

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 7, 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
 Ben W. Adams, Jr., County Administrator
 James G. Sisco, County Attorney
 Judy Hamilton, Deputy Clerk

Commissioner James E. Bryant, District 5, Vice Chair, was on excused absence.

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director, Clerk's Office

(08/07/01 - 1 - 9:00 a.m.)

The meeting was called to order by Chair Jacalone.

(08/07/01 - 1 - 9:00 a.m.)

The Invocation was given by Reardon. The Pledge of Allegiance was led by Kohnke.

(08/07/01 - 1 - 9:00 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(08/07/01 - 1 - 9:01 a.m.)

Jacalone asked for a moment of silence in commemoration for the three teenagers that were involved in a terrible car accident on 206, Sean Terry, Anthony Conley, and Charles Evans.

(08/07/01 - 1 - 9:01 a.m.)

PUBLIC COMMENT

Bob Betts, Director, Anastasia Mosquito Control District, 500 Old Beach, spoke on Aerial Aducticiding in areas outside the Mosquito Control District. Discussion was held on GIS parameters where they wanted to spray and the media explaining what they must do to get petitions for a referendum for a district to be created. David Halstead stated the application has to come through the County and the Board had consented to that, although there was no funding obligation known.

(9:10 a.m.) Julie Parker, 290 Palmetto Road, St. Augustine, with visual display and handouts, spoke on her outrage for a Commissioner voting against larger buffers.

(9:18 a.m.) Bill Jepson, 6336 Constanero Rd., St. Augustine, spoke on banning the use of cell phones while driving.

(9:20 a.m.) Doug Laidlaw, 120 Stokes Landing Rd., St. Augustine, spoke on a formal complaint against a Commissioner, with visual display.

(9:28 a.m.) Bob Crowell, 49 Surf Dr., St. Augustine, representing several residents of St. Augustine by the Sea, spoke on questions regarding service. (9:34 a.m.) After discussion, **motion by Meiszer, seconded by Reardon, carried 4/0 with Bryant absent, that the County Administrator be directed to respond to every one of these questions and to provide the Board a copy within the week, if possible, or a status report concerning it.**

(9:36 a.m.) Don Beattie, 808 Mill Pond Ct., spoke on wider buffers being needed for certain wetlands and different water bodies requiring different provisions.

(9:43 a.m.) Victor Martinelli, 24 Carriage Ln., Ponte Vedra Beach, spoke on a pro-active Board.

(08/07/01 - 2 - 9:47 a.m.)

DELETIONS FROM CONSENT AGENDA

Meiszer commented that Item #3 deserved more explanation than was provided.

(08/07/01 - 2 - 9:47 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Reardon, seconded by Kohnke, carried 4/0 with Bryant absent, to approve the Consent Agenda.

1. Approval of the Cash Requirement Report.
2. Approval of Minutes:
07/10/01 - BCC Regular Meeting
07/17/01 - BCC Regular Meeting
07/24/01 - BCC Regular Meeting
3. Motion to approve the transfer of \$50,000 from 4426-59920 (Utilities Reserves) to Sewer Lift Stations and Lines 4416-54500 (Insurance), 4416-54601 (Equipment Maintenance), 4416-54602 (Vehicle Maintenance), 4416-54603 (Other Maintenance), 4416-55100 (Office Supplies) and 4416-55200 (Operating Supplies)
4. Motion to adopt **Resolution No. 2001-159**, amending the Beach Services Fund Budget to receive unanticipated revenue for fiscal year 2001 in the amount of \$25,000 and appropriating it for use

RESOLUTION NO. 2001-159

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

5. Motion to approve the transfer of \$15,900 from the Florida Boating Improvement Trust Fund Reserves (1107-59920) and to expand the scope of the FY 2001 CIP Vilano Boat Ramp Project to include environmental permitting

6. Motion authorizing the Chairman of the Board to execute a Certificate of Conformance with applicable regulations and requirements for the Casa Monica Hotel
7. Motion to approve the transfer of \$19,500 from the Court Facilities Trust Fund Reserve (1300-1301-59920) to cover the expense of computer upgrades
8. Motion to approve the transfer of \$1,805 from Fire Service Reserves (1230-59920) to Gas Oil, and Lubricants (1121-55201) to cover remaining expenses for Fire Station #6, for FY 2001
9. Motion to adopt **Resolution No. 2001-160**, approving a Final Plat for Marsh Creek Unit 16

RESOLUTION NO. 2001-160

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSH CREEK UNIT 16

10. Motion to adopt **Resolution No. 2001-161**, approving a Final Plat for Julington Creek Plantation Parcel 56 Phase I

RESOLUTION NO. 2001-161

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 56 PHASE I

11. Motion to adopt **Resolution No. 2001-162**, approving a Final Plat for Ponte Vedra by the Sea Unit Two Replat Number One

RESOLUTION NO. 2001-162

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR PONTE VEDRA BY THE SEA UNIT TWO REPLAT NUMBER ONE

12. Motion to adopt **Resolution No. 2001-163**, approving a Final Plat for Marshall Creek DRI Unit A-One

RESOLUTION NO. 2001-163

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT A-ONE

13. Motion to adopt **Resolution No. 2001-164**, approving a Final plat for Belvedere Place

RESOLUTION NO. 2001-164

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

14. Motion to adopt **Resolution No. 2001-165**, accepting and authorizing the execution of a Temporary Access Easement to a Communications Tower Site located off State Road No. 16

RESOLUTION NO. 2001-165

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION OF A TEMPORARY ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF STATE ROAD NO. 16

15. Proofs:
- a. Proof, Notice of Meeting Cancellation, St. Johns County Board of County Commissioners, August 21 and August 28, 2001
 - b. Proof, Notice to Bidders, Bid No. 01-81
 - c. Proof, Certificate of Insurance, Jones Edmunds & Associates, Inc.
 - d. Proof, Certificate of Liability Insurance, Coastal Container Corporation
 - e. Proof, Certificate of Liability Insurance, Coastal Container Corporation
 - f. Proof, Certificate of Insurance, Phillips Roll-Off Container
 - g. Proof, Certificate of Insurance, APAC-Florida Inc.
 - h. Proof, Certificate of Liability Insurance, Madison Construction Services
 - i. Proof, Certificate of Liability Insurance, Madison Construction Services
 - j. Proof, Certificate of Liability Insurance, City Sanitation, LLC.
 - k. Proof, Certificate of Liability Insurance, Arwood, Inc.
 - l. Proof, Certificate of Liability Insurance, Professional Employer Plans
 - m. Proof, Certificate of Liability Insurance, American Disposal Services LLC.
 - n. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
 - o. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
 - p. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
 - q. Proof, Certificate of Liability Insurance, Vernon D. Keith, DBA Construction Debris Removal, Inc.
 - r. Proof, Certificate of Liability Insurance, Construction Debris Removal, Inc.
 - s. Proof, Certificate of Liability Insurance, Omne Staffing, Inc.
 - t. Proof, Certificate of Liability Insurance, Omne Staffing, Inc.
 - u. Proof, Certificate of Liability Insurance, Econosweep, Inc.
 - v. Proof, Certificate of Liability Insurance, Herrington Industries, Inc.
 - w. Proof, Certificate of Liability Insurance, Gateway Disposal Services, LLC.
 - x. Proof, Certificate of Liability Insurance, Allied Waste Industries, Inc.
 - y. Proof, Certificate of Liability Insurance, Pappas Services, Inc.
 - z. Proof, Certificate of Liability Insurance, Waste Watchers of Jacksonville
 - aa. Proof, Certificate of Liability Insurance, United Staffing of America LTD.
 - bb. Proof, Certificate of Liability Insurance, Seaboard Waste Systems, Inc.
 - cc. Proof, Certificate of Liability Insurance, Shapell's Inc.

(08/07/01 - 5 - 9:48 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested the addition of Item A, Mrs. Laidlaw's letter. Adams requested the addition of Item B, Update on the Boat Ramps by Dan Weimer, Recreation and Parks Director. Adams requested the addition of Item #17, Blue Ways, and Item #18, Signalization.

(08/07/01 - 5 - 9:48 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Reardon, seconded by Meiszer, carried 4/0 with Bryant absent, to approve the Regular Agenda, as amended.

(08/07/01 - 5 - 9:50 a.m.)

A. LAIDLAW LETTER

Adams addressed the Board regarding the letter, dated July 6, received by him July 9, consulted with Laidlaw and Halstead, reviewed the issues, and talked with County Attorney. The County Attorney had prepared a letter, dated July 16, whereby he gave information about their labor attorney, who recommended that the Commission be cautious to undertake no course of action toward Laidlaw either corporately or individually as County Commissioners, which might be constructed as retributive or retaliatory in nature, unless it found that Laidlaw maliciously or falsely made those charges. Laidlaw and Kohnke both have rights. Adams had spoken with Laidlaw this morning, since the issuance of the letter. The Government TV Committee had been disbanded. Kohnke had removed herself from that committee in conjunction with this. Laidlaw felt very comfortable with her work environment and did not feel threatened in any way, per Adams. The films had been shown. To sum it up, Adams sat down with Sisco and discussed the best way to resolve this matter and come to a conclusion. The matter was turned over to Assistant County Attorney Doug Burnett. Adams read his letter into the record, dated August 1, 2001, to the Commissioners: *In accordance with Mr. Sisco's memorandum to the Board dated July 16, 2001, the County Attorney's Office has looked into Margarete Laidlaw's letter of July 6, 2001 from an employment and work environment perspective. The following is provided as a brief synopsis. Subsequent to the decision of the Board of County Commissioners to disband the TV Committee, the County Attorney's Office met with Mrs. Laidlaw. Mrs. Laidlaw informed the County Attorney's Office that disbanding the G-TV Committee alleviated her concerns and all complaints related to the Committee and Commissioner Kohnke. As for the running of the channel, Mrs. Laidlaw understands that the programming of the County's government channel must adhere to the G-TV policy manual and will seek direction from her immediate supervisor, Mr. Zebrowsky, or the Board of County Commissioners and myself when necessary and appropriate. Thus, the duties and responsibilities of her employment are unchanged even though the G-TV Committee no longer exists. Consistent with the letter previously provided by our labor attorneys, this office has advised the County Administrator and personnel that no course of action should be undertaken toward Mrs. Laidlaw, which might be construed as retributive or retaliatory in nature. Further, we have requested Mrs. Laidlaw to promptly inform personnel if she feels she is or has been subject to those types of inappropriate measures. Adams stated Laidlaw had assured him this morning that there is absolutely no retribute problem or no allegations have been made against her. With regard to Commissioner Kohnke's interaction with Mrs. Laidlaw, I have discovered no allegations of wrongful conduct by Commissioner Kohnke that have not already been asserted to the Board in Mrs. Laidlaw's letter or by citizen comments to the Board. The request here is that if more information is required, please advise. Adams submitted this information and requested if any more action was required. Jacalone stated he thought that was satisfactory and Adams duties in this matter were concluded. Meiszer stated he thought it was incumbent for the Board to set a standard for its members and when necessary to discipline them and to let the public, our Advisory Board Members, and*

our employees know, in some official way, that we do not condone statements, language or conduct that has been brought to their attention. The tapes indicated, Meiszer stated, a need for training for some Advisory Board Members in the difference between an advisory and administrative board. (9:59 a.m.) Meiszer proposed that the Board adopt a resolution citing the specifics which indicate a pattern of incidents which are unacceptable and constitute unbecoming conduct on the part of a County Commissioner, and that Commissioner Kohnke be admonished that any similar activities might result in more serious disciplinary action by this Board. He stated the Board's dealings with Staff should be done through the County Administrator. Reardon stated he always tried to make the most professional decisions and deal with all Staff as professionals. There is a County ordinance which stated that Commissioners should not give direction to Staff and there was a fine line, Reardon stated, between allowing to have conversations with Staff for information, but there had been, in this situation, a couple of letters specifically written against a Commissioner, where a staff person was brought to tears, and one person's job was threatened, and other verbal concerns Reardon had received from other personnel, who were afraid to come forward for fear of retribution. Reardon did not propose any direct action with a resolution or motion, but wanted all Commissioners to understand that they all abide by a conduct that is professional. It bothered him when one person went beyond acceptable behavior. The bottom line was to make sure that things are running smoothly and not to be punitive in their decisions.

(10:04 a.m.) Kohnke stated her hands had been tied from the beginning of this by a serious suggestion by the County Attorney, and had not been able to refute. She introduced her attorney, Jeff Snead, 599 Atlantic Blvd., Suite 4, Atlantic Beach, who spoke on her behalf. He reminded the Board that the County had investigated this matter. Outside and inside counsel were involved. No findings of fact substantiating any allegations were made. At the very beginning, Kohnke was directed by Sisco not to make any public comment directly addressing any of the issues raised by these letters. He concurred that it was in the best interest of the County to proceed to put the matter behind the County and getting on with business. Snead stated Sisco had provided the somewhat ambiguous language that was currently filed as her public response in this matter, that she has no recollection of this event. That language was given to her by Sisco, as his legal advice on behalf of the County, which she had followed. If there was disciplinary action that was going to be taken against the Commissioner, she had some due process rights. Snead stated the employee had indicated herself in her response that she was satisfied with the action that the County has taken so far. He reminded the Board that these allegations had not been corroborated and none of the video tapes shown demonstrated any violations of the law. Other committee members were raising issues that the initial allegations were slanderous and a retraction has been demanded from Laidlaw. He thought it was appropriate to give Kohnke a chance to fully respond if they were proceeding down the path of conduct and present witnesses that refuted those allegations. The County has a process for dealing with issues such as this, complaints of this type. Apparently the process works, because his reference to the Reardon issue had not come up again. The process being followed now had been in place for a long time and Snead asked why that process was being changed at this time. Snead made further comments.

(10:12 a.m.) Meiszer responded. Jacalone spoke. Sisco responded, stating Kohnke came into his office and discussed the letter; she was proposing to go point by point down that, he advised her that in his limited acquaintance with libel and slander that people can say things about public officials without a risk of libel and slander to a greater degree than somebody can say about a person who is not a public official or a personality in the news. Sisco advised Kohnke that if she wanted to go point by point, and indicating that some of this may be untrue and some may be false and some may be out of context, that she consult an attorney who was acquainted, familiar and knowledgeable in libel and slander law before she did that. Sisco emphasized that.

(10:14 a.m.) Jacalone commented stating it served no useful purpose. Evidence showed there had been some improper conduct and thought if the Board wanted to pursue any further action that Kohnke should be given a chance to explain the film clips seen, letters that had been written, and give her side of the story. If the Board opted to take action without allowing her to respond, the legitimacy of any action by the Board would be very much minimized. Jacalone thought the damage had been done; and that any official Board action would serve no additional purpose. Lessons had been learned and Jacalone stated he would prefer that be the final result of this whole occurrence and that the Commission move on.

(10:16 a.m.) Doug Laidlaw, 120 Stokes Landing Rd., made further comments to the Board.

(10:18 a.m.) Jacalone stated this issue was thoroughly documented by the proceedings that had occurred in the auditorium, by the letters that were offered as exhibits, and by the publicly available tapes that were shown, not only here, but available to anyone, and he thought again that closure to this would be in the best interest of everyone. The County Commission does not condone the activity that has been shown to them. They had heard from Meiszer, from Reardon, and he certainly did not condone the activity that was shown to him and illustrated to him. He thought that the damage had been done and that the County Commission had much more important issues to deal with; this served no real benefit to the people that the Board represents.

(10:19 a.m.) Fred Owen, 13 Maria Place, Ponte Vedra Beach, said he did not support a kangaroo court, and they should hear Kohnke's side of it.

(08/07/01 - 7 - 10:20 a.m.)

B. BOAT RAMPS

Dan Weimer, Recreation and Parks Director, with visual display, updated the Board on where they were with several boat ramp projects in the County. He advised consultants that were present to answer questions of the Boards. Weimer stated Road and Bridge were beginning inspections of boat ramps for fill in washouts, patch and reave as necessary. Weimer's handout was reviewed and discussion held on status of boat ramps in the County.

The meeting recessed at 10:32 a.m. and reconvened at 10:41 a.m.

(08/07/01 - 7 - 10:42 a.m.)

1. DISCUSSION OF POSSIBLE FUNDING MECHANISMS FOR UNDERGROUND ELECTRIC UTILITIES SERVICE WITHIN THE MUNICIPAL SERVICE DISTRICT

E. Owen "Mac" Macular, Chairman, Ponte Vedra PSD, presented the request for discussion of possible funding for underground electric utility service for the Ponte Vedra PSD. Planned Sequence of Events for the proposed PSD underground utility project were discussed. Topics included relocation of aboveground electrical lines to below ground; agreement of all homeowners, electric provider providing lines, legal ability of the PSD to level assessments, recommendation that the PSD go to the Legislature for amendment to their charter to level assessments, County could determine if it was essential, borrowing, issuance of an opinion could not be done without validation; guidelines that allow for assessments to be levied by counties to county residents; determination if the project is eligible for funding; the support level; citizen response, and other various aspects of the issue.

(11:03 a.m.) Bill Ramsey, 698 Ponte Vedra Boulevard, spoke on the issues and gave clarification. Further discussion was held on possible surveys with fair representation of the project cost. Jacalone stated Kohnke could facilitate a sit down with the appropriate

Staff people. Kohnke stated the County Administrator could decide who was appropriate and then they could sit down and find out how they would get answers to their questions.

(08/07/01 - 8 - 11:14 a.m.)

2. REPORT ON ST. JOHNS COUNTY'S COURTHOUSE WATER INFILTRATION PROBLEMS

Mike Rubin, Director of Construction Services, updated the Board on the Courthouse Water Infiltration. *It was the consensus of the Board that they did not get what was paid for; the roof has to be serviceable for X amount of years, and they should do what they have to do, and proceed.*

(08/07/01 - 8 - 11:20 a.m.)

3. CONSIDER THE APPROVAL OF ST. JOHNS COUNTY'S HIGHWAY PROJECT AND TRANSPORTATION ENHANCEMENT FUND PROJECT PRIORITY LIST FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF TRANSPORTATION

Kevin Feldt, Transportation Planning Manager, presented this item to the Board for their consideration, utilizing visual display. Discussion was held on various projects and aspects of each. Kohnke asked that #6 be moved up. Joe Stephenson, Public Works Director, spoke on the Utile Bridge Replacement. (11:37 a.m.) *It was the consensus of the Board that the list would be submitted as written.* (11:38 a.m.) Karen Hensel, Development Director, St. Augustine Lighthouse and Museum, spoke on their support for the rankings as they had been presented and their support for the City's project. Hensel gave handouts to the Board.

(08/07/01 - 8 - 11:40 a.m.)

4. CONSIDER THE AUTHORIZATION FOR USE OF A SPECIFIC AREA AT TILLMAN RIDGE LANDFILL BY THE ANCIENT CITY ASTRONOMY CLUB

John Schwab, Special Projects Manager, presented this item for the Board's consideration. **Motion by Reardon, seconded by Kohnke, to approve the secondary use of the Phase I portion of the Tillman Ridge Landfill by the Ancient City Astronomy Club and to direct the preparation of rules and regulations regarding the secondary use of this activity by the Parks and Recreation Department.**

(08/07/01 - 8 - 11:45 a.m.)

5. CONSIDER A REQUEST THAT ST. JOHNS COUNTY PURSUE THE DESIGNATION AS THE LEAD AGENCY FOR COMMUNITY BASED CARE INITIATIVES AND APPLY FOR COMMUNITY PARTNERSHIP GRANT PROGRAMS FROM THE DEPARTMENT OF CHILDREN AND FAMILIES

Gloria J. Benischeck, Community Services Manager, and Frances Neelands, Vice Chair, Health and Human Services, gave background information to the Board. (11:45 a.m.) Strickland and MacDonald left the meeting. Debbie Thomas, Community Based Care Coordinator for Children and Families, spoke to the Board. (11:46 a.m.) Sisco left the meeting; Doug Burnett, Assistant County Attorney, entered the meeting. Discussion was held on required contribution by the County. (11:48 a.m.) Motion by Reardon to designate the St. Johns County Board of County Commissioners as the Lead Agency for Community-Based Care initiatives and to recommend that Staff apply for the Community Partnership Matching Grant Program from the Department of Children and Families. After further discussion, Reardon withdrew his motion. Jacalone stated this should be deferred to the next Consent Agenda. (11:53 a.m.) Kohnke left the meeting. (11:59 a.m.) **Motion by Jacalone, seconded by Reardon, carried 2/1 with Meiszer dissenting, Kohnke and Bryant absent, to place this item on the next available Consent Agenda for their consideration.**

(08/07/01 - 9 - 12:00 p.m.)

6. CONSIDER A REQUEST TO ACCEPT THE REPORT ON COUNTY ROAD 210 CORRIDOR STUDY IMPLEMENTATION PLAN

Nick M. Perpich, Project Engineer, introduced the report on C.R. 210 Corridor Study Implementation Plan, utilizing visual display. The consultant made presentation to the Board. Discussion was held on various aspects of the plan. (12:38 p.m.) Kohnke re-entered the meeting. (12:41 p.m.) Bill Kerr, 625 Lake Stone Circle, Ponte Vedra Beach, stated they were a nature preserve and they would like to keep it as is. (12:45 p.m.) Howard Renforth, 144 Crosstide Circle, Ponte Vedra Beach, said to keep the traffic out of their bedrooms. (12:46 p.m.) Cathy Crossan, 204 N. Mill View Way, Ponte Vedra, stated this section needed to be looked at; enhance 210 north of them. (12:50 p.m.) Deborah Andrews, 11 N. Roscoe Blvd., on behalf of the Sierra Club, spoke on their concerns of 210 from the bridge to A1A, opposed to right-of-way through Guana; and speed limit should be reduced. (12:55 p.m.) Steven Gustafson, 449 S. Mill View Way, Ponte Vedra, was opposed to widening of 210, as well as Mickler's. (12:59 p.m.) Dennis Crossan, 204 North Mill View Way, Ponte Vedra Beach, was opposed to widening 210. (1:01 p.m.) Louise Thrower, 288 Orange Avenue, voiced her concerns on the implementation plan and gave recommendations.

It was the consensus to accept the study as it is, the plan is recommendation only, and they were not taking any formal action on any construction decisions this date. Perpich confirmed that the Board had accepted the work that the engineer had done. He stated copies would be available at all the libraries around the County and retained as reference.

Item #7 was continued to 1:30 p.m.

The meeting recessed at 1:03 p.m. for lunch and reconvened at 1:40 p.m. with Jacalone, Reardon, Kohnke, Adams, Burnett, and Deputy Clerk Lenora Newsome present.

Jacalone called the 1:30 p.m. public hearings to order and recessed the public hearings to revisit item #7 from the morning agenda.

(08/07/01 - 9 - 1:41 p.m.)

7. CONSIDER A REQUEST TO ACCEPT THE REPORT ON NORTH-SOUTH CORRIDOR STUDY IMPLEMENTATION PLAN

Nick Perpich, P.E. Project Engineer, reviewed this item introducing David Kemp, P.E., Ayres Associates, who reviewed the North/South Corridor Study, using visual display; Study History, purpose of study, recommended alternative features, recommended typical section, access management requirements, and corridor alternatives. (1:44 p.m.) Meiszer entered the meeting. Perpich continued the review with recommended alignment, the implementation plan, construction segments and costs, funding and construction schedule, recommended implementation plan (initial construction: 2-lanes), explained what would be next, and the PD&E Study Preliminary Engineering Report (PER). Discussion followed on identifying the location of the north/south corridor, the six-laning of I-95 being a base line for future traffic projections, the corridor alternatives, being concerned about projections being already built in and the six-laning being already deficient, and avoiding creating excessive currency in the northwest.

(2:02 p.m.) Gary Davenport, 3266 Pacetti Road, spoke on where the recommended alternative road for the north/south corridor should be located.

(2:04 p.m.) **Motion by Kohnke, seconded by Reardon, carried 4/0 with Bryant absent, to move items #8, 9, 10, and the Commissioners' Reports, County Administrator's Report, County Attorney's Report and the Clerk of Court's Report to follow item #19.**

(2:05 p.m.) Deborah Andrews spoke on the Board considering item #10 now instead of at the end of the afternoon agenda. She stated that she thought it would be a quick five minute open and shut case. She requested for Daniel Bosanko, Deputy County Attorney, to be present, so that this item could be considered. Jacalone stated that the Board would consider it, if Andrews could set it up with Bosanko.

The meeting moved to item #11.

(08/07/01 - 10 - 5:33 p.m.)

8. PRESENTATION OF THE RESULTS OF A STUDY REGARDING DESIGNATION OF BIKE ROUTES FOR POPE ROAD AND OLD BEACH ROAD

Greg Kennedy, Traffic and Transportation Manager, reviewed this item using visual display; bike route study, bike route standards, two way bike path standard, Pope Road bike path/sidewalk, and Pope Road multi-use path. Meiszer spoke on the sidewalk being oversized to accommodate bicycles. Kennedy continued the review with Old Beach Road, proposed bike route Old Beach Road, Old Beach Road at CR-A1A and a recommendation not to sign Pope Road or Old Beach Road as bicycle routes and request that the DOT complete the quarter mile of sidewalk and bicycle lanes on SR A1A to the SR 312 Intersection. Kohnke asked how soon they could get the quarter mile done for the bike/sidewalk paths. Kennedy replied that it was up to the State of Florida. The County would have to put in a request to ask them to put that into their work order. Jacalone voiced concern about the liability aspect of it.

(5:44 p.m.) Bill Jepson, 6336 Costanero Road, spoke in favor of the bike routes and sidewalks.

(5:49 p.m.) Christopher Bonnevier, 4455 Avenue A, speaking in support of Kennedy's findings, gave his credentials, and stated that he supported multi-use paths. He implored the Board to support strategic planning that recognizes bicycles for what they are, vehicles. Reardon stated that the intent is to provide a safer route and asked how to make it safer. Bonnevier stated that DOT is on the right tract to making it safer. Kohnke recommended taking no action. Reardon asked if there was anything that the Department would recommend to make this area safer. Kennedy responded that Pope Road, if the right-of-way permits, possibly could be widened with paved shoulders to accommodate cyclists.

(08/07/01 - 10 - 6:00 p.m.)

9. CONSIDER A RESOLUTION APPROVING THE ISSUANCE OF MULTI-FAMILY HOUSING REVENUE REFUNDING BONDS NOT TO EXCEED \$11,000,000 TO REFUND THE MULTI-FAMILY HOUSING REVENUE BONDS, SERIES 1996

Tom Crawford, Director of Housing And Community Services, reviewed this item, encouraging the Board to approve this interlocal agreement. **Motion by Reardon, seconded by Kohnke, carried 4/0 with Bryant absent, to adopt Resolution No. 2001-166 approving the issuance by the Housing Finance Authority of Clay County of its Multi-family Housing Revenue Refunding Bonds in an amount, not to exceed \$11,000,000, to provide funds to refund the Housing Finance Authority of St. Johns County (Anastasia Shores Apartments Project) Multi-family Housing Refunding Revenue Bonds Series 1996 and the Operation of the Housing Finance Authority of Clay County within the territorial limits of St. Johns County with respect to said bonds and set an effective date.**

The meeting moved to item 17.

(08/07/01 - 10 - 2:12 p.m.)

10. CONSIDER A PROPOSED SETTLEMENT OF THE 7TH JUDICIAL CIRCUIT CASE NO. CA 99-1568 SARAH LEE VS. ST. JOHNS COUNTY

Bosanko reviewed this item, stating that they worked out a possible settlement. Bishop addressed the access path, stating that it could be converted into a non motorized vehicle type access, which there is no objection to. Bosanko stated for the record that one of the property owners in this development that is not a part of the litigation, submitted a letter of consent for the change. He stated that if the Board approved the settlement, then Bishop will make a small change to the text of the PUD and then she will recommend possible future ways to handle planning issues. He stated that there is an Attorney General's opinion that may relate to it and distributed it. Bishop recommended for the BCC to consider an amendment to the Land Development Code that will provide that wetland impacts be considered by the County prior to permitting and constructing of any recreational facilities within wetland areas, if these facilities are proposed in wetland and to the extent that such consideration is permitted by applicable State and Federal Law. She stated that action is not required today, however she would like some direction on if the Board would like her to prepare an amendment to the Code to bring forward to the Board in the future. Discussion followed on the access point to the residential area of the property, causing grief to the Board in the future with other developments, the issues that were resolved by this stipulation and agreement, the County not permitting wetlands, instead it being done by State Agency, and what happens in some of the development processes.

(2:24 p.m.) Deborah Andrews, 11 North Roscoe, Counsel for Sarah Lee, the plaintiff, spoke on the two fold issue involved. **Motion by Reardon, seconded by Kohnke, carried 4/0 with Bryant absent, to approve a settlement of Seventh Judicial Circuit Case No.: CA 99-1568, Sarah Lee versus St. Johns County, and that its terms be carried out and that the County Administrator be authorized to execute the attached Mutual General Release.** Burnett left the meeting.

The meeting moved to item #13.

(08/07/01 - 11 - 2:05 p.m.)

11. PUBLIC HEARING - A VARIANCE TO ORDINANCE NO. 2000-47, IMPOSING A MORATORIUM ON COMPREHENSIVE PLAN AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA FOR THE BENJAMIN H. WOLFE PROPERTY LOCATED ON PACETTI ROAD (CR 13-A). THIS VARIANCE IS BEING REQUESTED PURSUANT TO SECTION 4 OF ORDINANCE NO. 2000-47. ON AUGUST 15, 2000, THE BOARD OF COUNTY COMMISSIONERS ADOPTED ORDINANCE NO. 2000-47 THAT IMPOSED A MORATORIUM ON COMPREHENSIVE PLAN AMENDMENTS AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA. THIS AREA INCLUDES ALL THE LAND WEST OF I-95, EXTENDING TO THE ST. JOHNS RIVER AND ALL THE LAND NORTH OF SR16/CR208, EXTENDING TO THE DUVAL COUNTY LINE. THE COMPREHENSIVE PLAN DESIGNATION FOR THIS PROPERTY IS RESIDENTIAL B, WHICH ALLOWS FOR TWO UNITS PER NET ACRE. THE APPLICANT HAS ALSO TRIED TO PURCHASE ADDITIONAL PROPERTY AND WAS UNSUCCESSFUL, THUS, MAKING THE REZONING NECESSARY. THEREFORE, STAFF DOES NOT FIND THIS REQUEST CONTRARY TO THE PURPOSES OF THE NORTHWEST SECTOR STUDY OR CORRIDOR PLAN

Proof of publication of notice of public hearing on Proposed Variance Ordinance #2000-47 - Wolfe Rezoning, was received having been published in The St. Augustine Record on July 19, 2001.

Teresa Bishop, AICP, Planning Director, reviewed this item using visual display. Jacalone questioned if the moratorium ordinance allowed for variances that also basically don't increase the current density significantly of the affected property. Bishop replied yes, that if a project is not increasing the density or intensity of the existing zoning of the property,

then normally a variance is not needed. Meiszer questioned what the basic reason was for this variance. Bishop responded. Meiszer questioned when the moratorium would expire and if the applicant could wait until such time. Bishop stated December 31, 2001 and mentioned that would be a question that would needed to be asked of the applicant. (2:09 p.m.) Daniel Bosanko, Deputy County Attorney, entered the meeting. Reardon read the letter of support from the applicant.

(2:10 p.m.) Ronald Wolfe, 280 Dondanville Road, spoke on behalf of his dad, the applicant, regarding the importance of the variance. **Motion by Reardon, seconded by Jacalone, carried 4/0 with Bryant absent, to approve a variance to Ordinance No. 2000-47 for the Benjamin H. Wolfe property located at Pacetti Road pursuant to Section 4 of Ordinance No. 2000-47, adopting Findings of Fact to support the motion.**

(08/07/01 - 12 - 2:11 p.m.)

12. PUBLIC HEARING - REZ-2001-05, BENJAMIN WOLFE, JR. THE SUBJECT PROPERTY, WHICH IS LOCATED ON PACETTI ROAD (CR 13-A), IS CURRENTLY ZONED OPEN RURAL (OR). THE APPLICANT WISHES TO PLACE A SECOND RESIDENTIAL UNIT ON THIS PROPERTY, WHICH WILL BE OCCUPIED BY A FAMILY MEMBER WHO WILL PROVIDE HEALTH CARE AND LIVING ASSISTANCE TO THE ELDERLY PROPERTY OWNERS. THEREFORE, THE APPLICANT IS REQUESTING THAT THE PROPERTY BE REZONED TO RESIDENTIAL, SINGLE FAMILY (RS-1). THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN DESIGNATION OF RESIDENTIAL B, WHICH ALLOWS TWO UNITS PER NET ACRE. THE ZONING CHANGE TO RS-1 IS ALSO CONSISTENT WITH THE SURROUNDING DEVELOPMENT. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL AT THEIR JUNE 7, 2001 MEETING. THE SUBJECT PROPERTY IS LOCATED WITHIN THE NORTHWEST SECTOR MORATORIUM. A VARIANCE TO THIS MORATORIUM IS ALSO BEING REQUESTED IN CONJUNCTION WITH THIS REZONING REQUEST

Proof of publication of notice of public hearing on Proposed Rezoning - File #REZ 2001-05 - Wolfe Rezoning, was received having been published in The St. Augustine Record on July 19, 2001.

Bishop reviewed this item, stating that the Planning and Zoning Agency unanimously recommended approval at their June 7, 2001, meeting. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Bryant absent, to enact Ordinance No. 2001-48, known as Benjamin H. Wolfe (REZ 2001-05), adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2001-48

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY (RS-1); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting moved to item #10 at the request of Bosanko.

(08/07/01 - 12 - 2:28 p.m.)

13. PUBLIC HEARING - PLN ADM APL 2001-003 - KOA CAMPGROUND, APPEAL OF AN ADMINISTRATIVE DECISION. IN FEBRUARY 2001, THE APPLICANT REQUESTED A VESTING FROM SECTION 6.04.02.B.2 OF THE LAND

DEVELOPMENT CODE. SECTION 6.04.02.B.2 PROVIDES THAT APPROVED PLANS MUST BE CLAIMED WITHIN 60 DAYS OF APPROVAL DATE. THE APPLICANT'S PLANS WERE APPROVED OCTOBER 12, 1998. UNDER THE REGULATIONS IN PLACE AT THE TIME OF APPROVAL (PRIOR TO THE ADOPTION OF THE LAND DEVELOPMENT CODE), THE APPLICANT BELIEVES THAT HE HAD THREE YEARS IN WHICH TO CLAIM HIS APPROVED PLANS. HOWEVER, THESE OLD REGULATIONS DID NOT PROVIDE A TIME FRAME IN WHICH TO RETRIEVE APPROVED PLANS BUT DID PROVIDE THAT CONSTRUCTION MUST COMMENCE WITHIN THREE YEARS FROM APPROVAL. THE SUBJECT PLANS THAT ARE RELATED TO THIS APPEAL ARE AN EXTENSION OF THE KOA CAMPGROUND LOCATED AT COUNTY ROAD 210 AND I-95.

Proof of publication of notice of public hearing on Proposed Rezoning - KOA Campground, was received having been published in The St. Augustine Record on July 21, 2001.

Bishop stated that this is an appeal of an administrative decision on a vesting request and reviewed the item. She stated that the applicant thinks he is vested with his old plans and the County is saying that he is not. She mentioned that they are here today to hear his appeal. Bishop remarked that if the Board finds that he is not vested, than the applicant will have to come back with a vesting letter on specific requirements that he may have on his plans already, or comply with the current Land Development Code and submit new plans for review.

(2:32 p.m.) Karen Taylor, 3070 Harbor Drive, on behalf of Scott Vincent, clarified the purpose of the appeal. (2:36 p.m.) David Halstead, Assistant County Administrator, entered the meeting and Adams left the meeting.

(2:36 p.m.) Scott Vincent, 9950 KOA Road, stated that the total campground is permitted for 105 campsites and the new project is 58 sites. Kohnke questioned how he doesn't comply. Taylor replied. Kohnke questioned how the applicant would have known that the County had changed things. Taylor stated that he feels he should have been notified by the County. Bosanko questioned if the client picked up his plans in the three year time period. Taylor answered yes, he is still within the three year time period. Bosanko warned the Board without going through the DRS process, the Staff doesn't know if there is a setback or buffer violations under the new code. **Motion by Reardon, seconded by Meiszer, carried 4/0 with Bryant absent, to approve PLN ADM APL 2001-003, known as the KOA Campground appeal, adopting Findings of Fact 1 to support the motion.**

The meeting recessed at 2:44 p.m. and reconvened at 2:50 p.m.

(08/07/01 - 13 - 2:51 p.m.)

14. PUBLIC HEARING - PUD 2001-09, PREVIOUSLY R-PUD- 00-008 - WINCHESTER PLANNED UNIT DEVELOPMENT. THE WINCHESTER PUD APPLICATION HAS BEEN CONTINUED FROM THE JUNE 27, 2001 BCC MEETING DUE TO CHANGES REQUESTED BY THE BOARD. THE APPLICANT RESUBMITTED THESE CHANGES ON APRIL 30, 2001 AND STAFF REQUIRED A NEW REVIEW DUE TO THE TIME LAPSE. THE PREVIOUS BCC PACKAGE HAS BEEN INCLUDED TO FACILITATE A COMPREHENSIVE REVIEW OF THE PROJECT. THIS REQUEST SEEKS TO REZONE 250.34 ACRES FROM OPEN RURAL TO PLANNED UNIT DEVELOPMENT TO ALLOW THE DEVELOPMENT OF NOT MORE THAN 194 SINGLE-FAMILY RESIDENTIAL UNITS. THE SITE IS LOCATED ON THE NORTH SIDE OF GREENBRIAR ROAD EAST OF SR 13 IN THE NORTHWEST AREA OF THE COUNTY. AT THE MAY 4, 2000 PUBLIC HEARING, THE PLANNING & ZONING AGENCY FAILED TO REACH A MAJORITY VOTE ON A MOTION TO RECOMMEND APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS,

THEREFORE CONSTITUTING A RECOMMENDATION OF DENIAL. SINCE THE PZA HEARING, THE APPLICANT HAS SUBMITTED A MASTER DEVELOPMENT PLAN MAP, WHICH IS SUBSTANTIALLY REVISED FROM THE MDP MAP ROUTED THROUGH THE REVIEW PROCESS, AND CONSIDERED AT THE PLANNING AND ZONING AGENCY HEARING. THE APPLICANT HAS ALSO REMOVED A REQUEST FOR A WAIVER TO ALLOW DEAD-END STREETS TO EXCEED 1800 FEET, ALTHOUGH THE SCALE OF THE MDP MAP DOES NOT CLEARLY DEMONSTRATE THIS CHANGE. THE NEW MASTER DEVELOPMENT PLAN (MDP) MAP AND TEXT DATED JULY 13, 2001 IS THE RESULT OF THE ADDITIONAL REVIEW REQUIRED BY STAFF OF THE MODIFIED PLAN OF DEVELOPMENT SUBMITTED AFTER THE INITIAL BCC HEARING. SOME OF THE MAJOR CHANGES ARE THE NUMBER OF UNITS, WETLAND ACREAGE TOTALS, FRONT YARD SETBACKS, REVISED MDP, AND WAIVER ADJUSTMENTS.

Proof of publication of notice of public hearing on Proposed Rezoning - R PUD 00 008 - Winchester PUD, was received having been published in The St. Augustine Record on July 20, 2001.

Bishop stated that she just distributed a letter regarding the applicant requesting a continuance. Kohnke objected to the continuance because there were people in the audience that had been there all day waiting for this item to be presented. Bosanko replied that it could be heard today, and spoke on the impact fee situation. Bosanko mentioned that they are working on a plan to solve this problem and would like to bring it back to the Board next week on August 14. Bosanko stated that there is a paragraph in the PUD that tied the impact fee agreement and the zoning request together. Bosanko mentioned that if the Board approved this item, then a paragraph would be added to the PUD Ordinance to allow flexibility to deal with the impact fee issue next week. (2:59 p.m.) Gary Davenport, 3266 Pacetti Road, representing the applicant, suggested to hear all the comments from the public that is present and then request their continuance for next week. Discussion followed on the continuance and listening to public comments. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Bryant absent, to deny continuance.** (3:04 p.m.) Reardon left the meeting for Canvassing Board duties.

(3:04 p.m.) Bishop stated that this was a request that was continued from June 27, 2001, regarding seeking rezoning of 250.34 acres from Open Rural to Planned Unit Development to allow the development of not more than 194 single-family units. Jacalone questioned what County document holds the requirement that an applicant, before he can be heard for rezoning, has a certain amount of concurrency. Bishop replied Article 11 of the LDC and they have met that requirement. Bishop stated that the concurrency expired at the end of this month. Kohnke disclosed having ex-parte; 10 e-mails, faxes and letters against the development, received a tape of the last hearing and asking Bishop questions about the developer. Jacalone disclosed that the County Commission Office had a record of correspondence relating to this rezoning request. Meiszer disclosed having ex-parte communication; a meeting with Ms. Breeding to be briefed on this project, numerous phone calls and letters opposing it. Bosanko mentioned needing to let the other side see the ex-parte communication. Kohnke stated that the majority of the concerns of the people had to do with the density of 300 homes being too large, how many children were going to the school, streets were too long and they couldn't turn around, and room for future homes to increase the density over what they were currently planning. Discussion followed on the reduction of houses and how many houses there are per acre, shortening the streets, adding cul de sacs, having four 5 year phases of development and having it occur starting 5 years after approval, and allowing listing in the PUD to dedicate right-of-way on Greenbriar when the County needs right-of-way.

(3:15 p.m.) Beth Breeding, 7865 Southside Blvd., Jacksonville, spoke on comments made by Kohnke about a free ride, being in the designated Comp Plan Designation B which is two

units per acre, the school issue, reducing the number of units down to 194, wetlands, buffers and setbacks, providing turn lanes and sidewalks, the letters against them regarding the homes being starter homes, having water and sewer from United Water, and having quite a bit of recreation. Jacalone questioned how many acres of uplands will be part of the open space area. Breeding responded that the open space include wetlands, upland preservation, perimeter buffering and stormwater detention. Jacalone stated that 60 acres will be developed of the 125 uplands. Kohnke expressed being delighted to see that they put in the buffers that they are no longer required to put in and asked if they were going to put in a multipurpose field. Breeding replied yes they were. (3:26 p.m.) Reardon re-entered the meeting.

(3:26 p.m.) Stacey Pilinko, 2695 Fox Hunt Trail, spoke in opposition of this item.

(3:31 p.m.) Susan Kellum, 2768 Fox Hunt Trail, spoke in opposition of this item with the fear of over development. Discussion followed on the density.

(3:37 p.m.) Isabel Hamelers-Irons, 2382 Nottingham Forest Place, spoke in opposition of the rezoning of this property. She submitted signed petitions, e-mail, and letters in opposition.

(3:44 p.m.) Nancy Skenes, 749 Worth Road, voiced concern for Worth Road and the traffic that would impact it.

(3:45 p.m.) Janet Netherton, 2051 Orange Cove Road, voiced concern on the PUD causing more water, traffic and school problems.

(3:46 p.m.) Richard Healer, 752 Nottingham Forest Circle, spoke in opposition of the PUD.

(3:51 p.m.) Nancy Lawrence, 832 Worth Road, voiced concern about the road entrance and exit, water issues, and population growth.

(3:52 p.m.) James Lawrence, 832 Worth Road, spoke in opposition of the PUD.

(3:55 p.m.) Sally Douglas, 854 Worth Road, voiced concern for Worth Road and stated that this is a big threat to their quality of life.

(3:57 p.m.) Matthew Skenes, 749 Worth Road, spoke in opposition of this development.

(3:58 p.m.) John Richey, 885 Worth Road, spoke in opposition of this development.

(4:00 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., using visual display, spoke in opposition of the development and asked the Board to defer their decision until they see the true context of the environmental maps of the area.

(4:03 p.m.) Louise Thrower, 288 Orange Avenue, using visual display, spoke in opposition of the development. She stated there are traffic and environmental problems and read a letter from Mrs. Carolyn Borden opposing Winchester PUD.

(4:15 p.m.) Baxter Luther, 8209 Fort Caroline Road, Jacksonville, one of the property owners, spoke on the development, and stated that it was not their intent to bring in any development that would decrease the value of or take away from any investment that anybody has.

(4:17 p.m.) Jerry Pace, 1832 Swiss Oak Street, Switzerland, spoke on justification and the project being dead when the moratorium was passed.

(4:19 p.m.) Mary Cornwell, 2652 SR 13, Switzerland, added additional names to the petition, and spoke on the quality of life being the issue.

(4:24 p.m.) Jacalone questioned if there is a future connection point at the end of the cul de sac on the area adjacent to Worth Road in the Master Development Plan that would allow that the cul de sac was to be extended into a roadway at the County's request. Bishop responded yes there is a connection point. Jacalone questioned if the Development Plan the Board is considering today initiate any connection from this development to Worth Road. Bishop replied that Worth Road stops somewhere in the vicinity of this property and does not go out to where the connection is actually shown on the Master Development Plan. Jacalone questioned Bishop, as the Planning Director for the County, if she would be concerned if the County eliminated that future access point in that area. Bishop replied no. Discussion followed on the issue of density, on the original submittal date of the application being January 31, 2000, and the application has not been acted on other than continuances.

(4:28 p.m.) Reardon read off of the petitions, the size of acreage of surrounding property owners, concerns of the last meeting not being addressed, will set a precedent, Worth Road connection, and did not support this project. Motion by Reardon to deny rezoning application PUD 2001-09 previously R-PUD-00-008 adopting Findings of Fact 1 through 5 to support the motion. Motion died on its own.

(4:34 p.m.) Charles Ackerson, 1260 Ponte Vedra Blvd., the applicant, stated that they would take Worth Road access off and put a non access easement around it. He responded to the issues on wetlands and wells. Discussion followed on Remington and Bartram Park being in Residential B, going from a half acre to an eighth of an acre, not being transitional in compatibility, and on buffers being good. Breeding stated that part of the issue is definition and explained.

(4:53 p.m.) Gary Silverfield, 7865 Southside Blvd., Jacksonville, stated they would like to please the County. He mentioned that they reduced the lot sizes to have optional buffers, and can have a minimum lot size of 70 feet. Reardon stated that he would not support quarter acre lots. **Motion by Kohnke, seconded by Jacalone, carried 3/1, by roll call vote with Reardon opposing and Bryant absent, to continue this hearing to August 14, 2001 at 1:30 p.m., with the agreement that the developer will come back with larger lots or not and the Board can continue from there.**

Roll Call Vote

Reardon no
Jacalone yes
Kohnke yes
Bryant absent
Meiszer yes

The motion passed 3/1.

(08/07/01 - 16 - 5:12 p.m.)

15. PUBLIC HEARING - PUD 2001-010 - DREAM HOMES OF THE FIRST COAST PLANNED UNIT DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED AT 1800 SR 207. THIS REQUEST SEEKS TO REZONE 3.24 ACRES FROM RESIDENTIAL, GENERAL (RG-2) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF A FACILITY FOR THE SALES AND DISPLAY OF MOBILE/MANUFACTURED AND MODULAR HOMES. THE APPLICANT STILL REQUESTS THAT THE REVERTER PROVISION BE ALLOWED. STAFF CAN'T SUPPORT A REVERTER PROVISION. ONCE REZONED TO PUD, THE PROPER

METHOD TO CHANGE PROVISIONS OF A PUD IS THROUGH THE MODIFICATION PROCESS PURSUANT TO SEC. 5.03.05 OF THE LAND DEVELOPMENT CODE. WHILE "REVERTER PROVISIONS" WERE OCCASIONALLY INCLUDED IN STRAIGHT REZONING ORDINANCES MANY YEARS IN THE PAST, STAFF STRONGLY DISCOURAGES SUCH PROVISIONS, PARTICULARLY WITHIN PUDS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS APPLICATION, WITHOUT THE REVERTER PROVISION, UNANIMOUSLY AT THEIR MEETING ON JULY 5, 2001. THE APPLICANT WOULD LIKE TO PRESENT THE REVERTER PROVISION FOR THE BOARD'S CONSIDERATION.

Proof of publication of notice of public hearing on Proposed Rezoning - Dream Homes PUD 2001-10, was received having been published in The St. Augustine Record on July 23, 2001.

Bishop reviewed this item, using visual display, stating that the reverter clause has been removed from this request and is not being presented to the Board today.

(5:14 p.m.) Cameron Jacobs, owner of Dream Homes of the First Coast, Inc., spoke on the Staff doing a good job and presenting it, stating everything that he would have said. **Motion by Reardon, seconded by Kohnke, carried 4/0 with Bryant absent, to enact Ordinance No. 2001-49, known as Dream Homes of the First Coast PUD (PUD 2001-10), adopting Findings of Fact 1 through 5 to support the motion.**

ORDINANCE NO. 2001-49

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL, GENERAL (RG-2) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(08/07/01 - 17 - 5:16 p.m.)

16. PUBLIC HEARING - NON-ZONING VARIANCE 2001-01 - GALETTA COMMERCIAL BUILDING. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.07.05.A.5 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE SOUTH ANASTASIA ISLAND COASTAL CORRIDOR OVERLAY DISTRICT) SEEKING TO REDUCE A REAR YARD REQUIREMENT FROM 30 FEET TO 10 FEET. THIS PROVISION REQUIRES THAT WHERE A PROPOSED BUILDING ADJOINS AN EXISTING RESIDENTIAL LAND USE OR RESIDENTIALLY-ZONED LANDS, THE MINIMUM ADJOINING YARD REQUIREMENT (WHETHER IT HAS A SIDE OR REAR YARD, OR BOTH) IS THIRTY (30) FEET FOR A ONE-STORY BUILDING. THE SOUTH ANASTASIA DESIGN REVIEW BOARD CONDITIONED UPON APPROVAL OF THIS NON-ZONING VARIANCE HAS APPROVED THE PROPOSED BUILDING DESIGN. IN CONSIDERING THE REQUESTED NON-ZONING VARIANCE, THE BOARD OF COUNTY COMMISSIONERS MUST CONSIDER WHETHER THE APPLICANT HAS DEMONSTRATED THAT THE PROVISIONS AS SET FORTH IN SECTION 10.04.03.B OF THE LAND DEVELOPMENT CODE APPLY TO DEVELOPMENT OF THIS SITE.

Proof of publication of notice of public hearing on file #PNZVAR 2001-01 - Galletta Commercial Building 5431 A1A South, was received having been published in The St. Augustine Record on July 11, 2001.

Bishop reviewed this item, using visual display, seeking to reduce the rear yard setback from 30 feet to 10 feet. Kohnke questioned if the residences against this property at the rear objected to this request. Bishop stated that she didn't have any objections that she was aware of.

(5:18 p.m.) Clay Stratton, 441 Ocean Vista Avenue, stated that there are adjacent property owners to the rear and that they didn't express any adverse comments at the time when John Galletta met with them in his office.

(5:19 p.m.) John Galletta, 4100 A1A South, stated that they spent a lot of time making this a nice building. Meiszer questioned what the front setbacks were from the right-of-way to the building. Stratton answered 89 feet. Meiszer questioned why it was so large. Stratton stated that they needed it for parking giving them 27 spaces. Kohnke mentioned that there are six people in favor, and 12 people opposed. Discussion followed on justification of the overlay people going against their own rules, the designation of the area, a 10 foot buffer, and the process of the plans. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Bryant absent, to approve NZV 2001-01, making Findings of Fact 1 through 5, to support the motion.**

(5:32 p.m.) **Motion by Kohnke, seconded by Reardon, carried 4/0 with Bryant absent, to address items 8 and 9, then move on to items 17 and 18 and add item 19, Supervisor of Election Issues.**

The meeting moved to item 8.

(08/07/01 - 18 - 6:06 p.m.)
17. BLUEWAY DISCUSSION

Vickie Renna, Principal Planner, reviewed this item stating that they were in the process of preparing the Florida Communities Trust Grant for the Vaill Point Property. Roger Van Ghent stated that the L.A.M.P. Board supports this resolution. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Bryant absent, to approve Resolution No. 2001-167, designating the Northeast Florida Blueway Phase II - Tolomato and Matanzas Rivers as a locally recognized Greenway/Blueway Trail System.**

RESOLUTION NO. 2001-167

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY DESIGNATING THE NORTHEAST FLORIDA BLUEWAY, PHASE II (THE MATANZAS AND TOLOMATO RIVERS) AS A LOCALLY RECOGNIZED GREENWAY/BUEWAY TRAIL SYSTEM

(08/07/01 - 18 - 6:09 p.m.)
18. SIGNALIZATION

Joe Stephenson, Director of Housing and Transportation, spoke on flashing beacons for school zones. He spoke on the study to determine whether a flashing beacon was needed on CR 210 at the relatively new Catholic School and the cost of doing it would be \$10,650. There is no budget in the County's system for doing that. Motion by Kohnke, seconded by Reardon, to approve 50% of the funding and have the school pick up the other 50%. Meiszer mentioned that if it is a traffic safety device, then he doesn't see why the school should pay for it, and the County should pay for the whole cost. Kohnke withdrew her motion due to the discussion on the County covering all of the expense.

(6:15 p.m.) John Clay's comments were read by Reardon regarding the need of the flashing lights in front of Palmer Catholic Academy on 210. Halstead requested clarification if the money should come out of the Transportation Trust Fund Reserves. Joe Vonasek, Director of Management and Budget, replied that it should come out of the Transportation Trust Fund Reserve. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Bryant absent, to fund it for \$10,650 and take it out of the Transportation Trust Fund Reserves.**

(08/07/01 - 19 - 6:17 p.m.)

19. DIVISION OF ELECTIONS AGREEMENT

Vonasek asked the Board to direct the Chair to execute the Memorandum of Agreement with the State of Florida granting St. Johns County funding under the General Appropriations Act for Voting Systems Assistance and appropriate those funds to the County Supervisor of Elections. **Motion by Meiszer, seconded by Reardon, carried 4/0 with Bryant absent, to approve the Agreement.**

(08/07/01 - 19 - 6:18 p.m.)

COMMISSIONERS' REPORT

Commissioner Kohnke:

Kohnke spoke on the MSD meeting last night and the Ponte Vedra Community Association Board was at the meeting. They voted unanimously of St. Johns County supporting JEA's purchase of United Water.

(6:19 p.m.)

Commissioner Reardon:

No report.

(6:19 p.m.)

Commissioner Meiszer:

No report.

(6:19 p.m.)

Commissioner Jacalone:

Jacalone spoke on getting recommendations from the Planning Department on land use items again. Bishop stated that she feels like it is part of their responsibility as being the professional Planning Staff to the Board.

(08/07/01 - 19 - 6:24 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Halstead announced that the Florida Association of County Trust is having their annual meeting at the World Golf Village starting tomorrow and Friday beginning at 9:00 a.m.

(08/07/01 - 19 - 6:24 p.m.)

COUNTY ATTORNEY'S REPORT

No Report.

(08/07/01 - 19 - 6:24 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Reardon, seconded by Kohnke, carried 4/0 with Bryant absent, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 6:24 p.m.

CORRESPONDENCE:

1. Letter dated July 25, 2001, to Victor Martinelli informing him of reappointment to the Water and Sewer Authority for a 3-year term expiring July 24, 2004
2. Letter dated July 25, 2001, to Rita Friedman informing her of reappointment to the Water and Sewer Authority for a 4-year term expiring July 24, 2005
3. Letter dated July 25, 2001, to William F. Webster informing him of reappointment to the Water and Sewer Authority for a 2-year term expiring July 24, 2003
4. Letter dated July 27, 2001, to Max Royle, City Manager, regarding a certified copy of St. Johns County Resolution No. 2001-156
5. Letter dated July 20, 2001, to Arnold Bandy, Chief, regarding a copy of St. Johns County Resolution No. 2001-135
6. Letter dated July 23, 2001, to Liz Cloud, Department of State, regarding filing certified copies of St. Johns County Ordinance Numbers 2001-45, 2001-46, and 2001-47
7. Letter dated July 23, 2001, to Donald Beattie, informing him of reappointment to the Economic Development Committee
8. Letter dated July 25, 2001, to Albert Holmberg, informing him of appointment to the Tourist Development Council as the City of St. Augustine Beach's representative
9. Letter dated July 23, 2001, to Tom Costeira, informing him of appointment to the Economic Development Committee
10. Letter dated July 25, 2001, to Dr. Michael L. Greenberg, informing him of reappointment to the Scenic Highway A1A Committee for a 4-year term
11. Letter dated July 25, 2001, to Bill Puckett, informing him of reappointment to the Category II Arts/Grants Funding Panel for a term scheduled to expire September 30, 2004
12. Letter dated July 25, 2001, to Patrick Hamilton, informing him of reappointment to the Scenic Highway A1A Committee for a 4-year term
13. Letter dated July 25, 2001, to Jean Ellen Fitzpatrick, informing her of reappointment to the Scenic Highway A1A Committee for a 3-year term
14. Letter dated July 25, 2001, to Christine Newman, informing her of reappointment to the Scenic Highway A1A Committee for a 3-year term
15. Letter dated July 25, 2001, to Ralph DePasquale, informing him of reappointment to the Scenic Highway A1A Committee for a 2-year term
16. Letter dated July 25, 2001, to Keith Clarke, informing him of reappointment to the Scenic Highway A1A Committee for a 2-year term
17. Letter dated July 25, 2001, to Kathy Drake, informing her of appointment to the Children's Commission to complete a term scheduled to expire April 27, 2003
18. Letter dated July 25, 2001, to Joanne Sweeney, informing her of appointment to the Category II Arts/Grants Funding Panel for a term scheduled to expire September 30, 2003
19. Letter dated July 25, 2001, to Brenda Bushell, informing her of reappointment to the Category II Arts/Grants Funding Panel for a term scheduled to expire September 30, 2004
20. Intercoastal's objection to, or in the alternative petition for review of, an order of the St. Johns Water and Sewer Authority (06/14/01)
21. Application by Intercoastal Utilities, Inc. for a Rate Increase; Investigation of Possible Overearnings of Intercoastal Utilities, Inc. from F. Marshall Deterding (06/21/01)
22. Intercoastal's Motion to Abate Fine (06/21/01)
23. Application by Intercoastal Utilities, Inc. for a Rate Increase; Investigation of Possible Overearnings of Intercoastal Utilities, Inc. from John L. Wharton (06/21/01)

- 24. Intercoastal's Notice of Intent to Withdraw Request for Rate Increase (06/11/01)
- 25. Letter dated July 20, 2001, from Ruden McClosky, Smith, Schuster, & Russell, P.A., regarding Docket No.: 2001-0007-0023, Intercoastal Utilities, Inc. July 24, 2001, Meeting
- 26. Letter dated July 13, 2001, from Kelli L. Lawhead, regarding Intercoastal Utilities, Inc.; Docket No. 2001-0007-0023
- 27. Letter dated June 25, 2001, from John L. Wharton, regarding Intercoastal Utilities, Inc.; Docket Nos. 2000-0007-0004-0007 and 2001-0007-0023-0003

REPORTS:

- A. St. Johns Board of County Commissioners Check Register No. 307085-307085 (07/25/01)
- B. St. Johns Board of County Commissioners Check Register No. 307086-307109 (07/26/01)
- C. Form dated July 23, 2001 from Penny Halyburton, Supervisor of Elections regarding the following people are registered to vote: Tom Costeira, Donald A. Beattie, Albert Holmberg, William F. Webster, Victor Martinelli and Rita Friedman

Approved: September 4, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk