

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 12, 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: Marc Jacalone, District 3, Chair
Nicholas Meiszer, District 1
John Reardon, District 2
Mary Kohnke, District 4
James E. Bryant, District 5
Ben W. Adams, Jr., County Administrator
James Sisco, County Attorney
Yvonne King, Deputy Clerk

Also present were: Daniel Bosanko, Deputy County Attorney; and Allen MacDonald, County Finance Director.

(06/12/01 - 1 - 9:00 a.m.)
CALL TO ORDER

The meeting was called to order by Jacalone.

(06/12/01 - 1 - 9:00 a.m.)
The Invocation was given by Jacalone. The Pledge of Allegiance was led by Bryant.

(06/12/01 - 1 - 9:01 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(06/12/01 - 1 - 9:02 a.m.)
PUBLIC COMMENTS

James O'Toole, 125 Seaside Circle, Ponte Vedra Beach, commented on the civility of the County Commission.

(9:06 a.m.) Harold Osborne, 2934 Racetrack Road, suggested the Board consider Meiszer as Vice Chairman. Osborne said Time Warner Cable T.V. has not allowed Channel 22 one of their open spaces in regards to airing.

(06/12/01 - 1 - 9:08 a.m.)
DELETIONS TO CONSENT AGENDA

Adams requested Item #10 be removed from the Consent Agenda and added to the Regular Agenda as Item #8a.

(06/12/01 - 1 - 9:09 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
05/08/01 – Regular BCC Meeting
05/15/01 – Regular BCC Meeting
05/15/01 – BCC Workshop
3. Sheriff's Bonds:
Approve: Linda Kay Pellini
Approve: Cynthia A. Lazar
Approve: Kimberly Stevenson
Cancel: James A. Morley
Cancel: Mark Langevin
4. Motion to adopt **Resolution No. 2001-116** approving the execution of a Subordination of County Utility Easement Rights and Interests pursuant to the State of Florida Department of Transportation's request regarding the proposed improvements to State Road No. 207

RESOLUTION NO. 2001-116

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE EXECUTION OF A SUBORDINATION OF COUNTY UTILITY INTERESTS PURSUANT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION'S REQUEST IN CONNECTION WITH THE PROPOSED IMPROVEMENTS TO STATE ROAD NO. 207

5. Motion to adopt **Resolution No. 2001-117** authorizing the Clerk of Courts to file the survey map of Bass Haven Lane claiming a vested interest by St. Johns County in the right-of-way

RESOLUTION NO. 2001-117

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF BASS HAVEN LANE CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW BERGER VS. CITY OF CORAL GABLES 101 SO. 2d 396 (FLA. DIST. CT. APP.-3d DIST. 1958)

6. Motion to adopt **Resolution No. 2001-118** authorizing the Clerk of Courts to file the survey map of Moss Drive claiming a vested interest by St. Johns County in the right-of-way

RESOLUTION NO. 2001-118

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

FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF MOSS DRIVE CLAIMING A VESTED INTEREST BY ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW BERGER VS. CITY OF CORAL GABLES 101 SO. 2d 396 (FLA. DIST. CT. APP3-3d DIST. 1958)

7. Motion to adopt **Resolution No. 2001-119** authorizing the Clerk of Courts to file the survey map of Riverside Boulevard claiming a vested interest by St. Johns County in the right-of-way

RESOLUTION NO. 2001-119

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF RIVERSIDE BOULEVARD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW BERGER VS. CITY OF CORAL GABLES 101 SO. 2d 396 (FLA. DIST. CT. APP.-3d DIST. 1958)

8. Motion to adopt **Resolution No. 2001-120** approving the execution of Release of Phosphate, Minerals, Metals and Petroleum Reservations and Release of Related Rights of Entry and Exploration on surplus property that was conveyed to PS Partnership as set forth in County Deed

RESOLUTION NO. 2001-120

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE EXECUTION OF THE RELEASE OF PHOSPHATE, MINERALS, METALS AND PETROLEUM RESERVATIONS AND RELEASE OF RELATED RIGHTS OF ENTRY AND EXPLORATION AS SET FORTH IN COUNTY DEED

9. Motion to adopt **Resolution No. 2001-121** accepting and authorizing the execution of an Amended Easement for Tower Removal and Termination of Original Easement for Tower Removal to a communications tower site located off Deer Park Boulevard

RESOLUTION NO. 2001-121

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AMENDED EASEMENT FOR TOWER REMOVAL AND TERMINATION OF ORIGINAL EASEMENT FOR TOWER REMOVAL TO A COMMUNICATIONS TOWER SITE LOCATED OFF DEER PARK BOULEVARD

10. Motion to adopt a resolution authorizing the County Administrator to execute an

agreement between St. Johns County and the Florida Department of Transportation for the maintenance of landscaping and right-of-way portions of State Road A1A (This item was removed from the Consent Agenda and added to the Regular Agenda as Item #8a; see page 7.)

11. Motion to adopt **Resolution No. 2001-122** amending the Mental Health Trust Fund Budget to receive unanticipated revenue for fiscal year 2001 in the amount of \$30,791 and appropriating it for use

RESOLUTION NO. 2001-122

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2001 MENTAL HEALTH TRUST FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT

12. Proofs:
 - a. Proof, Notice of Special Meeting/Public Hearing, Water & Wastewater Utilities, Intercoastal Utilities, June 6, 2001
 - b. Proof, Notice of Proposed Change, Development of Regional Impact, Bartram Park Planned Unit Development, May 8, 2001
 - c. Proof, Certificate of Insurance, Walker J. O'Kon, Architect
 - d. Proof, Certificate of Liability Insurance, BCI Engineers & Scientists

(06/12/01 - 4 - 9:09 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested to add two items to the Regular Agenda: #a1, Interim Reorganization; and #8b, Discussion of the Café Erotica situation. Adams requested to add an item to the Regular Agenda as Item #8c, Transfer of funds for the Golf Course expansion.

(06/12/01 - 4 - 9:11 a.m.)

APPROVAL OF REGULAR AGENDA

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

(06/12/01 - 4 - 9:11 a.m.)

A1. INTERIM REORGANIZATION

Jacalone offered to serve out the term as Chairman, and requested to nominate a vice chairman. (9:12 a.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to authorize Jacalone to serve out the term of Chairman.**

Motion by Jacalone, seconded by Kohnke, carried 5/0, to appoint Bryant as Vice Chairman.

Jacalone said the committee assignments need to be reaffirmed.

Jacalone asked the Board if they wished to handle the speaker cards differently. Discussion followed. No changes were made.

(9:17 a.m.) Jacalone requested that the County Attorney's Office provide representation at

every meeting of the Board of County Commissioners.

(06/12/01 - 5 - 9:22 a.m.)

1. PUBLIC HEARING - CONSIDERATION OF A FINAL ORDER, REFERENCING DOCKET NO. 2001-0007-0023 - INTERCOASTAL UTILITIES, INC. THE ST. JOHNS COUNTY WATER AND SEWER AUTHORITY APPROVED A PRELIMINARY ORDER AT THEIR MEETING ON JUNE 6, 2001, CONSIDERING THE AMOUNT OF FUNDS TO BE SET ASIDE SUBJECT TO REFUND, THE PROCEDURE FOR GUARANTEEING THE AVAILABILITY OF SAID FUNDS AND REPORTING REQUIREMENTS

Proof of publication of the notice of public hearing on the consideration of the final order establishing amount of revenues subject to refund and security to secure refunds was received having been published in the St. Augustine Record on May 16, 2001.

George Flint, Contractual Executive Director of the St. Johns County Water and Sewer Authority, explained the preliminary order establishing the amount of revenues subject to refund and security to secure refunds. (9:30 a.m.) John Wharton, Intercoastal Utilities, addressed this issue. (9:49 a.m.) Steve Riley, Office of Public Council, further addressed this issue. Discussion followed. (9:59 a.m.) Kenneth Gatlin, Special Attorney for the Authority, 215 South Monroe Street, Suite 815, Tallahassee, addressed this issue. (10:05 a.m.) **Motion by Meiszer, seconded by Reardon, carried 5/0, to adopt Order No. 01-00011, requiring Intercoastal Utilities, Inc. to set aside funds subject to refund.**

The meeting thereupon recessed at 10:05 a.m. and reconvened at 10:13 a.m.

(06/12/01 - 5 - 10:13 a.m.)

2. CONSIDER A RESOLUTION THAT ISSUES AN INDUSTRIAL DEVELOPMENT REVENUE BOND FOR THE FLAGLER HOSPITAL PROJECT

Ted Zebrowsky, Intergovernmental Relations Director, explained the resolution. (10:14 a.m.) Bud Markel, 801 Sugarcane Avenue, commented in favor of the resolution. (10:15 a.m.) **Motion by Reardon, seconded by Meiszer, carried 5/0, to adopt Resolution No. 2001-123, approving the issuance by the Industrial Development Authority of Industrial Development Revenue Bonds, Series 2001, in an amount not exceeding \$7,000,000 for Flagler Hospital, Inc.**

RESOLUTION NO. 2001-123

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE ISSUANCE BY THE ST. JOHNS INDUSTRIAL DEVELOPMENT AUTHORITY OF ITS REVENUE BONDS (FLAGLER HOSPITAL, INC. PROJECT), SERIES 2001, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000, FOR THE PURPOSE OF OBTAINING FUNDS TO LOAN TO FLAGLER HOSPITAL, INC. ("FLAGLER"), TO FINANCE THE COSTS OF THE ACQUISITION AND INSTALLATION OF EQUIPMENT AT FLAGLER'S EXISTING HEALTH CARE FACILITIES IN ST. JOHNS COUNTY, FLORIDA, INCLUDING THE COSTS OF ISSUING THE BONDS; AND PROVIDING AN EFFECTIVE DATE

(06/12/01 - 6 - 10:16 a.m.)

3. CONSIDER A RESOLUTION APPROVING STATEWIDE MUTUAL AID AGREEMENT FOR CATASTROPHIC DISASTER RESPONSE AND RECOVERY WITH THE STATE OF FLORIDA

Ray Ashton, Director of Emergency Services, explained the proposed mutual aid agreement. (10:19 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve Resolution No. 2001-124, authorizing the execution of the Statewide Mutual Aid Agreement with the State of Florida.**

RESOLUTION NO. 2001-124

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE EXECUTION OF A STATEWIDE MUTUAL AID AGREEMENT FOR CATASTROPHIC DISASTER RESPONSE WITH THE STATE OF FLORIDA; AND ESTABLISHING GUIDELINES GOVERNING ST. JOHNS COUNTY'S RESPONSE TO A DISASTER UNDER THE AGREEMENT

(06/12/01 - 6 - 10:20 a.m.)

4. CONSIDER THE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER FOR THE BOARD OF COUNTY COMMISSIONERS TO HOST THE REGIONAL COOPERATION SUMMIT ON JULY 12, 2001

Glenn Hastings, Tourist Development Council, relayed the request for free use of the Convention Center for the Regional Cooperation Summit. (10:20 a.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to grant the free use of the St. Johns County Convention Center to the Board of County Commissioners to hold the Regional Cooperation Summit on July 12, 2001.**

(06/12/01 - 6 - 10:21 a.m.)

5. CONSIDER THE APPROVAL OF THE CONTRACTUAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE FOR REIMBURSEMENT UP TO \$30,000 FOR THE 2001 FOURTH OF JULY FIREWORKS

Glenn Hastings, Tourist Development Council, explained the agreement for reimbursement for the fireworks display. Discussion followed regarding the agreement. (10:32 a.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to authorize the County Administrator to execute the Contract Agreement (Contract #45) to reimburse the City of St. Augustine up to \$30,000 from the Tourist Development Fund for the cost of the 2001 Fourth of July Fireworks Display.**

(06/12/01 - 6 - 10:33 a.m.)

6. CONSIDER A RESOLUTION THAT REQUESTS THE OPERATION OF A LICENSED CARD ROOM [AS SET FORTH IN FLORIDA STATUTES, SECTIONS 849.086(2)(C) AND 849.086(3)] IN ST. JOHNS COUNTY AT THE BAYARD RACEWAY (JACKSONVILLE KENNEL CLUB)

George McClure, 170 Malaga Street, explained the request for a card room at Bayard Raceway. (10:37 a.m.) Motion by Meiszer to adopt the Resolution approving the operation of a licensed card room at the Bayard Raceway in accordance with Florida Statutes, Sections 849.086(2)(C) and 849.086(3). The motion died for lack of a second. Discussion followed regarding the types of card games that will be allowed if the resolution is adopted. (10:49 p.m.) Bud Markel, 801 Sugar Cane Avenue, commented in favor of the resolution. (10:52 a.m.) **Motion by Meiszer, seconded by Bryant, carried 3/2 with Kohnke and Reardon**

dissenting, to adopt Resolution No. 2001-125, approving the operation of a licensed card room at the Bayard Raceway in accordance with Florida Statutes, Sections 849.086(2)(C) and 849.086(3).

RESOLUTION NO. 2001-125

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE OPERATION OF A LICENSED CARDROOM AS SET FORTH IN SECTIONS 849.086(2)(C) AND 849.06(3), FLORIDA STATUTES, AT THE BAYARD RACEWAY IN ST. JOHNS COUNTY, FLORIDA

(06/12/01 - 7 - 10:52 a.m.)

7. CONSIDER THE SECONDARY USE OF THE TILLMAN RIDGE LANDFILL BY THE ST. AUGUSTINE ASTRONOMY CLUB

Demetrie Augustinos, 375 Graciela Circle, President of the Ancient City Astronomy Club, explained the request to use the Tillman Ridge Landfill as a viewing area for the night sky. Discussion followed. (11:01 a.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to support the County Administration and the Solid Waste Department in their efforts to receive approval from the Department of Environmental Protection to allow the secondary use of the Tillman Ridge Landfill for Astronomy Observation.**

(06/12/01 - 7 - 11:02 a.m.)

8. CONSIDER A PAYMENT REQUEST FOR ADDITIONAL ENGINEERING SERVICES REQUIRED IN THE TILLMAN RIDGE PHASE II CLOSURE

John Schwab, Special Projects Manager, explained the request. Mike Rubin, Director of Construction Services, further explained the request. (11:07 a.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to approve the transfer of \$99,794 from 407-59920 (Enterprise Reserve) to 400-54611 (Construction Acct.) for the payment of additional Engineering Services performed by Burns & McDonnell.**

(06/12/01 - 7 - 11:08 a.m.)

- 8a. MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF LANDSCAPING AND RIGHT-OF-WAY PORTIONS OF STATE ROAD A1A (This item was removed from the Consent Agenda and added to the Regular Agenda.)

Joe Stephenson, Director of Public Works, explained the agreement for the maintenance of landscaping and right-of-way portions of State Road A1A. Discussion followed on the maintenance of the landscaping. (11:30 a.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to adopt Resolution No. 2001-126, authorizing the County Administrator to execute an agreement between St. Johns County and the Florida Department of Transportation for the maintenance of landscaping and the right-of-way portions of State Road A1A.**

RESOLUTION NO. 2001-126

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA

**DEPARTMENT OF TRANSPORTATION FOR
MAINTENANCE OF LANDSCAPING AND RIGHT-OF-
WAY FOR PORTIONS OF SR A1A**

(06/12/01 - 8 - 11:30 a.m.)

8b. DISCUSSION OF THE CAFÉ EROTICA SITUATION

Jacalone informed the Board of a new sign that has been placed at the Café Erotica facility that is directly abusive to a county employee. Jacalone requested the owners be requested to remove the sign. Discussion followed regarding the sign. (11:41 a.m.) *Jacalone informed the Board that he would write a letter to Café Erotica requesting that they remove the sign.*

(06/12/01 - 8 - 11:42 a.m.)

8c. TRANSFER OF FUNDS FOR THE GOLF COURSE EXPANSION

Doug Timms, Office of Management and Budget, explained the requested transfer of funds. (11:43 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve transfer of \$40,000 to 4432-56301 Golf Course Surcharge Projects from 4429-56301 Improvements o/t Building to complete construction of the nine-hole expansion.**

(06/12/01 - 8 - 11:44 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer commented on the Industrial Development Bonds.

(11:45 a.m.)

Commissioner Bryant:

Bryant commented on the St. Augustine By the Sea sewer project regarding temporarily closing the beach access to vehicular traffic through that subdivision during the construction phase.

Bryant addressed the Amtrak train tour that is scheduled to leave on Monday approximately 9:00 a.m. and return on Tuesday afternoon approximately 3:00 p.m. It will be loading at the County Administration Complex.

(11:49 a.m.)

Commissioner Reardon:

Reardon reported of a letter he received from Mr. George Rutulo of Solano Road expressing concerns with the payment for the road study. Discussion followed. (12:00 p.m.) *It was the consensus of the Board to place this issue on the Agenda for the next meeting.*

(12:00 p.m.)

Commissioner Kohnke: No report.

(12:00 p.m.)

Commissioner Jacalone: No reports.

(06/12/01 - 8 - 12:00 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams informed the Board of the reorganization of the Emergency Management Department.

Adams reported on the burn ban.

Adams announced the Redistricting meetings: July 9, 2001 at 7:00 p.m. in the County Auditorium; August 2, 2001 at 7:00 p.m. in the School Board Auditorium; and August 9, 2001 at 7:00 p.m. in the County Auditorium.

Adams said the site of the monument at the Osceola Capture Site is under contention possibly from the Seminole Indian Tribe.

(06/12/01 - 9 - 12:03 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko distributed a proposed ordinance amendment regarding Article X of the Land Development Code. The amendment will allow environmental buffer variance decisions to come directly to the County Commission. Bosanko then, requested the Board set a public hearing date for June 26, 2001. (12:04 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to set the public hearing date for June 26, 2001.**

(06/12/01 - 9 - 12:04 p.m.)

CLERK OF COURT'S REPORT: No report.

The meeting thereupon recessed at 12:04 p.m. and reconvened at 1:30 p.m. with Kohnke, Jacalone, Bryant, Meiszer, Adams, Assistant County Attorney Isabelle Lopez, Finance Director Allen MacDonald, and Deputy Clerk Judy Hamilton in attendance. Reardon entered the meeting at 1:32 p.m.

(06/12/01 - 9 - 1:30 p.m.)

9. PUBLIC HEARING - NZVAR 01-009 - MORRIS FAMILY NON-ZONING VARIANCE. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO SECTION 6.04.10.B (SPECIAL EXCEPTION) AND SECTION 6.04.07 (ROADWAY DESIGN) OF THE LAND DEVELOPMENT CODE TO ALLOW ACCESS TO FOUR PARCELS AT 2470 CR 210 WEST LOTS 3, H, I AND J VIA A 60' WIDE EASEMENT NOT IMPROVED TO COUNTY STANDARDS. THE APPLICANT DIVIDED THE 25-ACRE PARENT TRACT IN SEPTEMBER 1999 AS A FAMILY DIVISION AND CREATED THREE 2-ACRE PARCELS (H, I, J), ONE 19-ACRE PARCEL (E0. ACCESS TO THE FOUR PARCELS IS VIA A 60' WIDE EASEMENT LOCATED AT THE END OF A COUNTY-MAINTAINED DIRT ROAD (TRAIL ROAD). TRAIL ROAD INTERSECTS WITH CR 210 WEST. FIRE SERVICES HAS NO OBJECTION TO THIS VARIANCE, PROVIDED THE EASEMENT IS STABILIZED TO SUPPORT EMERGENCY VEHICLES. DEVELOPMENT REVIEW TECHNICAL CANNOT SUPPORT THE VARIANCE. THE LAND DIVISION OCCURRED UNDER ORDINANCE 96-40 AND WOULD HAVE REQUIRED PAVING. UNDER THE CURRENT LAND DEVELOPMENT CODE, THIS DIVISION WOULD REQUIRE PAVING TO CURRENT STANDARDS

Proof of publication of the public hearing for NZVAR-01-009 - Morris Family Non-Zoning Variance was received having been published in *The St. Augustine Record* on May 31, 2001.

Darrell Locklear, Development Review Engineer, made a presentation to the Board of this issue, with visual display. Discussion was held on the application. **Motion by Reardon, seconded by Bryant, and carried 5/0, to approve NZV 2001-009, based upon the evidence provided for five Findings of Fact per Staff report, with the road being brought up to County standards and a maximum of five lots for this parcel, as agreed by the applicant.**

(06/12/01 - 10 - 1:55 p.m.)

10. PUBLIC HEARING - WOODS/ROBINSON VARIANCE - APPEAL OF A FINAL ORDER OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD. ON MARCH 12, 2001, THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD DENIED AN APPLICATION FOR YARD REQUIREMENT VARIANCES AND REDUCTION OF THE REQUIRED 25-FOOT UPLAND BUFFER FOR A LOT OF RECORD LOCATED AT 890 PONTE VEDRA BOULEVARD (WEST SIDE OF CR 203). THE SUBJECT LOT IS ZONED R-1-B, WITHIN THE PONTE VEDRA ZONING DISTRICT, AND IS WITHIN THE B-RESIDENTIAL COASTAL FUTURE LAND USE CATEGORY. THE LOT COMPLIES WITH THE MINIMUM LOT AREA OF R THE R-1-B DISTRICT, WHICH IS 17,000 SQUARE FEET, AND WITH THE WIDTH OF BUILDING LINE, WHICH IS 100 FEET. THE SUBJECT LOT ADJOINS THE GUANA RIVER MARSH, AND THE WETLAND JURISDICTIONAL LINE TRAVERSES THE REAR OF THE LOT, SUBSTANTIALLY LIMITING THE BUILDABLE AREA OF THE LOT. IN MAY OF 2000, A VARIANCE WAS FILED TO ELIMINATE THE 25-FOOT BUFFER TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE. IT IS STAFF'S POSITION THAT THE REQUESTED VARIANCES COMPLY WITH THE TERMS RELATED TO NON-USE VARIANCES OF SECTION XII.I, AS WELL AS THE DEFINITIONS OF A VARIANCE AND A HARDSHIP, AS FOUND IN THE PONTE VEDRA ZONING DISTRICT REGULATIONS, ORDINANCE 2000-63

Proof of publication of public hearing for Woods/Robinson Variance - Appeal of a Final Order of the Ponte Vedra Zoning and Adjustment Board, was received, having been published in *The St. Augustine Record* on May 25, 2001.

Janet Beason, Court Reporter, was present.

Sonya Doerr, Chief Planner, made presentation of this issue to the Board. Ex-parte communications were disclosed. Attorney for the applicant, George McClure, addressed the Board, speaking on various aspects of the appeal, utilizing visual display. The applicants, the Robinsons, made comments to the Board. Marsha Peacock of Environmental Services, Inc., spoke on jurisdictional lines. Blake Deal, attorney for Pete and Susan Forster, 135 Professional Dr., Suite 101, Ponte Vedra, spoke on the issue, asking them to consider procedural as well as substantive issues, when they made their decision. Doug Crane, 994 Ponte Vedra Blvd., spoke on this issue, about drainage. William Dixon, 9787 Sawgrass Drive, East, Ponte Vedra, spoke in favor of this appeal. Jim Stockton, 1044 Ponte Vedra Blvd., spoke in favor of this appeal. Al Le Beau, 188 Heron's Nest Lane, St. Augustine, spoke in favor of the variance. Joan Le Beau, 188 Heron's Nest Lane, St. Augustine, spoke in favor of the variance. Joyce Reesh, 12 Maria Pl., Ponte Vedra, Arvida Realty, spoke in favor of this request. Wally Sears, 1501 Birkdale Lane, Ponte Vedra, advised the Board to support Mr. Robinson. **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the appeal of a decision of the Ponte Vedra Zoning and Adjustment Board, granting the requested variances with Findings of Fact 1-3, as adjusted (front yard requirement reduced to 20/30, and run with the title of this property).**

The meeting recessed at 2:47 p.m. and reconvened at 2:57 p.m.

(06/12/01 - 10 - 2:57 p.m.)

11. STATUS REPORT BY THE PUBLIC WORKS DEPARTMENT ON THE HOLMES BOULEVARD PROJECT.

Joe Stephenson, Public Works Director, made a presentation to the Board of this item, with visual display, which consisted of an overview of the Holmes Boulevard project as first brought to the BCC in 1999; the current status of the Phase 1

design/permitting/construction of Holmes Boulevard between Murray Middle School and Kenton Morrison Road; new information on Phase II connection to U.S. 1 and improvements to the County Complex traffic circulation; and recommended revisions to the phase of future Holmes Boulevard activities.

Staff made the following recommendation: Revise the phases of the Holmes Blvd. Project to read as follows: Phase 1 - Construction from Murray Middle School to Kenton Morrison Rd., Phase 2 - Signalization of Lewis Speedway at U.S. 1 with access and circulation improvements, Phase 3 - Improvements to Kenton Morrison Rd. with the signalization of the Kenton Morrison/S.R. 16 intersection, Phase 4 - Roosevelt Terrace Rd. Extension, the southern connector, the bridge over the San Sebastian River and Ave. "A" and "D" connectors, Phase 5 - Woodlawn Improvements and extension west.

Discussion was held by the Board and Staff on various issues and recommendations were made to Staff for their pursuit.

The meeting recessed at 4:36 p.m. and reconvened at 5:30 p.m. with Jacalone, Kohnke, Bryant, Reardon, Meiszer, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

Due to an error in the sound system, had to switch from CD to cassette.

(06/12/01 - 11 - 1.0000)

12. SECOND PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENT TO ARTICLE IV TO INCLUDE HABITAT MANAGEMENT FOR THE BALD EAGLE. THE ENVIRONMENTAL SECTION OF THE PLANNING DIVISION HAS PREPARED A BALD EAGLE HABITAT MANAGEMENT PLAN, WHICH IS PROPOSED AS AN AMENDMENT TO ARTICLE IV OF THE LAND DEVELOPMENT CODE. ATTACHED ARE THE PLAN AND THE IMPLEMENTING ORDINANCE FOR CONSIDERATION AND ADOPTION. THE PROPOSED BALD EAGLE HABITAT MANAGEMENT PLAN IS BASED ON THE U.S. FISH AND WILDLIFE SERVICE'S, "HABITAT MANAGEMENT GUIDELINES FOR THE BALD EAGLE IN THE SOUTHEAST REGION." SOME OF THE COMPONENTS FROM THE REVISED PLAN INCLUDE: NESTING SEASON FROM OCTOBER 1 TO MAY 15; A PRIMARY ZONE AND SECONDARY ZONE EACH THAT IS 750 FEET - THE MINIMUM SIZE REQUIRED BY THE USFWS; AND PROHIBITION OF ACTIVITY IN THE PRIMARY ZONE

Proof of publication of notice of public hearing on Ordinance/Regulations affecting Land Use with amendment to Article IV to include Habitat Management for the Bald Eagle, was received, having been published in The St. Augustine Record on May 8, and June 1, 2001.

Jan Brewer, Environmental Manager, stated that this was the second public hearing considering the amendments to Article IV of the Land Development Code, to include a new Section 4.01.10, to be known as Habitat Management for the Bald Eagle. She reviewed the changes made to the draft proposal since the first public hearing: page 2, number 5 at the bottom, clarified the language concerning the retention of trees; page 3, number 2 at the top, in the secondary zone, took out the restrictions for adding a driveway and sidewalk during the nesting season; page 3, number 5 in the middle of the page, clarified language concerning the proposed lighting; page 3, number 6, toward the bottom, added back in, the reference to the County's current noise requirement; page 4, number 2, clarified the language, and the use of the nest by the nestling or fledgling that was hatched in that nest. She also summarized some of the major ideas: the proposal offers a level of certainty that provides individuals with specific information needed to develop Section Plan for this County; the proposal also offers flexibility; and the plan is based on U.S. Fish and Wildlife Preserve, has been reviewed by them, and that organization has no objection. Discussion followed on checking into the installation of septic systems, saltwater control systems,

concrete block or concrete frame during the nesting season, where the sound or noise will be measured in connection with the eagle nest, and having a balance between regulating construction and protection of the eagles.

(1.0347) Linda Connor Kane, voiced concern about the proposed ordinance and made some suggestions for the wording in the ordinance. She stated that this ordinance has some legal problems and questioned what *the retaining of trees is encouraged*, means. She voiced concern about the language in paragraph, 2 page 4; on self sufficiency; and the paragraph on the provision relating to stop work orders.

(1.0594) Bert Charest, 110 Neptune Road, Vice President of St. Johns Audubon Society, spoke in favor of the Bald Eagle Management Plan.

(1.0628) John Tiffany, 950 Davis Pond Blvd., spoke on tightening up the language in the ordinance on the date.

(1.0719) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke in favor of the ordinance.
(1.0850) Daniel Davis, 103 Century 21 Drive, representing the Builders Association, voiced concern about the tree issue, and the May 15 issue of self sufficiency.

(1.0922) Sarah Bailey, 2202 Bishop Estates Road, spoke in favor of the ordinance.

(1.1026) Louise Thrower, 288 Orange Ave., spoke in favor of the ordinance.

(1.1049) Kohnke spoke on all the people that were present at the last meeting on the eagle issue, stated that it is a good ordinance and that she supported it. Meiszer suggested for the County's legal advisor to write the legal draft. Reardon requested to revisit page 3, number 2, to strike installations of utilities, stormwater control systems, pools, concrete blocks and concrete framing. Bryant stated that enforcement is the key to any ordinance. Lopez stated that she spoke with Brewer a few months ago, but had not reviewed the changes made from the last meeting until they were included in the packet. She stated that there are aspirational components to the ordinance. Jacalone commented on the primary zone, the section on lights needing to be removed for him to support it, supporting Reardon's suggestions, and needing to place a drop dead date. Meiszer suggested to have the County Attorney sign off on work that is done or reviewed by them. Kohnke mentioned that if there was a major problem with the ordinance, legal staff would have found it. She stated that the County needed to start setting standards. Reardon mentioned that this was an important ordinance and that he supported passing it. There is the need to find a balance between protecting the wildlife and a reasonable way to do construction. Kohnke stated that if there needed to be any tweaking done on this ordinance, Lopez needed to get with the other attorneys and amend whatever needed to be amended, but in the meantime she made a motion. **Motion by Kohnke, seconded by Reardon, carried 3/2 by roll call vote, to enact Ordinance No. 2001-39, amending Article IV of the Land Development Code to include Habitat Management for the Bald Eagle.**

Roll Call Vote

Bryant	No
Meiszer	Yes
Reardon	Yes
Jacalone	No
Kohnke	Yes

The motion passed 3/2.

ORDINANCE NO. 2001-39

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ADDING AND AMENDING SECTIONS OF ARTICLE IV OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED. THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: ADDING NEW SECTION 4.01.10 HABITAT MANAGEMENT FOR THE BALD EAGLE; AMENDING SECTION 4.01.10 ENVIRONMENTALLY SENSITIVE AREAS - COASTAL CONSERVATION TO SECTION 4.01.11; AMENDING SECTION 4.01.11 NATURAL PRESERVES TO SECTION 4.01.12; AMENDING SECTION 4.01.12 ONSITE CONSERVATION TO SECTION 4.01.13; AMENDING SECTION 4.01.13 OFFSITE CONSERVATION TO SECTION 4.01.14; AMENDING SECTION 4.01.14 PROCEDURES TO SECTION 4.01.15; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

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 6:45 p.m.

CORRESPONDENCE:

1. Letter dated June 8, 2001, to Suzie Still, Department of State, Division of Elections filing an Affidavit with the official signature of Marc A. Jacalone, as Chairman of the Board of County Commissioners of St. Johns County, Florida

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 304916. (06/05/01)
2. St. Johns County Board of County Commissioners Check Register, Check No. 304915. (06/05/01)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 304755 through 304914. (06/01/01)

Approved, June 26, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk