, AS SHOWN ON THE ENCLOSED MAP, HAS OFFERED TO SELL THIS PROPERTY TO THE COUNTY FOR \$62,500 FOR THE CONSTRUCTION AND NEW LOCATION OF THE HASTINGS FIRE/EMS STATION. THIS AMOUNT REPRESENTS THE APPRAISED VALUE OF THE PROPERTY PER THE APPRAISAL REPORT PREPARED BY REGINALD CARTER, SRA. THE FUNDS FOR THE PURCHASE OF THE PROPERTY WILL COME FROM GL CODE 226-56100/CAPITAL IMPROVEMENTS/LAND ACQUISITION. THE EMERGENCY SERVICES RECOMMENDS THE PURCHASE OF THIS PROPERTY FOR THE CONSTRUCTION OF THE HASTINGS FIRE/EMS STATION.

Proof of publication of notice of public hearing on Property Purchase Hastings Fire/EMS Station, was received having been published in The St. Augustine Record on February 2 and 9, 2001.

Frank McElroy, County Fire Chief, stated that this resolution is to approve purchase of a site for a replacement fire station for the existing Hastings Fire Station. Bosanko asked McElroy to explain slightly the possible necessity for another 15 feet. Mary Ann Blount, Real Estate Manager, explained that the building foot print should be able to fit on the 185 by 590 proposed site as shown on the map and that they may need the additional 15 feet if they ran into problems with the size of the retention pond or the parking. Blount stated that the additional 15 feet would run along the southerly boundary of the shown parcel in yellow. Blount added words to contract under #11 on page 4, after the words Seller agrees to sell this additional land, *at the same price stated and the appraisal for the original parcel and the same terms and conditions of this contract.* Then add the words, *This contract is,* before the following words, less and except the well site located within the 15 feet and any and all rights or liability associated with the well. **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2001-44, approving the terms of the Purchase and Sale Agreement for the acquisition of property for construction of the Hastings Fire/EMS Station and authorizing its execution by the County Administrator with the additional language added to item 11.**

RESOLUTION NO. 2001-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF THE HASTINGS FIRE/EMS STATION.

(03/13/01 - 11 - 2:35 p.m.)

17. PUBLIC HEARING - RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR FUTURE PUBLIC BEACH PARKING. DURING THE CAPITAL IMPROVEMENT PROJECT (CIP) PROCESS FOR THIS BUDGET YEAR THERE WAS CONSIDERABLE DISCUSSION ON BEACH PARKING. AN OPPORTUNITY TO PURCHASE 1.108 ACRES SOUTH OF ST. AUGUSTINE BEACH WITH OVER 280' ON A1A HAS PRESENTED ITSELF TO THE COUNTY. THE RECREATION DEPARTMENT RECOMMENDS THIS PROPERTY BE ACQUIRED AND PLACED IN THE COUNTY'S PROPERTY INVENTORY FOR USE AS BEACH PARKING. IT IS ESTIMATED THAT THE PURCHASE PRICE OF THE PROPERTY WILL BE \$275,000. THE FUNDING FOR THIS PURCHASE IS CONTAINED IN TDC CATEGORY III - RECREATION & BEACHES (146-56301) AND PARK IMPACT FEE ZONE C (201-56100).

Proof of publication of notice of public hearing on Proposed Agreement, 5335 A1A South, was received having been published in The St. Augustine Record on February 9, 2001.

Leon Shimer, Director of Parks and Recreation, stated he was here today to encourage the purchase of property for the future. He relayed that the funding for this property would come from the Tourist Development Tax and from Park Impact Fees Zone C. Discussion followed on the access to the beach, and the Impact Fees on Zone C. Blount mentioned correcting the map that is attached of Windswept Acres from Unit 1 to Unit 2, recorded in

Plat Book 8, page 98. Bosanko mentioned under Section 3 of the Resolution, on the last line strike out, *Florida Statute 125.355 and*. **Motion by Bryant, seconded by Jacalone, carried 5/0, to adopt Resolution 2001-45 approving the terms of the Purchase and Sale Agreements for the acquisition of property for future public beach parking and authorizing its execution by the County Administrator, with striking out the words in the Resolution under Section 3 on the last line, *Florida Statute 125.355 and*.**

RESOLUTION NO. 2001-45

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR FUTURE PUBLIC BEACH PARKING.

The meeting recessed at 2:42p.m. and reconvened at 2:52 p.m. Bosanko left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting.

(03/13/01 - 12 - 2:52 p.m.)

18. PUBLIC HEARING - NOTICE OF PROPOSED CHANGE AND MAJOR MODIFICATION TO THE JULINGTON CREEK DEVELOPMENT REGIONAL IMPACT/PLANNED UNIT DEVELOPMENT. (AMENDMENT TO THE BALD EAGLE HABITAT MANAGEMENT PLAN) THIS NOTICE OF PROPOSED CHANGE (NOPC) TO THE JULINGTON CREEK PLANTATION DRI RESTATED DEVELOPMENT ORDER SEEKS TO AMEND AND RESTATE THE BALD EAGLE HABITAT MANAGEMENT PLAN. THE MAJOR MODIFICATION TO THE PUD PROVIDES FOR THE AMENDED MANAGEMENT PLAN TO BE ADOPTED AS PART OF THE PUD. THE CHANGES PROPOSED TO THE HABITAT MANAGEMENT PLAN REFLECT OBSERVATIONS MADE DURING THE 1999-2000 NESTING SEASON. THERE ARE NO OTHER CHANGES PROPOSED AS PART OF THE NOPC OR THE PUD MODIFICATION. THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL AND THE DEPARTMENT OF COMMUNITY AFFAIRS HAVE REVIEWED THE NOPC AND FOUND THAT THE CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION TO THE DRI. THE APPLICATION FOR MAJOR MODIFICATION IS CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY SECTION 5.03.05.C, WHICH PROVIDES CONDITIONS RELATED TO MAJOR MODIFICATIONS TO APPROVED PLANNED UNIT DEVELOPMENTS. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS APPLICATION ON MARCH 1, 2001.

Proof of publication of notice of public hearing on Proposed Change on Development of Regional Impact Julington Creek Plantation, was received having been published in The St. Augustine Record on February 14, 2001.

(2:52 p.m.) Teresa Bishop, AICP, Planning Director, reviewed this item, stating that two motions are needed for this item. She mentioned one of the pending issues on page 2 of The Habitat Management Plan under Section 3 in the second paragraph regarding what sustained flight meant and what independent of the nest meant. She stated that they worked with Jan Brewer and Mrs. Seeds and came up with the additional language, *that the nesting period ends when all eaglets hatch during the nesting period, are independent of the nest, i.e. when the parent eagles have ceased feeding the eaglets in the nesting area or on May 15 whichever comes first*, and stated that is now considered the nesting termination. Bishop relayed that they did have a consensus at the table with the applicant and the concerned

citizens. Bishop mentioned that the next concern occurs on page 3 which is within the prohibited activities in the secondary zone, and the applicant had provided that the use of chemicals toxic to wildlife, such as herbicides and pesticides, to the extent the developer has control of such use was revised to, *the use of chemicals toxic to wildlife, such as herbicides, and pesticides. The developer shall record a restricted covenant binding the owners of the undeveloped property within the secondary zone to this prohibition.* The next revision is on page 5, under Section 5c, 3c, to remove Section c completely and added a number 4 under that section which states, *The developer agrees to limit the removal of large trees suitable for perching and roosting to the greatest extent practicable.* On the list of prohibitions that will occur; *no installation of siding be added, no installation of fences and no usage of impact tools.* Under 3a; *xiii, tasks that must be completed during the non-nesting period that are strictly prohibited during the nesting period are installation of exterior siding which is installed using impact tools,* and *xiv, insulation of fencing or decks which are installed using impact tools.* Linda Kane, Holland & Knight, LLP, spoke on perimeter lots. Discussion followed on the nesting eagles not being the same pair every year, the experts on eagle monitoring, the sustained flight date, using impact tools, and on what would happen if the eagles are not out by May 15.

(3:11 p.m.) Lucy Seeds, 144 Cattail Circle, Jacksonville, mentioned calling Jacalone to invite him to come down and watch the eagles. She spoke on the status of the eagles in the nest.

(3:14 p.m.) Betsy Bowman, 123 South Calhoun Street, Tallahassee, DRI Attorney for the Project, mentioned that they had worked out the last remaining issues on the plan with the citizens and Staff. She stated that they concur with the changes that were presented by Bishop and ask the Board to approve the changes. She entered a packet of correspondence for the record. Meiszer requested for Bowman to briefly explain what qualifies someone to be an eagle expert. Steve Godley, Biological Research Associates, Tampa, explained.

(3:17 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., explained, in his opinion, what qualifies someone to be an expert. He spoke on the Migratory Birds Species Act and the Endangered Species Act. He mentioned that there will be a monitor there to report the activities and spoke on eagles in St. Johns County.

(3:19 p.m.) The Commissioners disclosed their ex-parte communications. Bryant met with two gentlemen and discussed the proposed language in the packet. Reardon spoke with Bill Hoffman in regards to some of the language in the Ordinance. Kohnke met with two gentlemen from Julington Creek, Jan Brewer and Teresa Bishop and discussed some of the things she proposed in the change and she also proposed that they meet with the people from Julington Creek, she spoke with Don Beattie about the situation and about his suggestions for changes. Jacalone met with the JCP Representatives and talked about the components of the Eagle Management Plan. Meiszer met with the Representatives from the Julington Creek Plantation, Mrs. Seeds, and Bill Hoffman. Kohnke mentioned receiving an e-mail from the Williams on behalf of the people who are up there saying, *Protect Our Eagle.*

(3:23 p.m.) Don Beattie, 808 Mill Pond Court, spoke on being an eagle expert for the Julington Creek Plantation eagles and explained why he makes that claim. He stated that it is important to recognize that the eagles are unique and that the birds are protected by the Endangered Species Act.

(3:28 p.m.) Louise Thrower, 288 Orange Avenue, spoke on page 5, 3c, that installation boards needed to be included because they are installed with impact hammers.

(3:29 p.m.) Jacalone stated that the Management Plan has been massaged well, the birds are pretty resilient, and that the activities that happen in the secondary zone should be monitored. **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2001-46, approving a Notice of Proposed Change to the Julington Creek Plantation**

DRI Restated Development Order, adopting Findings of Fact; 1) The NOPC meets the criteria for a non-substantial deviation as provided by Florida Law and 2) The request is consistent with the goals, objectives, and policies of the Comprehensive Plan to support the motion and the statements by Teresa Bishop; revision to Exhibit G of the Resolution and this plan will supercede Exhibit G as follows: that the nesting period ends when all eaglets hatch during the nesting period, are independent of the nest, i.e. when the parent eagles have ceased feeding the eaglets in the nesting area or on May 15 whichever comes first; the use of chemicals toxic to wildlife, such as herbicides, and pesticides. The developer shall record a restricted covenant binding the owners of the undeveloped property within the secondary zone to this prohibition; The developer agrees to limit the removal of large trees suitable for perching and roosting to the greatest extent practicable; no installation of siding be added, no installation of fences and no usage of impact tools; tasks that must be completed during the non-nesting period that are strictly prohibited during the nesting period are, installation of exterior siding which is installed using impact tools; and installation of fencing or decks which are installed using impact tools. Motion by Reardon, seconded by Meiszer, carried 5/0, to enact Ordinance No. 2001-21, a Major Modification to the Julington Creek Plantation PUD, adopting Findings of Fact 1-5 on page 3, to support the motion, with all the supporting changes as stated by Teresa Bishop. Daniel Bosanko, Deputy County Attorney, entered the meeting and Lopez left meeting.

RESOLUTION NO. 2001-46

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE JULINGTON CREEK PLANTATION DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER (RESOLUTION NO. 93-159), AS AMENDED TO PROVIDE FOR A REVISED EAGLE MANAGEMENT PLAN; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2001-21

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE JULINGTON CREEK PLANTATION PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 93-43, AS AMENDED, REPLACING EXHIBITS F AND G WITH NEW EXHIBITS F AND G; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AND EFFECTIVE DATE.

(03/13/01 - 14 - 3:33 p.m.)

19. PUBLIC HEARING – VERIFIED COMPLAINT OF FRANK & CAROL WELBORN FOR REVIEW OF THE REZONING DEVELOPMENT ORDER OF THE ST. JOHNS COUNTY COMMISSIONERS. ORDINANCE 2001-12. THIS VERIFIED COMPLAINT AND REQUEST FOR PUBLIC HEARING WAS FILED WITH THE COUNTY ON FEBRUARY 21, 2001. IN SUBSTANTIVE PART, IT ALLEGES THAT ORDINANCE 2001-12, WHICH AUTHORIZED REZONING OF THE ST. AUGUSTINE SPEEDWAY, IS NOT IN COMPLIANCE WITH THE ST. JOHNS COUNTY COMPREHENSIVE PLAN. CONSIDERATION OF THIS MATTER HAS BEEN SET FOR PUBLIC HEARING AT 1:30 ON MARCH 13, 2001. AS PART OF THIS HEARING, THE BOARD OF COUNTY COMMISSIONERS SHOULD LISTEN TO STAFF'S RESPONSE, THEN HEAR ANY NEW EVIDENCE AND THE

ARGUMENTS OF COUNSEL FOR THE COMPLAINANTS AND COUNSEL FOR THE LANDOWNER. THE BOARD SHOULD THEN EITHER CONFIRM OR RECONSIDER ITS DECISION THAT THE ORDINANCE IS CONSISTENT WITH THE ST. JOHNS COUNTY COMPREHENSIVE PLAN. IF THE BOARD FINDS THAT SOME PART OR PARTS OF THE ORDINANCE WERE NOT PROPERLY ENACTED BECAUSE THEY WERE INCONSISTENT WITH THE COMPREHENSIVE PLAN, THEN THE BOARD SHOULD RESPOND BY MAKING THAT FINDING, SPECIFYING THE EXACT CHANGES NECESSARY FOR CONSISTENCY, AND DIRECTING THAT THE SUBJECT ORDINANCE BE NOTICED FOR AMENDMENT DURING PUBLIC HEARINGS TO BRING IT INTO CONSISTENCY WITH THE COMPREHENSIVE PLAN. IF SOME CORRECTIONS OR CHANGES TO THE ORDINANCE ARE JOINTLY OFFERED OR AGREED TO BY THE COMPLAINANTS AND THE LANDOWNER THAT WILL CAUSE THE ORDINANCE TO BE, OR TO REMAIN, CONSISTENT WITH THE COMPREHENSIVE PLAN, AND SUCH CORRECTIONS OR CHANGES ARE OFFERED AS A FINAL SETTLEMENT BY THE COMPLAINANTS AND THE LANDOWNER, THE BOARD MAY CONSIDER AND ENDORSE THE SETTLEMENT AND DIRECT THAT THE SUBJECT ORDINANCE BE NOTICED AS PROPOSED "SETTLEMENT" AMENDMENTS DURING THE STATUTORILY REQUIRED PUBLIC HEARINGS.

Proof of publication of notice of public hearing on a response to Section 163.3215, Florida Statutes, Verified Complaint for review of the Rezoning Development Order of the St. Johns County Ordinance No. 2001-12, was received having been published in The St. Augustine Record on March 3, 2001.

Bosanko reviewed this item, stating that the complaint was filed for Frank and Carol Welborn pursuant to Section 163.3215 by Deborah Andrews. He suggested to let Mrs. Andrews present the verified complaint first. Discussion followed on how to handle the order of the presentations.

(3:37 p.m.) The Commissioners disclosed their ex-parte communications. Bryant, none. Jacalone, none. Kohnke stated that Mr. Burchfield stopped by her office and spoke in favor of the Race Track. Reardon, none. Meiszer, none.

(3:38 p.m.) Deborah Andrews, representing the Welborns, stated that the Welborns filed a verified complaint challenging the decision to rezone this property because the decision was in violation of the St. Johns County Comprehensive Plan. Bosanko mentioned that the meeting is limited to whether or not the rezoning in question, violated the Comprehensive Plan.

(3:42 p.m.) George McClure, 170 Malaga Street, spoke on this rezoning being consistent with the Comprehensive Plan and the Twelve Mile Swamp State Preserve issue.

(3:44 p.m.) Andrews placed into the record several documents that were distributed last time; January 23, 2001 package, November 15, 1996 Staff Report, and portions of the transcript from the previous hearing with the testimony in it. She reviewed why she believes the rezoning violates the Comprehensive Plan. She spoke on applications for rezoning, using visual display. Bishop stated that in May, 2000, the property was changed from a future land use designation of Rural Silviculture to Intensive Commercial Land Use Designation. Discussion followed on the land use changes. Andrews stated there are two levels of comprehensive land review and explained them. Jacalone mentioned that one argument is, incompatibility. Andrews responded yes. Andrews explained the definition of uses and asked for the Board to reverse their decision to rezone.

(4:06 p.m.) McClure, using visual display, pointed out, that everything that is addressed with respect to the Comprehensive Plan Section that Andrews quotes, discusses proposed uses. He pointed out why he believes that the language exists in the Code and explained it. He reviewed the hearing that was held before the Board about a month ago. McClure concluded that the Comprehensive Plan is a general document that is intended as a road map that defines what one sees is the future of the County from now through 2015. Meiszer stated that the emphasis is on the adjoining property and the Welborns, but there have been complaints from other people on the noise from five miles away. He mentioned that his vote has to do with noise and hours of operation. McClure spoke on the listed hours of operation.

(4:22 p.m.) Bishop stated that the verified complaint had brought out some points that Staff had reviewed. Discussion followed on allowable uses and appropriate places for them, and special use permits. Kohnke spoke on listing the consequences of the uses, asked Bishop to look at it and come back to the Board with her suggestions.

(4:28 p.m.) Bruce Kendeigh, 240 Redfish Creek Drive, spoke on noise and in opposition of the rezoning.

(4:33 p.m.) Carl Burchfield, 55 Armas Avenue, spoke in favor of the rezoning.

(4:34 p.m.) Diane Mills, 3455 Lewis Speedway, spoke in opposition of the rezoning and stated that the noise is unbearable.

(4:36 p.m.) McClure gave his rebuttal, closing statement and comments. He requested for the Board to take no action.

(4:37 p.m.) Andrews gave her closing statements and addressed arguments by McClure. She stated that the rezoning should have been denied.

(4:41 p.m.) Bosanko relayed that one alternative is that the Board could find that there has been specific Comp Plan violation by the rezoning and set further hearings for corrections of that or could find that there are no apparent Comp Plan violations and no further action is required.

(4:43 p.m.) Deputy Clerk Yvonne King entered the meeting and Deputy Clerk Lenora Newsome left the meeting.

(4:46 p.m.) Motion by Jacalone, seconded by Bryant, carried 4/1 by a roll call vote, that no action be taken on the Verified Complaint, finding that there has been no apparent Comprehensive Plan violations, and that the original decision that the Board of County Commissioners made on the original request stands.

Roll Call Vote

Kohnke	aye
Bryant	aye
Meiszer	nay
Reardon	aye
Jacalone	aye

Motion carried 4/1.

(03/13/01 - 17 - 4:47 p.m.)

12. CONSIDER APPOINTMENTS TO THE COASTAL CORRIDOR OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE

Patsy Heiss, Assistant to the County Administrator, informed the Board of two vacancies on the Coastal Corridor Overlay District Architectural Review Committee. (4:48 p.m.)

Motion by Kohnke, seconded by Jacalone, carried 5/0, to reappoint Frank Shumer and appoint Jane Lucker to the Coastal Corridor Overlay District Architectural Review Committee.

(03/13/01 - 17 - 4:48 p.m.)

13. CONSIDER AN APPOINTMENT TO THE WATER AND SEWER AUTHORITY

Patsy Heiss, Assistant to the County Administrator, informed the Board of one vacancy on the Water and Sewer Authority. (4:48 p.m.)

Motion by Reardon, seconded by Meiszer, carried 5/0, to appoint Philip Liston to the Water and Sewer Authority.

(03/13/01 - 17 - 4:51 p.m.)

13a. MOTION TO ADOPT A RESOLUTION AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF RUSSELL SAMPSON ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER BERGER VS CITY OF CORAL GABLES 101 SO.2D 396 (FLA. DIST. CT. APP. - 3D DIST. 1958). For further information, contact Mary Ann Blount, Real Estate Manager at 823-2449 (This item was removed from the Consent Agenda as Item #6.)

Bosanko requested the Board continue this issue to April 10, 2001. (4:54 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to continue this item to the Regular Agenda of April 10, 2001 at 9:00 a.m.**

(03/13/01 - 17 - 4:55 p.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant requested that when motions are made that they be clear and unambiguous.

Bryant reminded the Board that when ex-parte communication is disclosed the nature of the conversation has to be stated.

(4:55 p.m.)

Commissioner Reardon:

Reardon thanked everyone who was involved in the rebuilding of Project SWING.

Reardon commented on an article in The Folio Weekly regarding a prostitute who worked the streets of West Augustine who was found dead floating in the Intercoastal Waterway near Cap's Restaurant.

(4:58 p.m.)

Commissioner Kohnke:

Kohnke said that an internationally recognized magazine has chosen the St. Johns County GIS map for publication.

(4:59 p.m.)

Commissioner Jacalone:

Jacalone commented on the leash law that was previously adopted; said he has been contacted by several people who are against the leashing of cats. Jacalone said the ordinance that was passed does not require cats to be on a leash but be restrained while on public property.

(5:01 p.m.)

Commissioner Meiszer: No report.

(03/13/01 - 18 - 5:01 p.m.)

COUNTY ATTORNEY'S REPORT: No report.

(03/13/01 - 18 - 5:01 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Meiszer informed the Board that during the morning session of the meeting a motion was made to reschedule the public hearing on the vacating of a portion of 4th Street located in the Surfside Subdivision to March 20, 2001 at 1:30 p.m. Meiszer said the time should be 9:00 a.m. (5:01 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to amend the previous motion on Item #5 to change the time from 1:30 p.m. to 9:00 a.m.**

Meiszer said the Family Fun Magazine readers has nominated St. Augustine #1 in the Tourist City Designation in the Southeast. Meiszer said this is the third year in a row for this nomination.

Meiszer said the water line under the SR 206 bridge is now in place; it is expected to be cleared and operable by April 1, 2001. There were many setbacks due to mechanical problems.

Meiszer announced that on March 26, the VA Clinic will open in the new Health & Human Services Building.

Meiszer said there will be a ground breaking for the Ponte Vedra Library in two weeks. Kohnke suggested to do a ribbon cutting instead of a ground breaking.

(5:03 p.m.)

Jacalone said the St. Augustine High School Boosters had a tournament at the County Golf Course, in which he participated.

Kohnke suggested that Jacalone and Adams organize a First Day Play for County Commissioners at the County Golf Course after the completion of the new nine holes.

(03/13/01 - 18 - 5:06 p.m.)

CLERK OF COURT'S REPORT: No report.

Motion by Reardon, seconded by Jacalone, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 5:07 p.m.

CORRESPONDENCE;

1. Letter dated February 27, 2001, from Penny Halyburton verifying that the following people are registered to vote in St. Johns County: Darlene Ann Schnittker, Brenda Bushell, William E. Puckett, R. Hutch Stevens, Kenneth Mason, Ronald E. Tibbles, Charles Hood, James R. Schock, and D. Cameron Lacy.

Approved April 17, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Mary F. Kohnke, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk