

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JUNE 26, 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  
James E. Bryant, District 5, Vice Chair  
Mary Kohnke, District 4  
Nicholas Meiszer, District 1  
John Reardon, District 2  
Ben W. Adams, Jr., County Administrator  
Daniel Bosanko, Deputy County Attorney  
Doug Burnett, Assistant County Attorney  
Judy Hamilton, Deputy Clerk

(06/26/01 - 1 - 1.0000)  
CALL TO ORDER

The meeting was called to order by Jacalone.

(06/26/01 - 1 - 1.0012)  
The Invocation was given by Jacalone. The Pledge of Allegiance was led by Reardon.

(06/26/01 - 1 - 1.0037)  
ROLL CALL

The roll was called by the Deputy Clerk.

(06/26/01 - 1 - 1.0047)  
PRESENTATION OF A PROCLAMATION THAT STATES THE VETERANS COUNCIL OF ST. JOHNS COUNTY, INC. WOULD BE BENEFICIAL TO PUBLIC AWARENESS, PARTICIPATION, AND GENERAL KNOWLEDGE OF PATRIOTIC EVENTS

Bryant read the Proclamation, which acknowledged the creation of The Veterans Council of St. Johns County, Inc., a not-for-profit corporation, to independently serve veterans and their organizations. The Proclamation was accepted by Col. Ed Taylor, on behalf of The Veterans Council.

(06/26/01 - 1 - 1.0213)  
PUBLIC COMMENT

Harold Grossman, 650 W. Pope Rd., Apt. 245, St. Augustine, stated that he had been advised by the Commander of Post 2391, Veterans of Florida, United States, that a flag and flag pole had been ordered and would advise when the pole and flag would be installed at the St. Johns County Health and Human Services Center.

(06/26/01 - 2 - 1.0239)  
DELETIONS OF CONSENT AGENDA

There were no deletions from the Consent Agenda.

(06/26/01 - 2 - 1.0247)  
APPROVAL OF CONSENT AGENDA

**Motion by Kohnke, seconded by Bryant, carried 5/0, to approve the Consent Agenda.**

1. Approval of the Cash Requirement Report
2. Approval of Minutes
  - BCC Regular June 5, 2001
  - BCC Regular June 12, 2001
3. Sheriff's Bonds:
  - Cancel: Stevenson, Kimberly K.
  - Risden, Caroline
  - Clements, Melissa
4. Motion to approve the Hartford Life Deferred Compensation Plan and Acknowledgment of SEC Required Representations
5. Approval of a motion to authorize the County Administrator to execute the renewal Lease Agreement between St. Johns County (Tax Collector's Office) and the Town of Hastings for space in the former Hastings High School Building
6. Motion to approve the transfer of \$50,000 from 4426-59920 (Utilities Reserves) to Transmission and Distribution 4413-55200 (Operating Supplies)
7. Approval of a motion to allow the County Administrator, or his designee, to enter into a contract with the low bidder, APAC, Inc. For Bid 01-70 - Roadway Maintenance Work Program - Second Phase (*See Attachment "A."*)
8. Proofs:
  - a. Notice of Special Meeting and Public Hearing, Consideration of Purchasing Intercoastal Utilities, June 6, 2001
  - b. Notice of Meeting, Economic Development Committee, June 14, 2001
  - c. Public Notice, Applicants for Special Masters, 2001 St. Johns County Value Adjustment Board
  - d. Certificate of Liability Insurance, Econosweep, Inc.
  - e. Certificate of Insurance, Z to A, Inc.
  - f. Certificate of Liability Insurance, ADT Counts

(06/26/01 - 2 - 1.0251)  
ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested the addition of Item A, Resolution Concerning Board Action on Acquisition of Intercoastal Utilities.

(06/26/01 - 3 - 1.0274)  
APPROVAL OF REGULAR AGENDA

James Sisco, County Attorney, entered the meeting at 9:10 a.m. **Motion by Kohnke, seconded by Bryant, carried 5/0, to approve the Regular Agenda, as amended.**

(06/26/01 - 3 - 1.0280)

A. RESOLUTION DELETING SECTION 6(B) FROM ST. JOHNS COUNTY RESOLUTION NO. 2001-115, REGARDING POSSIBLE ACQUISITION OF WATER AND WASTEWATER ASSETS FROM INTERCOASTAL UTILITIES, INC.

Jacalone presented a resolution, regarding acquisition of Intercoastal Utilities, which strengthened the County's options in the due diligence period to go forward or exit. **Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt Resolution No. 2001-132.**

#### RESOLUTION NO. 2001-132

**A RESOLUTION DELETING SECTION 6(B) FROM ST. JOHNS COUNTY RESOLUTION 2001-115, WHICH SECTION IS THE SECTION OF THE RESOLUTION THAT AUTHORIZED AND DIRECTED THE CHAIRMAN OR VICE CHAIRMAN TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF WATER AND WASTEWATER ASSETS BY AND BETWEEN INTERCOASTAL UTILITIES, INC. AND ST. JOHNS COUNTY, FLORIDA; RESCINDING SUCH AUTHORIZATION AND DIRECTION; AND DIRECTING THE CHAIRMAN AND VICE CHAIRMAN NOT TO EXECUTE THE AGREEMENT UNLESS AND UNTIL DIRECTED TO DO SO BY A FURTHER RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS**

(06/26/01 - 3 - 1.0329)

1. PUBLIC HEARING - APPLICATION FOR DESIGNATION OF A ST. JOHNS COUNTY LANDMARK - THE SUNNYSIDE HOUSE. THE SUBJECT PROPERTY IS LOCATED AT 525 WEST KING STREET. THE ST. JOHNS HOUSING PARTNERSHIP, INC. SUBMITTED AN APPLICATION FOR DESIGNATION OF A ST. JOHNS COUNTY LANDMARK FOR THE STRUCTURE KNOWN AS THE "SUNNYSIDE HOUSE." AT ITS JUNE 4 MEETING, THE HISTORIC RESOURCE REVIEW BOARD UNANIMOUSLY RECOMMENDED TO APPROVE THE LANDMARK STATUS FOR THE "SUNNYSIDE HOUSE"

Proof of publication on the notice of public hearing in the matter of Landmark Designation, The Sunnyside House, was received, having been published in *The St. Augustine Record* on June 11, 2001.

Donna Godfrey, Senior Planner, made presentation of this item to the Board. Responses had been received from adjacent property owners, in favor of the request. Marsha Chance, Chairperson of the Historic Resource Review Board, and Bill Lazar, the applicant, and Executive Director of the St. Johns Housing Partnership, answered questions from the Board. (1.0484) **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the proposed Landmark designation for the "Sunnyside House," located at 525 West King Street, adopting Findings of Fact to support the motion 1 through 4(a)-4(e):**

- 1) **The proposed Landmark designation has been fully considered after public hearing with legal notice duly published as required by law.**

- 2) The proposed Landmark designation is consistent with Policy C.1.4.2 of the St. Johns County 2015 Comprehensive Plan, in that it promotes the preservation, rehabilitation, and adaptive reuse of historically significant housing.
- 3) The proposed Landmark designation is consistent with the St. Johns County Land Development Code.
- 4) The subject property has achieved significance because it meets criteria required for Landmark designation, as follows:
  - (a) Associated in a significant way with the life of a person of recognized importance.
  - (b) Exemplifies a historic, cultural, political, economic, or social trend of St. Johns County, the State of Florida, or the nation.
  - (c) Embodies distinguishing characteristics of an architectural style, period or method of Construction.
  - (d) Is the work of an architect or builder whose work has significantly influenced the development of St. Johns County, the State of Florida, or the nation.
  - (e) Has value as a Building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance.

and to include the background information on page 1 and page 2 of the agenda sheet:

**BACKGROUND INFORMATION:**

The St. Johns Housing Partnership, Inc., submitted an Application for Designation of a St. Johns County Landmark for the structure known as the "Sunnyside House" located at 525 West King Street.

Reference is made to the Application package, which includes the current Florida Master Site File 38SJ1078, prepared in August 1979, by David Nolan, Historic Sites Specialist, on behalf of the HSAPB (Historic St. Augustine Preservation Board). As noted therein, this two-story Frame Vernacular residence is the last surviving section of one of St. Augustine's famous hotels pre-dating the Flagler era: "The Sunnyside House." It stood at the corner of King and Cordova, and was divided in sections and moved so the Ponce de Leon Hotel could be built on its site.

Thomas F. House built Sunnyside House in 1876. He was a native of Vermont who served as Captain in the Union Army and settled in St. Augustine after the Civil War. He was a prominent builder, constructing the St. Augustine Hotel, the Customs House, the Buckingham Smith Home (later the Buckingham Hotel), the Lorillard Villa and many others, most of which have since been destroyed. Captain House served as Alderman, Mayor, and Collector of Customs in St. Augustine.

Part of Sunnyside House became "Sansara Hall" in West Augustine (since demolished, and now the site of Gary-Lee Park).

**This surviving section was moved to its present location in 1887, and for many years was home of the Moses Demps family. Significant details include paneled wood posts, jig-sawn brackets, and cornice brackets and pilasters. It has been kept relatively intact, except for the concrete block first floor porch.**

**Three Adjacent Property Owner Notification Forms have been returned to the Planning Office “in favor of the application” from Luther E. Kramer, Shiloh Baptist Church (by Chestine Bell); and Ester Ivey Owens.**

**At its June 4 meeting, the Historic Resource Review Board unanimously recommended to the BCC to approve the Landmark status for the “Sunnyside House” at 525 West King Street.**

**as requested by the Assistant County Attorney: additionally, that this be prepared as an Order and authorize the Chair to sign the Order.**

Lazar expressed appreciation to Staff and to the Housing Finance Authority, which had assisted in the purchase of the building.

(06/26/01 - 5 - 1.0616)

2. PUBLIC HEARING - AMENDMENTS TO ARTICLE X OF THE LAND DEVELOPMENT CODE. THIS IS A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO ARTICLE X OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. SPECIFICALLY, THE PROPOSED AMENDMENTS CLARIFY THE TYPES OF VARIANCES THAT ARE PROCESSED AS ZONING VARIANCES VERSUS THOSE PROCESSED AS NON-ZONING VARIANCES. ZONING VARIANCES ARE ASSOCIATED WITH ZONING REGULATIONS SUCH AS SETBACKS, HEIGHTS, YARD REQUIREMENTS, ETC. WHILE NON-ZONING VARIANCES RELATE TO OTHER REQUIREMENTS OF THE LAND DEVELOPMENT CODE SUCH AS ROADWAY STANDARDS, UTILITY REQUIREMENTS, ETC. ZONING VARIANCES ARE DECIDED BY THE PLANNING & ZONING AGENCY WHILE THE BOARD OF COUNTY COMMISSIONERS HEARS AND DECIDES NON-ZONING VARIANCES. ONE ISSUE THAT THIS AMENDMENT SEEKS TO CLARIFY IS THAT VARIANCES TO UPLAND BUFFERS ARE CONSIDERED NON-ZONING VARIANCES, AS HAS BEEN THE PRACTICE SINCE ADOPTION OF THE CODE

Proof of publication for notice of public hearing in the matter of Article X, Land Development Code, was received, having been published in *The St. Augustine Record* on June 16, 2001.

Scott Clem, Director of Growth Management Services, made presentation of this issue to the Board. Bosanko re-entered the meeting at 9:20 a.m. Burnett left the meeting at 9:23 a.m. Discussion was held on distinctions between zoning and non-zoning variances and deviations from the Code. Bosanko spoke on the background of zoning variances and gave further explanation and summarization of waivers/variances.

**(1.0864) Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2001-42, amending Article X of the Land Development Code.**

#### **ORDINANCE NO. 2001-42**

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ARTICLE X OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED BY DELETING ARTICLE X IN ITS PRESENT FORM FROM THE LAND DEVELOPMENT CODE AND REPLACING WITH A REVISED ARTICLE X; SAID AMENDMENT DESIGNATING AND CLARIFYING WHICH VARIANCE TO THE LAND DEVELOPMENT CODE MAY BE PROCESSED AS ZONING VARIANCE RATHER THAN NON ZONING VARIANCE, AND SPECIFYING THE PROCESS AND CIRCUMSTANCES FOR APPLYING VARIANCE PROCEDURES TO PLANNED UNIT DEVELOPMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

(06/26/01 - 6 - 1.0884)

3. CONSIDER A REQUEST FROM THE COUNTY ATTORNEY'S OFFICE FOR AN INTERIM BUDGET INCREASE

James Sisco, County Attorney, asked the Board to approve a budget transfer of \$75,576: \$60,000 to continue the services of non-insurance funded outside counsel; and, \$15,576 for raises for County Attorney personnel. Discussion was held on the report prepared by Hamilton Upchurch, and the requested budget transfer.

**(1.1995) Motion by Reardon, seconded by Kohnke, carried 4/1 with Jacalone dissenting, to adopt Resolution No. 2001-133, authorizing a budget transfer, in the amount of \$75,576, from the General Fund Reserves to the County Attorney's Office. Cheryl Strickland, Clerk of Courts, entered the meeting at 10:07 a.m.**

#### RESOLUTION NO. 2001-133

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING AND DIRECTING A BUDGET TRANSFER FROM THE COUNTY'S GENERAL FUND RESERVES TO THE BUDGET OF THE OFFICE OF THE COUNTY ATTORNEY TO PROVIDE RAISES FOR THE DEPUTY AND ASSISTANT COUNTY ATTORNEYS AND THE EXECUTIVE SECRETARY (PARALEGAL) IN THE OFFICE OF THE COUNTY ATTORNEY, EFFECTIVE WITH THE PAY PERIOD BEGINNING JULY 8, 2001 AND TO PROVIDE ADDITIONAL FUNDS THAT ARE NECESSARY TO CONTINUE THE SERVICES OF THE COUNTY'S OUTSIDE ATTORNEYS

The meeting recessed at 10:20 a.m. and reconvened at 10:33 a.m.

(06/26/01 - 6 - 2.0010)

4. UPDATE ON THE PONCE DE LEON ANNEXATION AND INTERLOCAL AGREEMENT WITH THE CITY OF ST. AUGUSTINE

Isabelle Lopez, Assistant County Attorney, made a presentation with visual display. A proposed Resolution and a proposed Interlocal Agreement with the City of St. Augustine were handed out. Discussion was held on the amount of days to file suit regarding the annexation; the enclave issue; the annexation issue; the contiguous issue; Kurth Island;

environmental impacts; clearcutting of trees; LDRs; the proposed resolution; the proposed interlocal agreement specific to this site; Staff to find out conditions the City has put on this and how it applied to where they are in the County, and, if the conditions were more or less satisfactory.

**(2.0695) Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt Resolution No. 2001-134.**

#### **RESOLUTION NO. 2001-134**

#### **A RESOLUTION AUTHORIZING THE INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE PERTAINING TO THE REVIEW OF ANNEXATION PETITIONS**

George McClure, 170 Malaga St., St. Augustine, stated his firm had been hired by the City of St. Augustine, to provide additional review and input in connection with this annexation, and voiced concerns of the City.

**(2.0795) Motion by Reardon, seconded by Kohnke, carried 5/0, to move forward with concern from this Board to initiate action for writ for petition for certiorari, because of concerns of forming of an enclave, the compactness of the annexation, an ownership issue with regards to the annexation, and the property being contiguous to the City of St. Augustine; including all means that the County Attorney thought necessary; that all options including the County keeping the option of formally challenging the annexation open, with a final recommendation to be made to the Board on July 10, 2001, by the County Attorney's Office, before they run out of time to take action regarding this annexation.**

(06/26/01 - 7 - 2.1552)

#### **5. REVIEW OF PROPOSED WEST AUGUSTINE COMMUNITY REDEVELOPMENT AGENCY STEERING COMMITTEE BYLAWS**

Tom Crawford, Director of Housing and Community Services, introduced this issue to the Board for their consideration. Sisco left the meeting at 11:29 a.m. Rev. Ron Stafford, Chair of the Citizens Steering Committee of the West Augustine Community Redevelopment Agency, voiced concerns about Staff's recommendations to the Bylaws. Discussion ensued on the issue, with the determination that any suggestions made by Staff could be considered by the Steering Committee and any differences worked out between Staff and the Committee.

(06/26/01 - 7 - 2.3015)

#### **COMMISSIONERS' REPORTS**

Commissioner Kohnke:

No report.

Commissioner Reardon:

No report.

Commissioner Bryant:

Bryant stated he had learned yesterday that Dr. Maria Calaveda, Director of the Mental Health Department, was elected last week as the President-Elect of the Community Alliance, which replaced the District 4 Health and Human Services Advisory Council; and, she was nominated for several awards.

Commissioner Meiszer:

Meiszer read part of an article dealing with ecotourism, tying it in with efforts of the Chamber and others to have an economic development plan.

Meiszer spoke on an article in the *Times Union* about JEA and the Jacksonville City Council having to authorize various financings of JEA and to approve JEA's budget.

Commissioner Jacalone:

Jacalone commented on the construction of the new St. Augustine Record building.

(06/26/01 - 8 - 2.3543)

COUNTY ADMINISTRATOR'S REPORT

Adams stated the commercial paper loan money for purchase of the Vaill property had been received. Preparation of the FCT grant application was the next step.

Adams said the purchase of the property for the Hastings Fire Station would take place Friday, June 29, and a groundbreaking ceremony several weeks after.

The joint BCC/School Board meeting had been rescheduled for Thursday, July 26, 2001 at 9:00 a.m. at the Health and Human Services Center.

(06/26/01 - 8 - 2.3641)

COUNTY ATTORNEY'S REPORT

No report.

(06/26/01 - 8 - 2.3641)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 12:04 p.m. and reconvened at 1:30 p.m. with Jacalone, Bryant, Meiszer, Kohnke, Reardon, Adams, Bosanko, and Deputy Clerk Lenora Newsome present.

(06/26/01 - 8 - 3.0000)

6. PUBLIC HEARING - CPA-00-004 - ELKTON CONCRETE CASTING COMPREHENSIVE PLAN AMENDMENT. THE SUBJECT PROPERTY IS A 1.77 CORNER LOT SITUATED AT THE INTERSECTION OF ST. AMBROSE CHURCH ROAD AND COUNTY ROAD 305, NORTH AND WEST OF STATE ROAD 207. THE SMALL SCALE AMENDMENT AS PROPOSED WOULD CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL COMMERCIAL (RC) TO MIXED USE DISTRICT (MD) DESIGNATION. A SMALL SCALE LAND USE AMENDMENT, WHICH IS APPROVED BY A LOCAL GOVERNMENT, IS SUBMITTED TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE REGIONAL PLANNING COUNCIL FOLLOWING ITS ADOPTION. THIS REQUEST FOR A SMALL SCALE AMENDMENT IS TO PERMIT THE REUSE OF AN EXISTING METAL BUILDING FOR THE NEW ESTABLISHMENT OF A CONCRETE CASTING OPERATION. A CHAIN LINK FENCE BOUNDS THE



PERIMETER OF THIS FULLY CLEARED SITE, WHICH CONTAINS A GRAVEL-TOPPED SURFACE AND AN EXISTING METAL BUILDING MEASURING APPROX. 8,000 SQ FT. PVC PIPES ARE STORED OUTSIDE NEAR THE FENCE, AND WOODEN CRATES OR FORMS ARE STACKED NEAR THE FRONT OF THE BUILDING. THE PROPERTY OWNER IS UNDER NOTICE BY THE COUNTY'S CODE ENFORCEMENT DIVISION DUE TO INDUSTRIAL AND HEAVY EQUIPMENT LOCATED ON THIS PROPERTY WHICH IS CURRENTLY ZONED RESIDENTIAL. THE ADJACENT PROPERTY OWNERS AND THE APPLICANT WERE NOT ABLE TO REACH A COMPROMISE. A MOTION WAS MADE TO APPROVE THE PROPOSED AMENDMENT, THE MOTION FAILED FOR LACK OF A MAJORITY VOTE. THE PZA RECOMMENDATION FOR THE BCC IS FOR DENIAL

Proof of publication of notice of public hearing on File #CPA 00-004 Elkton Concrete, was received having been published in The St. Augustine Record on June 11, 2001.

Cathy Upchurch, Court Reporter, was present. Donna Godfrey, AICP, Senior Planner, reviewed this item using visual display.

(3.0138) George McClure, 170 Malaga Street, Suite A, representing the applicant, gave a momentary history on this application. He stated that this request is a change from OR to Mixed Use and explained. He walked through the zoning map, through the location of the site and explained what was to be done on the site. McClure reviewed an aerial of the site, and what was on the site now. He stated everyone that was concerned, met after the PZA Meeting and agreed to some changes. He mentioned that they had offered other conditions also.

(3.0763) Allen Simpson, 115 Inlet Drive, was sworn in by Bosanko. Simpson clarified a couple of issues that concerned him. He explained why Code Enforcement cited him. He spoke on doing a lot of work around town, having a clean business with not a lot of noise, and not putting a concrete plant on this site. Discussion followed on how much water would be used on the site, how much dust and silt would be created from the concrete, and if the streets surrounding the site should be opened or closed. McClure reviewed the changes made to the original application. Reardon questioned the employment factor and Simpson replied that it would stay pretty much the same because he is just about maxed out. Meiszer questioned how long Simpson owned the property and Simpson replied approximately two years. Discussion followed on buying the property.

(3.1344) Jim Bedsole, 70 Old Mission Avenue, representing the opponent, questioned the electrical equipment being operated on this site. Simpson answered, a drill press, a regular arm saw and a mixer. Bedsole questioned the noise involved running the equipment and storing materials on site. Simpson responded. Bedsole questioned the fence around the site. Simpson responded. Mr. Bedsole, using visual display, reviewed a Property Appraiser's map, displaying property owned by his clients, Mr. and Mrs. Case, which is in the same area of the property bought by Simpson. The Comp Plan designation is RC, Rural Commercial; and is amenable to single family development. He displayed a drawing of the intended use that Mr. and Mrs. Case wished to make of the property. Discussion followed on the Comp Plan designation of the property. Exhibits were entered into the record.

(3.2527) Tracy Markham, 4340 CR 305, Elkton, spoke in opposition of this item.

(3.2694) Bill Kline, 5730 CR 305, Elkton, spoke in opposition of this item. He reviewed some of the items and questions asked in the application submitted and stated that this

factory is of no value or benefit for the Elkton Community. He requested to not put this factory in their neighborhood.

(3.3163) Kipling Case, 4096 Rose Street, Elkton, spoke in opposition of this item. He presented pictures of his land.

(3.3328) Leslie Baker Case, 4096 Rose Street, Elkton, gave the history of Elkton and asked the Board not to grant the zoning change.

(3.3472) Bosanko swore in Bill Kline, 5730 CR 305, Elkton. McClure questioned Kline on their first meeting following the Planning and Zoning Meeting, and the changes that were agreed on. McClure questioned Kline on harvesting potatoes. Bosanko reminded all citizens that everything they present is left for the record. McClure questioned Mrs. Case on the value of each of her lots. (4.0000) McClure spoke on the water around the site and the quality of that water. McClure offered for evidence a letter from J. Leighton Middleton dated June 26, and read it, stating it was in favor of this item. Bedsole closed with stating, that there is quite a bit of evidence on the record now on the adverse impact for the surrounding properties. McClure reviewed the compatibility issue, what is allowed under Rural Commercial, and stated that it is a proposed use that is not heavy industrial. McClure reviewed again the issues that they would commit to. Discussion followed on this land use designation being Rural Commercial, this being heavy industry, being disturbed about a concrete plant in the middle of residential, and being concerned about the Comp Plan amendment.

The meeting recessed at 3:25 p.m. and reconvened at 3:30 p.m.

(4.0532) Jacalone mentioned that he was trying to understand the current land use designation, Rural Commercial, allowing for some fairly intensive uses. Doerr pointed out that the Planning Department is now considering a zoning category called Rural Commercial. Discussion followed on the amendment being requested to be changed, Rural Commercial and Mixed Use allowing similar activities, this use relating to a light industrial use, reviewing what was offered, the location of the noisy equipment, on the IW Zoning, getting far too involved in citizen's personal plans, and the PUD not being acted upon until the Small Scale Amendment was approved. Bishop reviewed the changes to Exhibit C Land Development Code Required Text Document amended May 14, 2001; top of page 2, added *In addition to the foregoing limitation there should be no operation of concrete and cleaning equipment prior to 8:00 a.m. and such equipment shall not be operated more than four total hours per day. Any additional metal buildings for other than just storage, shall be insulated in the roof and exterior walls to limit noise.* She mentioned on page 2 under f, the following are addressed: setbacks, signage, height in which the height is changed from 50' to 30', parking, access, again signage, and utilities. On page 3, g(1) addresses no access onto Maple Street; page 4, k, the applicant will construct a six foot masonry fence not less than five feet inside the property boundaries abutting St. Ambrose Church Road and CR 305, the fence shall be architecturally finished on the exterior and the applicant will landscape along such boundaries sufficient to meet the requirements of the Screening Standard "C" in the LDC. Reardon voiced concern about the six month issuance for the concrete wall and stated that he would like it to be ASAP. Bishop stated that the applicant agreed within 30 days. Bosanko reminded the Board that it is a little bit complicated regarding the two decisions; the first one is a land use decision under the Comp Plan, if disapprove don't approve the second one, but if approve the first one, then would have a hard time turning down the second one. Reardon voiced concern with the noise from the electrical equipment. McClure replied that they could commit to keeping the saw and the drill indoors and would comply with the residential standards of noise. Reardon suggested putting the language, *deliveries would not occur on Saturdays.* McClure responded, yes they would and agreed that the stationary saw and drill will be located inside an enclosed structure and some hand tools will be used outside. **Motion by Bryant, seconded by Jacalone, carried**

3/2 by roll call vote, to enact Ordinance No. 2001-43 adopting CPA-00-004, Elkton Concrete Casting, amending the Future Land Use Map.

**Roll Call Vote**

Meiszer	no
Reardon	yes
Jacalone	yes
Kohnke	no
Bryant	yes

Motion passed 3/2.

**ORDINANCE NO. 2001-43**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE FUTURE LAND USE MAP, FROM RURAL COMMERCIAL TO MIXED USE AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

(06/26/01 - 11 - 4.1430)

7. PUBLIC HEARING - PUD-2001-01 - ELKTON CONCRETE CASTINGS PLANNED UNIT DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF COUNTY ROAD 305 AND ST. AMBROSE CHURCH ROAD, NORTH OF STATE ROAD 207. THIS REQUEST SEEKS TO REZONE 1.77 ACRES FROM RESIDENTIAL, SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW AN EXISTING DEVELOPED SITE AND STRUCTURES TO BE USED FOR A PRE-CAST CONCRETE MANUFACTURING FACILITY. THE SITE IS LOCATED IN THE ELKTON AREA AND IS PREDOMINANTLY SURROUNDED BY AGRICULTURAL RELATED USES AND SCATTERED RESIDENTIAL USES. THE APPLICANT HAS PROVIDED THAT THE EXISTING STRUCTURES ON THE SITE WILL BE USED, AND AN ADDITIONAL STRUCTURE NOT TO EXCEED 7,200 SQUARE FEET OF GROSS FLOOR AREA MAY BE CONSTRUCTED IN THE FUTURE. THE APPLICANT HAS REQUESTED A WAIVER FROM PAVING REQUIREMENTS AND ALSO FROM LANDSCAPING REQUIREMENTS ALONG PINE AND MAPLE STREETS. THE SITE IS NOT CURRENTLY PAVED, AND THERE ARE NO EXISTING TREES ON THE SITE. AN ARCHITECTURALLY FINISHED, SIX-FOOT HIGH MASONRY FENCE WILL BE CONSTRUCTED ALONG COUNTY ROAD 305 AND ST. AMBROSE CHURCH ROAD. THE FENCE WILL BE LOCATED NOT LESS THAN FIVE FEET FROM THE PROPERTY LINES AND WILL BE CONSTRUCTED WITHIN SIX MONTHS OF REZONING APPROVAL. THIS REZONING REQUEST IS BEING CONSIDERED CONCURRENTLY WITH AN APPLICATION FOR A SMALL SCALE AMENDMENT TO THE 2015 FUTURE LAND USE MAP, WHICH SEEKS TO CHANGE THE LAND USE DESIGNATION FROM RURAL COMMERCIAL TO MIXED USE DISTRICT. THE CHANGE IN LAND USE DESIGNATION MUST BE APPROVED IN ORDER FOR THE REZONING TO BE FOUND CONSISTENT WITH THE COMPREHENSIVE PLAN. THE PLANNING AND ZONING AGENCY CONSIDERED THIS REQUEST ON MAY 17, 2001, AND A MOTION TO APPROVE FAILED FOR LACK OF A MAJORITY VOTE

Proof of publication of notice of public hearing on PUD 2001-01 5811 County Road 305, was received having been published in The St. Augustine Record on June 8, 2001.

Cathy Upchurch, court reporter, was present. Doerr reviewed this item. McClure incorporated his records, all the testimony on all sides presented at the previous hearing on the Comp Plan application. He stated that they would agree in addition to the conditions they offered already, the landscape along five feet on Maple Street and to the same Screening Standards "C" to provide some buffer for hurricanes. McClure stated that they agree to never seek a vacation on Maple Street, but would further agree that if the roads are opened, they would abide by the LDC which sets the landscaping along the perimeter along those streets and the wall. Bedsole stated they wanted to see the entire property fenced, a wall all the way around it, all the power equipment be used indoors and insulate buildings. McClure reviewed what would be indoors and outdoors. Reardon questioned the lighting above the six foot wall. McClure answered the only lighting at night would be for security. Reardon suggested lighting be kept on the interior property and away from the adjacent property. Bosanko needed clarification on mixing machines being inside or outside. McClure replied that the actual equipment is outside and everything else inside. Discussion followed on getting a waste water permit from DEP, having an application to the St. Johns River Water Management, presenting data before operations, stormwater discharge, and plans of all water used on site. McClure stated they offered as a condition of the rezoning, that they would apply for and attain those permits. **Motion by Reardon, seconded by Bryant, carried 3/2 with Meiszer and Kohnke opposing, to enact Ordinance 2001-44, known as Elkton Concrete Castings PUD (PUD-2001-01), adopting Findings of Fact 1 through 5 to support the motion with the conditions presented by Doerr; on the Master Development Plan Text, Exhibit C to the Ordinance on page 2, *deliveries will not occur on Saturdays, stationary drill press and all saws will be used inside only, any additional metal buildings shall be insulated in the roofs and interior walls to eliminate noise, page 3, 30 foot height limitation, page 4 Section K, there are no trees subject to removal inasmuch as the site is already developed, strike 6 months and add within 30 days of issuance of certificate of occupancy and occupational license, six foot nature stand be constructed, side of property boundary by St. Ambrose Church Road and CR 305, and Pine Street to Maple Street, landscaping along Maple Street in accordance with Screening Standards C of the LDC shall be installed, Maple and Pine Street are opened, landscaping is required by the LDC and landscaping along Maple and Pine Street shall be provided, lighting on site directed toward interior on site, page 7 on Waiver Section, strike and Bay Street, fixed power saws must be located inside the building.***

**ORDINANCE NO. 2001-44**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL, SINGLE FAMILY (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(06/26/01 - 12 - 4.2305)

8. PUBLIC HEARING - SUPMIN - 2001-11 MOOSE LODGE #1017. THIS IS A REQUEST TO APPEAL A PLANNING & ZONING AGENCY DENIAL OF A SPECIAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES IN CONNECTION WITH A PRIVATE CLUB IN THE OR ZONING DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT 1995 WILDWOOD DRIVE. THE APPLICANT HAS OFFERED A CONDITION LIMITING HOURS OF OPERATION AS FOLLOWS: MONDAY - THURSDAY, 1:00 PM TO 11:00 PM.; FRIDAY - SATURDAY, 12:00 PM TO 1:00 AM, AND SUNDAY, 12:00 PM TO 11:00 PM. SECTION 2.03.02 OF THE LAND DEVELOPMENT CODE PROVIDES MINIMUM STANDARDS FOR THE GRANTING OF SPECIAL USES FOR THE SALE OF

ALCOHOLIC BEVERAGES; THE APPLICANT HAS VERIFIED THAT ALL THESE STANDARDS CAN BE MET. ON APRIL 19, 2001 THE PLANNING & ZONING AGENCY HEARD THE REQUEST FOR SPECIAL USE; AREA RESIDENTS ATTENDED THE PUBLIC HEARING AND EXPRESSED CONCERNS RELATED TO THE PROPOSED USE IN RELATION TO THE EXISTING RESIDENTIAL DEVELOPMENT. ALTHOUGH THE REQUEST IS CONSISTENT WITH SECTION 2.03.02 OF THE LAND DEVELOPMENT CODE, STAFF IS OF THE OPINION, BASED ON EVIDENCE AND TESTIMONY PRESENTED AT THE PUBLIC HEARING, THE APPLICANT DID NOT SUFFICIENTLY DEMONSTRATE COMPLIANCE WITH THE DEFINITION OF SPECIAL USE AS STATED IN ARTICLE XII OF THE LAND DEVELOPMENT CODE. IF THE BOARD FINDS THE REQUEST CONSISTENT WITH THE DEFINITION FOR SPECIAL USE, STAFF FINDS THE REQUEST CONSISTENT WITH ALL OTHER PERTINENT SECTIONS OF THE LAND DEVELOPMENT CODE

Proof of publication of notice of public hearing on SUPMIN 2001-11 Appeal, Moose Lodge #1017, 1995 Wildwood Drive, was received having been published in The St. Augustine Record on June 11, 2001.

Cathy Upchurch, court reporter was present. Heather Morris, Assistant Zoning Manager, reviewed this item. Kohnke disclosed having ex-parte regarding sending a letter to Pastor Gary Martin. Jacalone disclosed having ex-parte regarding a conversation with Joe Segui who was concerned about this use being granted, and the safety of the area and a conversation with Mr. Nick Landy who expressed having support for this request. Bryant disclosed having ex-parte on being approached about the safety on Wildwood Drive. Bosanko placed into the record a copy of the Effie Case which was sent to all the Commissioners regarding the limits on alcohol beverage exceptions. He summarized the case for the Board. Morris reviewed the special use requirements. Bosanko recommended Morris to read the definition. Morris read the definition into the record; a special use, as a use that would not be appropriate generally or without restriction throughout the zoning district, but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare of area residents. Bosanko's final comment about the special use definition is there is a long line of cases that basically say, just because a group of citizens are concerned about a potential problem, that alone is not sufficient evidence to turn down a special use.

(4.2747) McClure, representing the local Moose Lodge, spoke on who identifies the standards, the distance limitation for alcohol use, and stated that the Moose Lodge is a private social organization and explained what it represents.

(4.3096) Arthur Capo, 1815 Century Blvd., spoke in favor of the Moose Lodge. McClure concluded the presentation with stating that they had included specific limitations in the packet on hours of operation, and even though it doesn't need to be offered, it is included as a criterion in the code which affects special uses. He emphasized that this is a special use which is applicable only to the Moose Lodge. If sold to anyone else, this special use would expire and next the applicant would have to come in and justify it to the Board.

(4.3358) Carmen Tiberio, 73 Coquina Avenue, translator for Tiberio spoke, asking the Board for full support of the new Moose Lodge.

(4.3734) Capt. Tim Roberts, 120 Mariner Road, with the Salvation Army, spoke on the Salvation Army building a building behind the proposed Moose Lodge, and requested for a buffer of some kind to be placed between where the back of the two properties touched.

(5.0024) Meiszer questioned where the church property is located. The church property fronts SR 207 and the Moose Lodge property fronts Wildwood Drive. Bosanko mentioned

that Pal Howell sponsored a change to the codes about four years ago which clipped the rules on bars and churches to make it work both ways. Kohnke questioned if the Salvation Army owns the property. Roberts answered yes they do.

(5.0134) Joe Segui, 2020 Wildwood Drive, stated that he was totally opposed to this project and mentioned all the accidents in the area for the past year.

(5.0263) Theresa Fox, 2879 North First Street, spoke in favor of this project.

(5.0328) Sharon Harris, 3606 Fort Peyton Circle, spoke in favor of this project.

(5.0474) Betty Jo Emery, 2030 Wildwood Drive, spoke in opposition of this proposed application.

(5.0634) Amy Ward, 2050 Wildwood Drive, stated she was strongly opposed to this proposed application.

(50701) Thomas Opra, 7540 U.S. Hwy 1 South, spoke in favor of this project.

(5.0768) McClure questioned Segui. McClure spoke on the accidents that happened on Wildwood Drive at the curve going to SR 207. Kohnke spoke on traffic increase on Wildwood Drive. Motion by Kohnke to deny the appeal of SUPMINO1-11, upholding the decision of the Planning and Zoning Agency, adopting Findings of Fact 1 thru 2 to support the motion and being denied on the basis of the serious traffic accidents and situations on Wildwood Drive. Bosanko commented on considering getting a traffic expert to testify, and need evidence in the record to support denial by traffic. Kohnke stated that she would consider a motion to continue. Bosanko mentioned that the Moose Lodge approval is not to be approved, just the alcoholic beverage issue is. Motion by Kohnke to continue until a traffic expert can determine whether the traffic on Wildwood Drive mixed with an alcohol permit would increase the accidents on Wildwood Drive. The motion dies for lack of a second. Morris stated that Greg Kennedy, Traffic Operations for the County, spoke at the Planning and Zoning Agency Meeting and stated that his opinion was that the roadway was reviewed as a relatively safe roadway. **Motion by Kohnke, seconded by Bryant, failed 2/3, by roll call vote, to deny with Findings of Fact 1 and 2.**

#### **Roll Call Vote**

<b>Reardon</b>	<b>no</b>
<b>Jacalone</b>	<b>no</b>
<b>Kohnke</b>	<b>yes</b>
<b>Bryant</b>	<b>yes</b>
<b>Meiszer</b>	<b>no</b>

**Motion failed 2/3.**

(5.1167) **Motion by Reardon, seconded by Meiszer, carried 3/2, by roll call vote, to approve appeal of SUPMINO1-11, reversing the decision of the Planning & Zoning Agency, adopting Findings of Fact 1 through 3 and with conditions 1 through 3 to support the motion.**

## Roll Call Vote

Jacalone     yes  
Kohnke       no  
Bryant       no  
Meiszer      yes  
Reardon      yes

**Motion passed 3/2.**

The meeting recessed at 5:30 p.m. and reconvened at 5:46 p.m.

Doug Burnett, Assistant County Attorney, entered the meeting.

(06/26/01 - 15 - 5.1304)

9. PUBLIC HEARING - AMENDMENT TO ARTICLE IV (WETLAND UPLAND BUFFER) OF THE LAND DEVELOPMENT CODE. THIS IS THE SECOND PUBLIC HEARING TO CONSIDER A PROPOSED AMENDMENT TO ARTICLE IV OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. SPECIFICALLY, TO AMENDMENT TO ARTICLE IV SECTION 4.01.06, ENVIRONMENTALLY SENSITIVE AREAS - WETLANDS, ESTUARIES AND NATURAL WATER BODIES, TO INCLUDE NEW UPLAND BUFFER STANDARDS AND DELETE SUBSECTIONS 4.01.02.E PERTAINING TO LOTS OF RECORD, 4.01.02.F PERTAINING TO SHORELINE STABILIZATION AND 4.01.02.G PERTAINING TO RIPARIAN ACCESS WHICH ARE NOW INCLUDED IN THE REVISED SECTION 4.01.06

Proof of publication of notice of public hearing on amendment to Article IV of the Land Development Code affecting land use, was received having been published in The St. Augustine Record on May 15, 2001 and June 15, 2001.

Scott Clem, AICP, Director of Growth Management Services, reviewed this item, commenting on the current Land Development Code having regulations that address upland buffers. Jacalone stated that the changes only affect newly created lots. Clem mentioned that there were three workshops and one public hearing on this item at this point. He reviewed the changes; one can see how jurisdictional wetlands are established, the limitation of 25% cap on all properties, allow greater flexibility to alternative buffer designs, allow trimming within the buffers, the proposed off site litigation options, allow more flexibility with averaging, reduced setback of buffer from 25 feet to 15 feet, included vesting language, included variance procedures, and maintaining 25 feet for individual lot owners for single family use. He stated that they have recommended measures to increase the protection on some of the sensitive areas and stated that the Planning and Zoning Agency recommended approval with a 5/1 vote. Meiszer requested Clem to compare the existing ordinance with the proposed ordinance and point out the differences. Clem explained the buffers, and stated that the wetlands with wildlife is not being protected. Clem outlined the changes, page 1, paragraph 4, labeling of conservation area to let everyone know there is a buffer restriction in that area. Kohnke requested to add to paragraph 4 after, required acreage, *and for passive*. Clem replied that they had specifically excluded passive because there would be restrictions on the use of the buffers that are delineated further in the ordinance. Clem continued, on page 3 made a change in the boundary of the Hallows Cove area. Kohnke requested to add on page 3 under paragraph 2, the rest of the description on Durbin Creek. Clem stated that they described the entire portion of Durbin Creek, but did not include Julington Creek. Kohnke requested for Clem to look at paragraph 6, page 2 on measuring, and in paragraph 3, add after any Area of Special Concern, *areas of natural resource of regional significant in the aquatic reserve*. Clem

noted on page 4, alternative A version, clarified the language of areas of Special Concern for the Intercoastal Waterway; on top of page 6, and under Fish Tail Swamp, recommended change to the boundary of this area. Kohnke asked Clem if they would consider reducing the minimum Upland Buffer from 75 feet to 50 feet. Clem stated that they would take the directions from the Board. Clem stated at the top of page 13, recommended a change to the trimming section deleting, *hand trimming will be confined to an area that has*; page 16, paragraph 2, Property Rights, strike out, *All wetland alteration and, allowed under these special exceptions, ensured that there is no, and Wetlands*; and under Alternative B, instead of using mean high water line to try to establish which water bodies the larger buffer applies to, salvage it by types of community. If the Alternative language is acceptable, it will substitute various sections.

(5.2792) Burnett distributed items to place into the record; Figure 1 through 10, map showing buffers and habitat classification, Calculating Buffer Zone Widths for Protection of Wetlands and Other Environmentally Sensitive Lands in St. Johns County, and Background Report in Support of Development of a Wetland Buffer Zone Ordinance.

(5.2893) Mike Adams, 2425 CR 13, Elkton, President of the St. Johns County Audubon Society, gave his credentials, and presented the objectives of the Audubon Society.

(5.3244) Roger Van Ghent, 4005 Moultrie Foreside Blvd., distributed a packet with proposed changes to the ordinance and reviewed it. He explained why buffer wetlands, and gave 10 changes that they recommended; 1) delete all occurrences of the adjective "Contiguous" from wetland references, 2) add Mocassin Branch to D.1.a. Areas of Special Concern, 3) add Pablo Creek to D.1.b. Areas of Special Concern, 4) add Moultrie Creek to D.1.b. Areas of Special Concern, 5) add Trestle Bay Swamp to D.1.c. Areas of Special Concern, 6) change D.2.b. to incorporate all county navigable waters as in current code, 7) add restriction to averaging to F.1., 8) change the minimum buffer to 25 feet in F.2.a.(1), 9) add condition to F.2.c.(4) Land Banking, and 10) change the minimum buffer to 25 feet in I.2.d.

(6.0000) Bert Charest, 110 Neptune Road, spoke in favor of the ordinance and recommended supporting the Alternative Draft proposed by the Audubon Society.

(6.0087) Rufus Pennington, 12 San Juan Circle, Ponte Vedra Beach, spoke in favor of the ordinance.

(6.0379) Patrick Hamilton, 201 Owens Avenue, spoke on behalf of Audubon's proposal for the buffer ordinance.

(6.0480) Lindsey Holt, 5315 SR 206 West, Elkton, spoke in opposition of the ordinance as it stands.

(6.0598) Jerry Cameron, 518 Gentian Road, spoke in opposition of this item.

(6.0790) Phil Ham, 903 San Remo Road, spoke in favor of the wetland buffer with the changes proposed by the Audubon Society.

(6.0882) Deborah Andrews, 11 North Roscoe Blvd., spoke in support of the new Wetland Buffer Ordinance and submitted information regarding Model Ordinances Language and Applicant's Handbook Management and Storage of Surface Waters, for the Board's consideration.

(6.1026) Dr. Cecile-Marie Sastre, 3145 North Coastal Hwy. #1128, gave her credentials, and spoke in favor of the ordinance.



- (6.1215) Julie Parker, 290 Palmetto Road, spoke in favor of the ordinance.
- (6.1327) Karen Lewis, 11 Contera Drive, spoke in favor of the ordinance.
- (6.1401) Gary C. Carter, 40 Hybiscus Avenue North, spoke in favor of the ordinance.
- (6.1479) Davron King Cardenas, 9173 Old A1A, spoke in favor of the ordinance.
- (6.1628) Doug Crane, 994 Ponte Vedra Blvd., Ponte Vedra Beach, spoke in opposition of the ordinance.
- (6.1794) Bill Watson, 501 Centre Street, Fernandina Beach, spoke in opposition of the ordinance.
- (6.1898) Roy Hinman II, 3899 South Winterhawk Court, spoke in opposition of the ordinance.
- (6.2152) Lorelie Held, 2245 CR 13 South, Elkton, spoke in opposition of the ordinance.
- (6.2238) Don Beattie, 808 Mill Pond Ct., Jacksonville, spoke in favor of the ordinance.
- (6.2693) Terry Powers, 47 Florida Avenue, recommended adopting the ordinance.
- (6.2804) Dave Tillis, 410 Tradewind Lane, spoke on the wetland buffers and the proposed ordinance taking private land for public use without compensation not being right or legal.
- (6.3100) Glenn Marvin, 10151 Deerwood Park Blvd., Jacksonville, spoke in opposition of the ordinance.
- (6.3270) Bob Kroner, Jr., 1298 Ponte Vedra Blvd., spoke in opposition of the ordinance.
- (6.3550) Edward Strozier, 230 Cubbedge Road, spoke in favor of the ordinance.
- The meeting recessed at 8:12 p.m. and reconvened at 8:32 p.m.
- (7.0027) Judy Ginn, 6784 Avenue A, spoke in supporting the passage of the ordinance.
- (7.0067) Heather Michael, 5348 A1A South, spoke in opposition of the ordinance.
- (7.0205) Margaret Kaler, 16 Garnett Avenue, spoke in favor of the ordinance.
- (7.0266) Pinkham Pacetti, 3424 SR 13, Switzerland, spoke in opposition of the ordinance.
- (7.0423) Harry Waldron, 118 Colon Avenue, spoke in opposition of the ordinance.
- (7.0554) Bill Carr, 603 Mariposa Street, spoke in favor of the ordinance.
- (7.0816) Francis O'Loughlin, 1925 SR 207, spoke in opposition of the ordinance.
- (7.0947) John Metcalf, 1104 Mill Creek Drive, spoke on his letter to Teresa Bishop dated February 17, 2000 regarding the laws and regulations requiring the control of the erosion turbidity, his letter to Teresa Bishop dated March 22, 2000 regarding the wildlife protection aspect of the study prepared for the County by Jones Edmunds and Associates, and distributed proposed changes from him: page 1, Intent, strike out *Johns County Comprehensive Plan and the St.*; page 3, reduce buffer requirements along the river to 25 feet from 50 feet, along certain named creeks from 75 feet to 50 feet; page 4, favor County's

Alternative Version B, and at the bottom of page 4 to make it clear, he inserted, *that the special upland buffer would apply to wetlands that are nominated by salt-tolerant vegetation*; page 5 and 6, he is suggesting cutting the 150 foot buffers in half and doing a proportion reduction in some of the other buffers; and page 7, he inserted a new concept in the middle of the page, *No buffer requirement for lawfully impacted wetlands*. He spoke on his letter to Mary Kohnke, dated May 21, regarding the St. Johns County Buffer Ordinance.

(7.1471) Lynn Pappas, 200 West Forsyth Street, Jacksonville, spoke on the buffers and suggested using Metcalf's draft as a starting point, if the ordinance is passed.

(7.1625) Ed Lowe, 929 Eagle Drive, spoke with environmental comments in favor of the proposed ordinance.

(7.1943) David Queen, 16 Sanchez Street, spoke on adopting a strong wetland buffer ordinance and the proposed ordinance being too weak.

(7.2138) David Wiles, 8220 A1A South, spoke in support of the Audubon's version, and encouraged supporting Planning and Zoning's approval.

(7.2258) John Staschiak, 245 Wildwood Drive, spoke on the buffers needing to be protected, and there being some kind of compromise.

(7.2478) Donald Dunham, 1476 Mallard Landing Blvd., Fruit Cove, spoke in favor of the ordinance.

(7.2670) Margaret White, P.O. Box 2034, spoke in opposition of the ordinance.

(7.2793) Sacha Martin, 133 Coastal Hollow Circle, spoke in favor of the ordinance.

(7.3140) Brenna Durden, 9428 Baymeadows Road #625, Jacksonville, requested that the Board not require buffers for landowners who have been authorized by the Agency to fill those wetlands.

(7.3580) Bill Hamilton, 1690 A1A South, spoke in favor of the ordinance.

(8.0103) Sarah Bailey, 2202 Bishop Estates Road, Jacksonville, spoke in favor of the ordinance.

(8.0388) George McClure, 170 Malaga Street, explained the three issues that the wetland buffer addressed, using visual display. He suggested that there is a solution, and if one takes into account the cost of administration of the ordinance, reduction in revenues, and attorney fees, and use those dollars to acquire continuous parcels of real property to preserve forever the value of the ecological systems in this County.

(8.0669) Glenn Moore, 211 Covina Avenue, spoke in opposition of the ordinance.

(8.0691) Gary Howell, Sr., 2201 SR 16, spoke in opposition of the ordinance and recommended to table this item.

(8.0807) Mary Cornwell, 2652 SR 13, spoke in favor of the ordinance, but stated that it needed to be stronger.

(8.0973) Robert Mathis, 2304 Gold Finch Place, stated that he approved of Metcalf's version of the ordinance.

(8.1036) Dr. Cory Inman, 3899 South Winterhawk Court, spoke in opposition of the ordinance.

(8.1213) Clem stated that they tried to create something that they thought was a compromise. He gave clarification on the 25% limit. Kohnke stated that she had three suggestive changes and a couple of comments. She had made a comment earlier on page 6 for a decrease and she stated she also had two increases for buffers from 15 feet to 25 feet on page 7c and page 8a(1). Reardon read into the record the letter from David Arnold. He also submitted for the record email he had received. Bryant stated that this ordinance is too punitive. Jacalone questioned the request to reduce the area from the St. Johns/Duval County line down to the Palm Valley Bridge from 75 to 50 feet with no substantial reason why and stated that he is offended by that recommendation. Meiszer voiced concern about the enforcement and what impact this ordinance would have on the Marina on the waterway. Clem stated that any activities that are permitted within the water are not affected by the buffer ordinance, but land site activities can be. Burnett commented on explaining property not being vested. Jacalone mentioned words like, reasonable access, are so hard to enforce. Reardon voiced concern about balancing the protection of the environment and the rights of the property owners. He stated that he was not comfortable passing an ordinance with a 150 foot buffer and that he was open to bringing the ordinance back. Motion by Kohnke to enact Ordinance No. 2001-45, amending Upland Buffer regulations contained in Article IV of the Land Development Code with Alternative A. Motion died for lack of a second. Meiszer stated that the size of the buffer should depend on what they are trying to accomplish. Discussion followed on what is trying to be accomplished and how much space it takes to accomplish it, and the JEA study establishing buffer sizes. Jacalone recommended not to accept what they have now, but to extend what they have now. Reardon replied that he is not ready to vote on this tonight. Kohnke mentioned it was worked on for a year and a half, and if the Board does nothing, then it will go down hill. Motion by Meiszer, seconded by Kohnke, to adopt the ordinance that is amended by the Audubon Society, including Mocassin Creek. Bosanko questioned which version was being referred to, and stated that if the public hasn't seen it, then it could create a problem. He advised the Board, since he hasn't reviewed the Audubon Society's version and there are substantial changes, then it cannot be passed. Meiszer withdrew his motion. Motion by Jacalone to take no action and look into it further. Bryant stated, if no action is taken, then need to bring it back. (9.0023) Reardon mentioned that he was in favor of the basic of what the County Ordinance is, and what the Audubon is recommending, but not comfortable with everything that has been suggested. **Motion by Kohnke, seconded by Reardon, carried 4/1 with Bryant opposing, to continue this meeting, of this ordinance, at the place the Board is at now, to July 24 at 1:30 p.m.** Bosanko clarified that the Board was reconsidering a version of this order and when the Board decides which version to use on July 24, he then suggested that the Board put the new ordinance into form, and re-advertise for two hearings. Jacalone suggested seeing what happens on July 24 and then take it from there.

(9.0237) **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 11:49 p.m.

CORRESPONDENCE:

1. Oath of Office from Don Girvan for the Industrial Development Authority. (04/27/01)
2. Letter to Liz Cloud, Department of State, filing St. Johns County Ordinance No. 2001-39. (06/19/01)

REPORTS:

1. St. Johns County Board of County Commissioners Check Register Check #305285 through #305290. (06/15/01)
2. St. Johns County Board of County Commissioners Check Register Check #305291 through #305553. (06/19/01)

Approved, July 24, 2001

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: \_\_\_\_\_  
Deputy Clerk