

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 23, 2001
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: Mary Kohnke, District 4, Chair
Marc Jacalone, District 3, Vice Chair
Nicholas Meiszer, District 1
John Reardon, District 2
James E. Bryant, District 5
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Judy Hamilton, Deputy Clerk

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

(01/23/01 - 1 - 8:59 a.m.)

The meeting was called to order by Chair Kohnke.

(01/23/01 - 1 - 8:59 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(01/23/01 - 1 - 9:00 a.m.)

The Invocation was given by Rev. Ken Asbud, County Chaplain. The Pledge of Allegiance was led by Kohnke.

(01/23/01 - 1 - 9:02 a.m.)

PROCLAMATION DECLARING THE MONTH OF FEBRUARY LIBRARY APPRECIATION MONTH

The Proclamation declaring the month of February, 2001 as Library Appreciation Month was read by Meiszer. Mary Jane Little, Library Director, accepted the Proclamation.

(01/23/01 - 1 - 9:07 a.m.)

PUBLIC COMMENT

Bill Jepson, 6336 Costanero Road, St. Augustine, spoke on bike routes, utilizing visual display, and submitted petition with 300 signatures for safe route for cyclists between Magnolia Ave. and SR 206 on Anastasia Island.

(01/23/01 - 1 - 9:12 a.m.)

DELETIONS TO CONSENT AGENDA

Bosanko requested Consent Agenda Item #6 be pulled and rescheduled at another date; after discussion, this item was placed on today's Regular Agenda as Item #13d. Bosanko requested Item #8 be placed on the Regular Agenda as Item #13a. Meiszer requested

Consent Agenda Item #10 be placed on the Regular Agenda as Item #13b and that Consent Agenda Item #12 be placed on the Regular Agenda as Item #13c.

(01/23/01 - 2 - 9:14 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
01/09/01 - BCC Regular
2. Approval of a motion to allow the County Administrator, or his designee, to destroy purchasing records, per F.S. Chapters 257 and 119
3. Motion to approve Satisfaction of Mortgage between St. Johns County and Linda and Philip Ethridge
4. Approval of a motion to adopt **Resolution No. 2001-12**, approving the terms of a License Agreement authorizing use of certain County-owned property in and surrounding a portion of Cypress Links Boulevard

RESOLUTION NO. 2001-12

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING USE OF CERTAIN COUNTY-OWNED PROPERTY IN AND SURROUNDING A PORTION OF CYPRESS LINKS BOULEVARD

5. Approval of a motion to allow the County Administrator, or his designee, to execute a Change Order for \$30,234.00 for additional items needed, per County Code for 24-hour use of the new Adult Transition Center and Youth Crisis Center
6. Motion to approve Bonds for the Tax Collector, Clerk, Property Appraiser and Supervisor of Elections and, upon payment of the premium by the respective County Officers, to transmit them for filing to the clerk of the Circuit Court

This item was moved to the Regular Agenda as Item #13d.

7. Approval of a motion to set Public Hearing on March 13, 2001 at 1:30 p.m. for Julington Creek Plantation, Notice of Proposed Change (NOPC), to revise the Bald Eagle Management Plan
8. Approval of a motion to adopt Resolution approving a Final Plat for Cypress Lakes Unit Three

This item was moved to the Regular Agenda as Item #13a.

9. Motion to approve the County Administrator to negotiate the Home Buyer Consultant contract with the St. Johns Housing Partnership, Inc.
10. Approval of a motion to adopt a Resolution recognizing unanticipated General Fund grant revenue in the amount of \$11,079 and increasing the expenditure budget of EMS (#001-048-55305) by the same amount

This item was moved to the Regular Agenda as Item #13b.

11. Approval of a motion to authorize the County Administrator, or his designee, to execute the Agreement between the County and the Department of Community Affairs Florida Coastal Management Program
12. Approval of a motion to allow the County Administrator, or his designee, to convey the surplus property in Surfside Subdivision to PS Partnership for \$14,450

This item was moved to the Regular Agenda as Item #13c.

13. Proofs:
 - a. Notice of Meetings, St. Johns County Water and Sewer Authority, 1st Wednesday of each month
 - b. Notice of Public Hearing, Hoofed Animals on Unincorporated Beaches, January 16, 2001
 - c. Notice to Bidders, Bid No. 01-25, Remodeling/Construction Existing Laboratory
 - d. Notice to Bidders, Bid No. 01-23, Construction Emergency Generator
 - e. Request for Proposals, RFP 01-22, Vilano Beach Town Center
 - f. Notice to Bidders, Bid No. 01-21, Surplus Property
 - g. Notice of Public Hearing, Application of St. Johns Service Company for Extension of Service Area, January 3, 2001
 - h. Notice of Public Hearing on Petition to Vacate Larkspur Loop, January 9, 2001
 - i. Request of Qualifications, RFQ #01-15
 - j. Notice to Bidders, Bid No. 01-10, Open Graded Cold Mix Bituminous Pavement
 - k. Notice to Bidders, Bid No. 01-28, Maintenance SJC Ocean Beaches
 - l. Notice of Special Meeting, Ordinance Adoption, January 16, 2001
 - m. Notice of Meeting, Joint Special Meeting, SJC Board of County Commissioners and School Board, January 17, 2001
 - n. Notice of Public Hearing, Petition to Vacate Shannon Road, January 23, 2001
 - o. Notice of Adoption of Resolution, Crescent Cove Subdivision
 - p. Notice of Special Meeting, Economic Development Committee, January 11, 2001
 - q. Notice of Public Hearings (Display Advertisement) Establishment of Ordinance/Regulations, December 12, 2000 and January 9, 2001
 - r. Certificate of Liability Insurance, Allied Waste Industries, Inc.
 - s. Certificate of Liability Insurance, Neil McLane
 - t. Certificate of Liability Insurance, Landers-Atkins Planners, Inc.
 - u. Certificate of Liability Insurance, Allied Waste Industries, Inc.
 - v. Certificate of Liability Insurance, Coastal Mechanical Services, Inc.
 - w. Declarations Page, Gregory and Andrea Maltby
 - x. Certificate of Insurance, Staff Leasing IV, LP
 - y. Certificate of Liability Insurance, Ellis & Associates, Inc.
 - z. Certificate of Insurance, Dyer, Riddle Mills & Precourt, Inc.
 - aa. Certificate of Liability Insurance, 3-D's Bridge Painting Corp.
 - bb. Certificate of Liability Insurance, Family Counseling Services
 - cc. Certificate of Liability Insurance, BGCO, Inc.
 - dd. Certificate of Liability Insurance, BGCO, Inc.
 - ee. Certificate of Liability Insurance, Handex Construction Services, Inc.

(01/23/01 - 4 - 9:15 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested that Items #1 and #2 be reversed.

(01/23/01 - 4 - 9:15 a.m.)

APPROVAL OF REGULAR AGENDA

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

(01/23/01 - 4 - 9:15 a.m.)

1. CONSIDER THE RAVENSWOOD MEMORANDUM OF UNDERSTANDING AND SETTLEMENT AMOUNT *(Previously Item #2 on the Regular Agenda)*

Bosanko and John Schwab made a joint presentation to the Board. Mary Hanson, special counsel on this issue, was also in attendance. Comments were made and questions answered on the proposed settlement. (9:24 a.m.) Rick Hathaway, *counsel* for the developer on the property, 50 A1A North, Ponte Vedra Beach, was in attendance, but did not speak on this issue. (9:25 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to authorize the County Administrator or his designee to sign the full clean-up and settlement agreement, the memorandum of understanding, authorize the completion of the berm and the payment of \$59,640 in recognition of and meeting the County's obligations in relation to the referenced encroachment of Ravenswood Landfill into or on Royal St. Augustine PUD.**

(01/23/01 - 4 - 9:26 a.m.)

2. CONSIDER A BUDGET TRANSFER FOR THE RAVENSWOOD LANDFILL CLEAN-UP *(Previously Item #1 on the Regular Agenda)*

Schwab presented this item for the Board's consideration, which was a follow-up to the previous agenda item. **Motion by Jacalone, seconded by Bryant, to approve transfer of \$59,640 from the Solid Waste Reserve Account 407-59920 to the Phase II Closure Construction Account 400-54611.**

(01/23/01 - 4 - 9:27 a.m.)

3. CONSIDER A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH FIRST TEE OF ST. JOHNS COUNTY, INC. FOR THE OPERATION OF A YOUTH GOLF PROGRAM AT THE COUNTY'S NEW 3-HOLE YOUTH GOLF COURSE

Leon Shimer, Director of Recreation and Parks, and Joe Boles of First Tee of St. Johns County, made a shared presentation to the Board. Discussion followed, after which, **motion by Jacalone, seconded by Meiszer, carried 5/0, to approve Resolution No. 2001-13 authorizing the execution of the lease agreement with First Tee of St. Johns County.**

RESOLUTION NO. 2001-13

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A CONTRACT FOR AND LEASE OF THAT PORTION OF THE ST. JOHNS COUNTY GOLF COURSE CONTAINING 12.78 ACRES MORE OR LESS WHICH HAS BEEN DEVELOPED INTO AN ADDITIONAL THREE HOLES OF GOLF OF COUNTY-OWNED PROPERTY TO FIRST TEE OF ST. JOHNS COUNTY, INC., A FLORIDA NOT FOR PROFIT

**CORPORATION, PURSUANT TO SECTION 125.38,
FLORIDA STATUTES**

(01/23/01 - 5 - 9:32 a.m.)

4. CONSIDER AN APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Patsy Heiss, Assistant to the Administrator, presented the applications to the Board for their consideration. **Motion by Reardon, seconded by Jacalone, carried 5/0, to reappoint Don Girvan to the Industrial Development Authority for a full four-year term, scheduled to expire January 23, 2005.**

(01/23/01 - 5 - 9:33 a.m.)

5. CONSIDER AN APPOINTMENT TO THE AMPHITHEATER BOARD OF DIRECTORS

Heiss submitted the applications to the Board for review. **Motion by Reardon, seconded by Meiszer, carried 5/0, to appoint Walter Kelly to the St. Johns County Amphitheater Board of Directors, to complete a term scheduled to expire November 30, 2001.**

The meeting recessed at 9:39 a.m. and reconvened at 9:46 a.m.

(01/23/01 - 5 - 9:46 a.m.)

6. DISCUSSION ON THE NEW TOWN FUTURE LAND USE CONCEPT

Teresa Bishop, Planning Director, introduced the New Town Future Land Use Concept. Charles Pattison, Executive Director of 1000 Friends of Florida, 926 East Park Avenue, Tallahassee, reviewed the suggestions of the draft New Town Amendment. (9:54 a.m.) Strickland and MacDonald left the meeting. Discussion was held on the general concept and the latest draft submitted by Staff, with revisions requested by Board members. (11:16 a.m.) Kohnke stated public comment would be received at this time; and questions for Pattison and the developer would be continued after the lunch break. (See page 6.)

(11:18 a.m.) Don Beattie, 808 Mill Pond Ct., Jacksonville, spoke on projected tax bases; if new towns cannot sustain them, then new towns should not be approved. (11:19 a.m.) Louise Thrower, 288 Orange Avenue, Fruit Cove, with visual display, spoke on modes of transportation; schools; post offices; civic centers, building height, interconnectivity; signage; alleys; land use subdistrict; definitions; open space, schools; affordable housing; hospitals; mass transit; traffic, and, infrastructure, among other things. (11:29 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., St. Augustine, representing St. Johns County Audubon, spoke on open space; schoolyards; buffers; air, water and soil protection; environmental concerns; donations; greenways and belts; and, wildlife. (11:34 a.m.) *This item was continued to the afternoon session.*

(01/23/01 - 5 - 11:34 a.m.)

7. DISCUSSION OF THE STATUS OF BISHOP ESTATES ROAD

Scott Clem, Director of Growth Management Services, presented this item and Staff's recommendation for the Board's consideration, with visual display. Discussion followed.

(11:48 a.m.) Wayne Houston, 2591 Bishop Estates Rd., President of Bishop Estates Road Community Association, stated the majority would like the road reclassified as a local road. Meiszer corrected his reference from Flora Branch to Durbin Creek. Houston handed out copies of petitions. (11:53 a.m.) Dale Fletcher, 1757 Bishop Estates Rd., Vice President of Bishop Estates Community Association, reaffirmed that the majority of homeowners would like it designated as a local road. (11:56 a.m.) Fred Grady, 270 Orange

Avenue, representing Westminster Woods, with visual display, spoke on closing the west end of Bishop Estates. (11:58 a.m.) Marshall Catlin, 1500 Bishop Estates Rd., a resident of Wesley Woods, spoke in favor of making it a private road. (12:01 p.m.) J. J. Carpenter, 905 Davis Pond Blvd., Jacksonville, representing Julington Creek Plantation, spoke on buffers and supporting cul-de-sac. (12:04 p.m.) Sarah Bailey, 2202 Bishop Estates Road, appeared, with a group of supporters, in favor of the local road. (12:06 p.m.) Jacalone left the meeting. (12:06 p.m.) Louise Thrower, 288 Orange Avenue, Fruit Cove, with visual display, proposed that they consider to close the west end of Bishop Estates Road vacating the right-of-way and allowing Westminster Woods to assume ownership of the vacated property. (12:09 p.m.) Kohnke read into the record correspondence from Ms. Losco who agreed with everything that had been said at this meeting; and another correspondence from attorney, Cris Mancino, writing for Babette Kamm, who lives at the far end of Bishop Estate, saying that a cul-de-sac would adversely affect her property and objects to the closing of the end of it. (12:10 p.m.) Kohnke stated she would like the Staff to come back and give comments on Durbin Creek coming in there, whether that should be allowed, and give comments about what can be done about the road going straight out to 13, and she wanted them to come back with some concrete suggestions as soon as possible. (12:11 p.m.) Reardon commented on appropriate signage to prevent heavier trucks from going through the area as a bypass. He agreed they probably did not want to close off the east end. (12:12 p.m.) Meiszer directed Staff to explore the removal of the present designation as a collector road and returning it to a local road; explore abandoning the portion of Bishop Estates from 13 to Orange in favor of Wesley Woods; and, if necessary, redesignate Orange as Bishop Estates, which could be changed to come out there, and to pursue with Julington Plantation, the possibility of terminating Durbin Creek, without it intersecting Bishop Estates. (12:13 p.m.) Bryant stated he was in consensus. Staff was so directed and to get back to the Board as soon as they could.

The meeting recessed at 12:14 until 1:15 p.m. **Motion by Bryant, seconded by Reardon, carried 4/0 with Jacalone absent, to move Commissioners Reports, Administrator's Report, Attorney's Report, and Clerk of Court's Report to the end of the afternoon session.**

The afternoon session reconvened at 1:20 p.m. with Kohnke, Jacalone, Meiszer, Reardon, Bryant, Deputy County Attorney Daniel Bosanko, County Administrator Ben Adams, and Deputy Clerk Yvonne King present.

(01/23/01 - 6 - 1:20 p.m.)

6. DISCUSSION ON THE NEW TOWN FUTURE LAND USE CONCEPT

Discussion continued on the New Town Future Land Use Concept. (1:35 p.m.) Roger O'Steen, 117 Annapolis Lane, Ponte Vedra Beach, addressed affordable housing. (1:37 p.m.) Thad Crow, of Prosser, Hallock, & Kristoff, 8101 Phillips Highway, Jacksonville, commented on the new town concept.

(01/23/01 - 6 - 1:45 p.m.)

8. PUBLIC HEARING – PROPOSED ORDINANCE ESTABLISHING A SLOW SPEED/MINIMUM WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS AND WATERCRAFT POWERED BY MACHINERY WITHIN A PORTION OF THE WATERWAY KNOWN AS THE SAN SEBASTIAN RIVER. A SLOW SPEED/MINIMUM WAKE ZONE IS NECESSARY FOR A PORTION OF THE SAN SEBASTIAN RIVER IN ORDER TO AVOID SAFETY HAZARDS TO PERSONS AND DAMAGE TO PROPERTY RESULTING FROM VESSELS TRAVELING AT EXCESSIVE SPEED. THE DESIGNATED ZONE IS FROM ITS MOUTH AT THE SAN SEBASTIAN RIVER-MATANZAS RIVER TO THE KING STREET BRIDGE

Proof of publication of the notice of public hearing on the Slow Speed/Minimum Wake Zone in a portion of the San Sebastian River was received having been published in The St. Augustine Record on January 13, 2001.

Daniel Weimer, Supervisor of Recreation and Parks, explained the ordinance, which regulates the San Sebastian River from Marker #5 to the King Street Bridge to designate that as a “slow speed/minimum wake” zone. Jacalone gave a brief history of this issue. (1:49 p.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance No. 2001-8, establishing a slow speed/minimum wake zone to regulate the wake created by boats, vessels and watercraft powered by machinery within a portion of the San Sebastian River.**

ORDINANCE NO. 2001-8

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ESTABLISHING A SLOW SPEED/MINIMUM WAKE ZONE TO REGULATE THE WAKE CREATED BY BOATS, VESSELS, AND WATERCRAFT PROPELLED OR POWERED BY MACHINERY WITHIN A PORTION OF THE WATERWAY KNOWN AS SAN SEBASTIAN RIVER; PROVIDING AN OPERATION STANDARD FOR BOATS, VESSELS, AND WATERCRAFT IN THE SLOW SPEED/MINIMUM WAKE ZONE; PROVIDING DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE

(1:56 p.m.) Lisa Hancock, 1845 Old Moultrie Road, Apt. #29, requested information from the Board regarding a time frame when a road would be cut through Avery Street. Reardon aired that the County is currently working on this issue.

(01/23/01 - 7 - 1:49 p.m.)

9. PUBLIC HEARING – VACROA 2000-02 - CONSIDER A PETITION TO VACATE A PORTION OF SHANNON ROAD. THIS ITEM IS A PETITION TO VACATE A 1.1-MILE PORTION OF SHANNON ROAD. THE PORTION TO BE VACATED BEGINS APPROXIMATELY 0.6 MILES EAST OF US1 AND CONTINUES EAST TO THE END OF SHANNON ROAD. THE FIRST 0.6 MILES OF SHANNON ROAD FROM US1 WILL NOT BE VACATED, BUT WILL TIE INTO THE PROPOSED NEW ROAD. A PORTION OF SHANNON ROAD IS PROPOSED TO BE VACATED AND REPLACED BY A NEW ROAD TO SERVE THE MARSHALL CREEK DEVELOPMENT AND THE EXISTING OUT PARCELS. THE CONTINUOUS ACCESS TO OUT PARCELS IS MANDATED BY THE MARSHALL CREEK DEVELOPMENT ORDER. FURTHERMORE, TO HELP ENSURE CONTINUOUS ACCESS TO THE OUT PARCELS, COUNTY ADMINISTRATION IS REQUIRING THAT THE NEW ROAD BE BONDED PRIOR TO THE VACATION AND THAT THE OUT PARCEL OWNERS BE GIVEN EASEMENT RIGHTS OVER THE NEW ROAD. DEVELOPER WILL BE THE MAINTENANCE ENTITY FOR THE NEW ROAD ALONG THE ENTIRE LIMITS OF THE ACCESS EASEMENT. THE CONSTRUCTION BONDS WILL ENSURE THE COMPLETE CONSTRUCTION OF THE APPROVED NEW ROAD. BASED UPON THE SUBMITTED INFORMATION, STAFF RECOMMENDS APPROVAL OF THE PROPOSED VACATION

Proof of publication of the notice of public hearing on the petition to vacate a portion of Shannon Road was received having been published in The St. Augustine Record on December 29, 2000.

Darrell Locklear, Development Review Engineer Manager, explained the request for a portion of Shannon Road to be vacated and replaced by a new road to serve the Marshall Creek Development and the existing out parcels. Discussion followed regarding access to the out parcels and the maintenance of Shannon Road. (2:03 p.m.) John Metcalf, 1104 Mill Creek Drive, representing the Marshall Creek Community Development District and Marshall Creek Ltd., responded to questions of the Board regarding the existing portion of the road not to be vacated. (2:08 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the vacation of a portion of Shannon Road per VACROA 2000-02, and authorize the County Administrator to execute a standard form escrow agreement for completion of the replacement road; approving Resolution No. 2001-14.**

RESOLUTION NO. 2001-14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, VACATING A PORTION OF SHANNON ROAD

(01/23/01 - 8 - 2:09 p.m.)

10. PUBLIC HEARING – MJM-00-006 – SAWMILL LAKES MAJOR MODIFICATION. THE SUBJECT PROPERTY IS LOCATED BETWEEN ROSCOE BLVD. AND COUNTY ROAD 210 RECREATION AREA WEST OF NORTH MILL TRAIL. THIS MODIFICATION SEEKS TO ALTER THE TERMS OF THE SAWMILL LAKES PUD TO REQUIRE IMPROVEMENTS AT THE COUNTY'S NORTHWEST PARK INSTEAD OF A NATURE TRAIL AND 10 PARKING SPACES WITHIN THE SAWMILL LAKES PUD. THE DESIGNATED 5.3 ACRES WOULD IN TURN BE RESERVED AS OPEN SPACE TO REMAIN UNDEVELOPED. THE PREVIOUSLY PROPOSED PARKING AND RECREATION AREA WOULD HAVE REQUIRED CLEARING AND POSSIBLY THE REMOVAL OF LARGE OAK TREES. THE REVISED PLAN WILL PRESERVE THIS AREA AS OPEN SPACE. MEANWHILE, THE IMPROVEMENTS AT THE COUNTY'S NORTHEAST PARK WILL SERVE RECREATION NEEDS OF THE SURROUNDING COMMUNITY RATHER THAN JUST THOSE RESIDENTS WITHIN THE SAWMILL LAKES PUD. IT IS STAFF'S OPINION THAT THE PROPOSED MODIFICATIONS COMPLY WITH THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE DESIGNATION OF B-RESIDENTIAL. THE RECREATION DEPARTMENT HAS REVIEWED THIS APPLICATION AND SUPPORTS THE REQUEST. THE APPLICATION IS CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE, PARTICULARLY SECTION 5.03.05.C, WHICH PROVIDES CONDITIONS RELATED TO MAJOR MODIFICATIONS TO APPROVED PLANNED UNIT DEVELOPMENTS. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS APPLICATION ON JANUARY 4, 2001

Proof of publication of the notice of public hearing on the Major Modification for Sawmill Lakes, MJM-00-006, was received having been published in The St. Augustine Record on November 20, 2000.

Sonya Doerr, Chief Planner, explained the requested modification to alter the terms of the Sawmill Lakes PUD. (2:10 p.m.) Leon Shimer, Director of Recreation and Parks, explained the need for the modification. Discussion followed regarding the modification. (2:18 p.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance No. 2001-9, adopting Findings of Fact 1 through 5 to support the motion.**

ORDINANCE NO. 2001-9

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE SAWMILL LAKES PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 96-7, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting thereupon recessed at 2:19 p.m. and reconvened at 2:28 p.m. Assistant County Attorney Isabelle Lopez entered the meeting.

(01/23/01 - 9 - 2:28 p.m.)

11. PUBLIC HEARING – R-00-035 – PONTE VEDRA POINTE REZONING. THE SUBJECT PROPERTY IS LOCATED AT 256 SOUTH ROSCOE BOULEVARD. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 19 ACRES OF LAND FROM OPEN RURAL (OR) TO RESIDENTIAL SINGLE FAMILY, (RS-1). THE PROPERTY IS LOCATED ON THE EAST SIDE OF SOUTH ROSCOE BOULEVARD WITHIN THE A-RESIDENTIAL COASTAL FUTURE LAND USE DESIGNATION. THE PROPERTY IS CURRENTLY OCCUPIED WITH A HORSE BOARDING STABLE AND RIDING FACILITY. THE A-RESIDENTIAL LAND USE DESIGNATION ALLOWS ONE UNIT PER UPLAND ACRE. THERE ARE APPROXIMATELY 3.30 ACRES OF WETLANDS ON SITE. SURROUNDING ZONING INCLUDES OR, PUD, RS-2 AND IW. THE DEVELOPMENT PATTERN FOR THE AREA IS PREDOMINANTLY SINGLE-FAMILY RESIDENTIAL. LOTS WILL BE SERVED BY CENTRAL WATER AND SEWER SERVICE. IN ADDITION, THE APPLICANT WILL BE REQUIRED TO PROVIDE A LEFT-TURN LANE AND RIGHT-TURN TAPER TO ENSURE SAFE INGRESS AND EGRESS TO THE PROPERTY. THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION OF A-RESIDENTIAL COASTAL. THE REQUESTED REZONING IS COMPATIBLE WITH THE SURROUNDING USES AND ZONING DESIGNATIONS. (APPROVAL OF THIS REZONING DOES NOT AUTHORIZE A SPECIFIC NUMBER OF LOTS. CONSISTENCY WITH ALL APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND THE COMPREHENSIVE PLAN MUST BE DEMONSTRATED AT THE TIME OF CONSTRUCTION PLAN AND FINAL PLAT REVIEW THROUGH THE DEVELOPMENT REVIEW PROCESS.) THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY A VOTE OF 4 TO 1 AT THEIR MEETING ON NOVEMBER 2, 2000

Proof of publication of the notice of public hearing on the rezoning, R-00-035, Ponte Vedra Pointe, was received having been published in The St. Augustine Record on January 9, 2001.

Sonya Doerr, Chief Planner, explained the request to rezone approximately 19 acres of land from OR to RS-1. Kohnke showed pictures of the curves approaching the development. (2:34 p.m.) Gary Davenport, 3266 Pacetti Road, made a presentation requesting the Board approve the rezoning. Jacalone disclosed that he spoke with Michael Braren regarding the general design of the project, access in and out of the project, and the number of lots that will be a part of the project. Bryant disclosed that he spoke with Michael Braren regarding the general design of the project, access in and out of the project, and the number of lots that will be a part of the project. Reardon disclosed that he spoke with Michael Braren regarding the general design of the project, access in and out of the project, and the number of lots that will be a part of the project. Kohnke disclosed that she spoke with Mr.

Davenport, Mr. Braren, and the Palm Valley Community Association Safety Committee. Meiszer disclosed that he met with Mr. Braren and listened to his comments. Discussion followed regarding the turn lanes, trip generation, and status of concurrency. (2:46 p.m.) Jim Skinner, of Hill, Boring, Dunn & Associates, Inc., 7950 Belfort Parkway, Suite 1600, Jacksonville, explained the design of the road. (2:47 p.m.) Penny Scott, 265 N. Roscoe Blvd., Jacksonville, commented in opposition to the rezoning. (2:49 p.m.) Carl "Bud" Markel, 801 Sugar Cane Avenue, commented in opposition to the rezoning. (2:56 p.m.) Garry Phillips, 161 Roscoe Blvd., representing the Palm Valley Safety Commission, commented in opposition to the rezoning. Discussion followed regarding the level of service on Roscoe Blvd. (3:04 p.m.) Ward Koutnick, President of Transportation Planners Engineers, 6620 South Point Drive South, Suite 120, Jacksonville, responded to questions of the Board regarding safety. Discussion followed regarding safety, the land use, and the number of units per acre. (3:21 p.m.) Ward Koutnick, Traffic Engineer, was sworn in, then responded to questions of Reardon regarding the improvements to the road. (3:29 p.m.) **Motion by Jacalone, seconded by Bryant, carried 3/2 by a roll call vote, to enact Ordinance No. 2001-10, adopting Findings of Fact to support the motion with an additional finding #6 that there was expert witness testimony to the safety issue relating to the turn and stacking lanes.**

Roll Call Vote:

| | |
|-----------------|------------|
| Kohnke | nay |
| Bryant | aye |
| Meiszer | nay |
| Reardon | aye |
| Jacalone | aye |

Motion carried 3/2.

ORDINANCE NO. 2001-10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, 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

(01/23/01 - 10 - 3:31 p.m.)

12. PUBLIC HEARING – R-PUD-00-024, SOLANA PROFESSIONAL BUILDING PLANNED UNIT DEVELOPMENT. THE SOLANA PROFESSIONAL BUILDING PUD IS PROPOSED TO BE DEVELOPED AT 111 SOLANA ROAD WITHIN PONTE VEDRA BEACH. THE SUBJECT PROPERTY IS WITHIN THE PONTE VEDRA ZONING DISTRICT AND IS CURRENTLY DEVELOPED WITH A SINGLE-FAMILY RESIDENCE. DEVELOPED COMMERCIAL AND MULTI-FAMILY USES ARE LOCATED TO THE EAST, SOUTH AND SOUTHWEST. THE SINGLE-FAMILY EL RANCHO ESTATES SUBDIVISION IS LOCATED TO THE NORTH. THE SUBJECT LOTS ARE A PART OF THIS PLATTED SUBDIVISION; HOWEVER, THESE LOTS ARE ISOLATED FROM THE SUBDIVISION, AND THERE IS NO VEHICULAR CONNECTION BETWEEN THE SUBDIVISION AND THIS PROPERTY. THE PROPERTY IS WITHIN A C-RESIDENTIAL COASTAL FUTURE LAND USE CATEGORY AS DESIGNATED BY THE ST. JOHNS COUNTY 2015 FUTURE LAND USE MAP. THE USES WITHIN THE PUD SHALL BE NEIGHBORHOOD COMMERCIAL USES, LIMITED TO FINANCIAL INSTITUTIONS WITHOUT DRIVE-THROUGH FACILITIES AND BUSINESS AND PROFESSIONAL OFFICES AS DEFINED WITHIN ARTICLE 12 OF THE ST. JOHNS

COUNTY LAND DEVELOPMENT CODE; HOWEVER, MEDICAL USES SHALL BE EXCLUDED FROM THE PUD. THIS PROJECT SHALL BE SUBJECT TO THE PROVISIONS OF THE PONTE VEDRA OVERLAY DISTRICT. THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD RECOMMENDED APPROVAL OF THE REQUESTED REZONING AT THEIR OCTOBER 16, 2000 MEETING

Proof of publication of the notice of public hearing on the rezoning, R-PUD-00-024, Solana Professional Building PUD, was received having been published in The St. Augustine Record on January 9, 2001.

Sonya Doerr, Chief Planner, explained the requested rezoning. Wyman Richardson, Applicant, was present to answer questions. Discussion followed regarding the buffer and the allowable uses. (3:35 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to enact Ordinance No. 2001-11, adopting Findings of Fact 1 through 5 to support the motion.**

ORDINANCE NO. 2001-11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL, INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting thereupon recessed at 3:35 p.m. and reconvened at 3:42 p.m. Deputy County Attorney Daniel Bosanko entered the meeting.

(01/23/01 - 11 - 3:42 p.m.)

13. PUBLIC HEARING – R-00-041 – ST. AUGUSTINE SPEEDWAY. THE SUBJECT PROPERTY IS LOCATED AT THE TERMINUS OF BIG OAK ROAD OFF OF US 1 NORTH AND IS DESIGNATED AS AIRPORT DISTRICT AND INTENSIVE COMMERCIAL BY THE COMPREHENSIVE PLAN. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 104 ACRES OF LAND FROM OPEN RURAL (OR) TO COMMERCIAL, INTENSIVE (CI). THE PROPERTY IS CURRENTLY DEVELOPED WITH THE ST. AUGUSTINE SPEEDWAY. AN EXCEPTION RELATED TO THE EXISTING USE WAS APPROVED IN 1996. (AN EARLIER EXCEPTION HAD AUTHORIZED THE RACETRACK USE AT THIS LOCATION.) THE 1996 EXCEPTION WAS APPROVED WITH CERTAIN CONDITIONS INCLUDING A LIMITATION ON THE HOURS OF OPERATION. THE APPLICANT WISHES TO MODIFY THOSE HOURS OF OPERATION. WITH THE ADOPTION OF THE LAND DEVELOPMENT CODE, SPECIAL USE NO LONGER ALLOWS A RACETRACK. AS SUCH, A REZONING IS REQUIRED TO CHANGE CONDITIONS APPROVED PURSUANT TO THE 1996 EXCEPTION. THE CI ZONING CLASSIFICATION IS PERMITTED WITHIN BOTH THE AIRPORT DISTRICT AND INTENSIVE COMMERCIAL LAND USE DESIGNATIONS. THE AIRPORT AUTHORITY HAS PROVIDED THAT THEY HAVE NO OBJECTIONS TO THE REZONING, AND THE REZONING WOULD BRING THE EXISTING DEVELOPMENT INTO COMPLIANCE WITH THE LAND DEVELOPMENT CODE. STAFF FINDS THE REQUESTED REZONING CONSISTENT WITH THE COMPREHENSIVE PLAN AS WELL AS APPLICABLE PROVISIONS OF THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS APPLICATION BY A VOTE OF 4 TO 3 AT THEIR MEETING ON JANUARY 4, 2001

Proof of publication of the notice of public hearing on the rezoning, R-00-041, St. Augustine Speedway, was received having been published in The St. Augustine Record on November 20, 2000.

Kohnke submitted copies of letters, email, and petitions in favor and in opposition to the rezoning. Kohnke said she spoke with Dennis Hollingsworth regarding the rezoning. Bryant disclosed that he spoke with Ms. Benson and Mr. Carl Burchfield regarding the future land use map. Reardon disclosed that he had conversation with Ms. Benson and Mr. Carl Burchfield; then, submitted copies of letters, email, and petitions in favor and in opposition to the rezoning. Jacalone submitted copies of letters, email, and petitions in favor and in opposition to the rezoning. Jacalone said he had conversations with Mr. Phil Lowe, Mr. Carl Burchfield, Ms. Joy Benson, and Mr. Robert Burton regarding the rezoning. Meiszer said he had several phone calls both pro and con to the rezoning. Meiszer submitted correspondence he received. (3:48 p.m.) Sonya Doerr, Chief Planner, explained the request to rezone approximately 104 acres of land from OR to CI. (3:51 p.m.) George McClure, 170 Malaga Street, representing V.J. Usina III and Glendolyn Usina, the applicants, made opening statements in favor of the rezoning. (3:53 p.m.) Deborah Andrews, representing Carol and Frank Welborn, adjacent property owners, made opening statements in opposition to the rezoning. (3:55 p.m.) McClure made a presentation of evidence; then asked questions of Teresa Bishop. (4:20 p.m.) Andrews cross-examined Bishop; then, made a presentation of evidence. (4:31 p.m.) Frank Welborn, 600 Big Oak Road, responded to questions of Deborah Andrews regarding the adverse affects of the race track. (4:37 p.m.) McClure cross-examined Frank Welborn. (4:42 p.m.) Carol Welborn, 600 Big Oak Road, responded to questions of Deborah Andrews regarding the adverse affects of the race track. (4:46 p.m.) McClure cross-examined Carol Welborn.

(4:48 p.m.) Deputy Clerk Yvonne King left the meeting; Deputy Clerk Lenora Newsome entered the meeting.

Andrews directed questions to the Staff on concurrency. Bishop stated that the race certificate of concurrency issued was consistent and it was not subject to a new concurrency review for this rezoning because the racetrack was not increasing any of what it was doing, so there was not a need for an additional certificate of concurrency to be issued.

(4:54 p.m.) Jack Donnelly, 245 River Island Circle, spoke in opposition of changing the zoning.

(4:57 p.m.) Dennis Regan, 301 Island Landing Drive, spoke in opposition of changing the zoning.

(4:58 p.m.) Tina Welborn, 600 Big Oak Road, spoke in opposition of changing the zoning.

(5:00 p.m.) Dutchey Lane, 211 Big Oak Road, spoke in opposition of changing the zoning.

(5:02 p.m.) Carl "Bud" Markel, 801 Sugar Cane Avenue, spoke in opposition of changing the zoning.

(5:04 p.m.) Robin UpChurch, 5710 Capo Island Road, spoke in opposition of changing the zoning.

(5:06 p.m.) Jeff Dudley, 5280 Avenue D, spoke in favor of the zoning change.

(5:07 p.m.) Scott Treaster, 515 Warbler Road, spoke in favor of the zoning change.

(5:09 p.m.) Grady Lundquist, 385 Abbey Avenue, spoke in favor of the zoning change.

(5:11 p.m.) Kristal Loescher, Finish Line Racing School, Daytona Beach, spoke in favor of the zoning change.

(5:15 p.m.) Mike Loescher, Finish Line Racing School, Daytona Beach, spoke in favor of the zoning change.

(5:19 p.m.) Lou Nester, 1115 Fourth Street, spoke in favor of the zoning change.

(5:23 p.m.) Margaret Drury, 29 Rhode Avenue, spoke in favor of the zoning change.

(5:24 p.m.) Todd Ponce, 6815 CR 16A, spoke in favor of the zoning change.

(5:25 p.m.) Phil Lowe, 29 Collingwood Avenue, Palm Coast, spoke in favor of the zoning change.

(5:28 p.m.) Scott Lagasse, #7 Avista Circle, spoke in favor of the zoning change.

(5:31 p.m.) Joe Jacalone, 256 Hawthorne Road, spoke in favor of the zoning change.

(5:33 p.m.) Phil Genovar, 1715 Old Moultrie Road, spoke in favor of the zoning change and gave a history of the race track.

(5:36 p.m.) Joel Weiss, Snap-On-Tools, 1595 CR 13 A South, spoke in favor of the zoning change.

(5:38 p.m.) Margaret Blauvect, 504 Pineapple Avenue, spoke in opposition of the zoning change.

(5:38 p.m.) Brenda Ramsey, 600 Big Oak Road, spoke in opposition of the zoning change.

(5:39 p.m.) Timothy Bankerd, 5042 Big Oak Road South, spoke in opposition of the zoning change.

(5:43 p.m.) Mike Lowe, 880 Cherry Tree Road, spoke in favor of the zoning change.

(5:46 p.m.) Sandy Nester, 1115 Fourth Street, spoke in favor of the zoning change.

(5:48 p.m.) John Randel, 3225 Calle Barcelona, spoke in favor of the zoning change.

(5:50 p.m.) Joseph Haslayer, 60 Dolphin Blvd. East, Ponte Vedra Beach, spoke in favor of the zoning change.

(5:51 p.m.) George Michael, 3833 Ponte Vedra Court, Jacksonville, spoke in favor of the zoning change.

(5:52 p.m.) Sam Michael, Jr., 2980 St. Augustine Road, Jacksonville, spoke in favor of the zoning change.

(5:55 p.m.) Deputy Joey Romer, St. Johns County Sheriff's Office, reviewed some of the computer generated calls to the Sheriff's Office regarding the race track as of July 1, 2000 through January 22, 2001. He spoke in favor of the zoning change.

(5:58 p.m.) Allen James, 10135 Gate Parkway North, Apt. 1001, Jacksonville, spoke in favor of the zoning change.

The meeting recessed at 6:00 p.m. and reconvened at 6:10 p.m.

(6:10 p.m.) Lt. Art May, 10590 Ray Road, spoke on what the law enforcement does at the race track.

(6:13 p.m.) Ed Wuellner, 4796 US Hwy 1, spoke on reminding the Board of the property ownership that the Airport Authority has in the vicinity of the Race Track, using visual display.

(6:17 p.m.) Rick Molner, 5732 Avenue D, spoke in favor of the zoning change.

(6:19 p.m.) Lex Dudas, 12161 Blue Springs Lane, Fishers, IN, spoke in favor of the zoning change.

(6:22 p.m.) Verrill York, Jr., spoke in favor of the zoning change.

(6:25 p.m.) Bill Borden, 515 Cherry Street, spoke in favor of the zoning change.

(6:27 p.m.) Mike Lynn, 1941 Grove Bluff Road, spoke in favor of the zoning change.

(6:29 p.m.) Todd Ponce, 6815 CR 16A, spoke in favor of the zoning change.

(6:30 p.m.) John Hewins, Chairman of the Economic Development Council of the St. Augustine and St. Johns County Chamber of Commerce, 188 Edge of Woods Road, spoke in favor of the zoning change.

(6:32 p.m.) Charles Ponce, 1127 Fifth Street, spoke in favor of the zoning change.

(6:33 p.m.) Jason Lowe, 2330 US 1, spoke in favor of the zoning change.

(6:36 p.m.) Vernon Usina, 31 Walnut Lane, Ormond Beach, spoke in favor of the zoning change.

(6:37 p.m.) Stuart Bergman, 5240 Riverton Road, Jacksonville, spoke in favor of the zoning change.

(6:39 p.m.) Jim Davis, 4720 Avenue B, spoke in favor of the zoning change.

(6:40 p.m.) Melanie Morrison, 9640 Jarvis Avenue, Hastings, spoke in favor of the zoning change.

(6:41 p.m.) Philip Mickler, 4420 Hudnall Road, Jacksonville, spoke in favor of the zoning change.

(6:44 p.m.) Roger Jarriel, 318 Segovia Road, spoke in favor of the zoning change.

(6:47 p.m.) Laura O'Connor, 4957 Avenue D, spoke in opposition of the zoning change.

(6:49 p.m.) John Hopke, 6223 Brooks Circle North, Jacksonville, spoke in favor of the zoning change.

(6:50 p.m.) Suzanne Rowe, 3762 Old Lewis Speedway, spoke in favor of the zoning change.

(6:56 p.m.) Barbara Jones, 4680 Avenue C, spoke in favor of the zoning change.

(6:56 p.m.) Ralph Klein, 908 White Eagle Circle, spoke in favor of the zoning change.

(6:59 p.m.) Lillian Rash, 600 Big Oak Road, spoke in opposition of the zoning change.

(7:00 p.m.) Carl Burchfield, 355 Armas Avenue, spoke on Usina paving Big Oak Road out of his own pocket, Usina installing, at his own expense, the deceleration lanes on US 1 North and South and spoke in favor of the zoning change.

(7:02 p.m.) Joy Benson, Operation Manager of the Speedway, 1133 Fifth Street, reviewed the history on Usina's beginning with the Race Track, his participation in community activities, and spoke in favor of the zoning change.

(7:07 p.m.) Kohnke announced having two ex-parte communications at break, one with George McClure regarding giving conditions at the PZA meeting and with Andrews on having an opportunity to negotiate with the applicant. Bosanko stated that the rebuttal of the comments, and the closing statements can be combined. Bosanko requested for the Board to have each one of the representatives comment on the Comp Plan A.1.3.12 and how it applies to this case.

(7:08 p.m.) Andrews introduced the document from the original 1992 rezoning regarding the certificate of concurrency, using visual display. She gave her rebuttal, stating why the rezoning request needed to be denied. She gave examples on what is allowed in Intensive Commercial Zoning and stated there are four legal reasons to deny this rezoning; 1) it is incompatible with the surrounding residential adjacent land uses, 2) there has not been a recommendation from the State on the compatibility with 12-Mile Swamp as required by Section 4.01.11 of LDC, 3) the policies contained in the text of the Comp Plan and the most restrictive regulations apply over the Future Land Use Map, and 4) the Commercial Intensive Zoning violates Section 2.02.01(g)(1) of the land development regulations. She addressed the compatibility request.

(7:15 p.m.) McClure articulated more clearly why this application was important. He reviewed the practice times, using visual display, and commented on Andrews' rebuttals. He handed in 957 petitions in favor of the zoning change and reviewed the Comp Plan map using visual display.

(7:28 p.m.) Teresa Bishop, Planning Director, gave overall statements regarding the Comp Plan.

(7:30 p.m.) Bosanko made brief points on: 1) nonconforming uses, 2) collector roads, and 3) Comp Plan Section A.1.3.12 on compatibility. Reardon voiced concern on residents complaining about noise and how the uses fit in next to residential neighborhoods. He stated that his perspective is that, this is the proper location for that facility. Bosanko stated as for conditions, if the Board approves just what is requested, the current conditions go away. He stated that the Board can attempt to put conditions on a rezoning, but it is questionable. Jacalone stated that, in his opinion, the race track needs some flexibility in order to survive. Bishop mentioned that there is an Airport District that has been created which is on the Future Land Use Map and there is a separate Airport Overlay District that was created that is not on the Future Land Use Map. Discussion followed on complying with restrictions, this request being for a straight CI zoning and if the applicant would be interested in reducing some of the uses that would be allowed with CI rezoning, an error being made when the Comp Plan was adopted, and building acoustic walls to reduce the noise. Bryant offered a condition #6 if it would solidify the approval; the rezoning is consistent with A.1.3.12 of the Comp Plan because the compatibility already applies to zoning districts.

(7:51 p.m.) McClure read the uses that they offer to exclude from this site from the High Intensity Commercial Uses, Section G2 page 7; Truck Stops, Convenience Stores with or without gas pumps, large scale discount centers, supercenters, large scale building supply centers and do it yourself centers, big box retailers, newspaper printing operations and distribution centers, free standing taverns, bars, lounges, night clubs, and dance halls,

psychics, marinas, veterinary offices and animal hospitals with outside kennels, kennels and other animal boarding facilities, dry storage for boats, and supplies for building and trades contractors, garbage haulers, and hotels and motels. He relayed that Usina was prepared to offer a condition on the hours of operation for this facility; on Friday and Saturday from 8 a.m. to midnight, during the week from 8 a.m. to 11 p.m. with running over an hour for up to 12 events during the year and on Sunday starting at 12 noon to 10:00 p.m. only if rained out on Saturday. Kohnke questioned stopping at 10:00 p.m. during the week. Benson agreed to 8:00 a.m. to 10:00 p.m. during the week with the provision to run 10 nights for one extra hour.

The meeting recessed at 8:00 p.m. and reconvened at 8:05 p.m.

(8:05 p.m.) McClure relayed that the applicants proposed the following conditions to apply to this rezoning of CI, if it is granted; 1) the uses that were deleted in the prior statement; 2) the hours of operation of the track from Monday through Thursday will be from 8:00 a.m. until 10:00 p.m., the applicant reserves the ability to have 10 nights during the year that he can run one extra hour during the weekdays, Friday and Saturday from 8:00 a.m. until 12:00 p.m. with 12 times during the year he can run up to one extra hour; 3) the track will not operate on Sunday unless the Saturday night event is rained out, in which case, the track may operate from noon until 8:00 p.m. Meiszer mentioned that none of the conditions addressed the issue of noise. Discussion followed on addressing the issue of noise. Kohnke suggested for McClure to make a good faith effort to look into something that will work with billboards which might be a little more insulated, without putting it into the conditions. (8:10 p.m.) **Motion by Jacalone, seconded by Reardon, carried 4/1 with Meiszer opposed, to enact Ordinance No. 2001-12 with Findings of Fact 1-5, with conditions offered by the applicant, and read by Bishop; Part 2.02.01G of the Land Development Code, number 2, the following uses are eliminated: Truck Stops, Convenience Stores with or without gas pumps, large scale discount centers, super centers, large scale building supply centers and do it yourself centers, big box retailers, newspaper printing operations and distribution centers, free standing taverns, bars, lounges, night clubs and dance halls, physics, marinas, veterinary offices, and animal hospitals with outside kennels, kennels and other animal boarding facilities, supplies for building and trade contractors, garbage haulers, hotels and motels; and the condition of restricted hours of operation; Monday through Thursday from 8:00 a.m. until 10:00 p.m. with the provision for 10 nights to run one extra hour, Friday through Saturday from 8:00 a.m. to 12:00 p.m. with the provision to run 12 times per year, one extra hour and Sunday will be classified as a rainout night for Saturday night race event and racing will not begin until noon ending at 8:00 p.m. Bryant read into the record; the rezoning is consistent with A1.3.12 of the Comprehensive Plan Compatibility Chart because the Compatibility Chart complies to zoning districts. McClure agreed for the record that the old exception lapses and that the conditions were offered by the applicant.**

(01/23/01 - 16 - 8:15 p.m.)

13a. APPROVAL OF A MOTION TO ADOPT RESOLUTION APPROVING A FINAL PLAT FOR CYPRESS LAKES UNIT THREE (*Pulled from the Consent Agenda Item #8*)

Bosanko requested for this item to be rescheduled to a later date because they never received the title opinion. **Motion by Reardon, seconded by Jacalone, carried 5/0, to reschedule this item to a later date.** Bosanko left the meeting and Doug Burnett, Assistant County Attorney, entered the meeting.

(01/23/01 - 16 - 8:16 p.m.)

13b. APPROVAL OF A MOTION TO ADOPT RESOLUTION RECOGNIZING UNANTICIPATED GENERAL FUND GRANT REVENUE IN THE AMOUNT OF \$11,079 AND INCREASING THE EXPENDITURE BUDGET OF EMS (#001-048-55305) BY THE SAME AMOUNT (*Pulled from the Consent Agenda Item #10*)

Meiszer questioned what the money would be spent on. Joe Vonasek, Office of Management and Budget, explained that the money could be spent for anything in terms of equipment. **Motion by Bryant, seconded by Jacalone, carried 4/1 with Meiszer opposed, to adopt Resolution No. 2001-16, recognizing unanticipated General Fund grant revenue in the amount of \$11,079 and increasing the expenditure budget of EMS (#001-048-55305) by the same amount.**

RESOLUTION NO. 2001-16

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2001 GENERAL REVENUE AND EXPENDITURE BUDGETS TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY EMS PROGRAM

(01/23/01 - 17 - 8:18 p.m.)

- 13c. APPROVAL OF A MOTION TO ALLOW THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO CONVEY THE SURPLUS PROPERTY IN SURFSIDE SUBDIVISION TO PS PARTNERSHIP FOR \$14,450 (*Pulled from the Consent Agenda Item #12*)

Meiszer stated that his question on this item had been answered by Mrs. Blount. **Motion by Reardon, seconded by Bryant, carried 5/0, to allow the County Administrator, or his designee, to convey the surplus property in Surfside Subdivision to PS Partnership for \$14,450.00.**

(01/23/01 - 17 - 8:19 p.m.)

- 13d. MOTION TO APPROVE BONDS FOR THE TAX COLLECTOR, CLERK, PROPERTY APPRAISER AND SUPERVISOR OF ELECTIONS AND, UPON PAYMENT OF THE PREMIUM BY THE RESPECTIVE COUNTY OFFICERS, TO TRANSMIT THEM FOR FILING TO THE CLERK OF THE CIRCUIT COURT (*Pulled from the Consent Agenda Item #6*)

Vonasek stated that the County Officers have made the concession of paying for their own bonds this year, however, there are some issues that the Board will need to address specifically relating to the sufficiency of the amount of the bonds that the Board has never really addressed and requested for the Board to direct the County Administrator to develop a working group composed of Staff members and representatives from the County Officers Elected Officials Constitutional Officers in order to address the issue and bring back to the Board in the month of June for a second review which is required under Florida Statutes. **Motion by Reardon, seconded by Bryant, carried 5/0, to approve the bonds for the Tax Collector, Clerk, Property Appraiser and Supervisor of Elections and, upon payment of the premium by the respective County Officers, to transmit them for filing to the Clerk of the Circuit Court and to add the Sheriff for the amount of \$10,000.** Vonasek asked for the Board to direct the County Administrator to do what he requested. Kohnke replied, so directed.

(01/23/01 - 17 - 8:21 p.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

No report.

(8:22 p.m.)

Commissioner Reardon:

Reardon requested support from the Board to check into coming up with the additional \$10,000 to do the project along West King Street, since they did not get the grant. Kohnke suggested placing it on the agenda, so it could be fully discussed.

(8:23 p.m.)

Commissioner Kohnke:

Kohnke announced the groundbreaking being scheduled on Thursday, at 11:30 at the World Golf Village for the opening of the International Park of St. Johns.

(8:24 p.m.)

Commissioner Jacalone:

No report.

(8:24 p.m.)

Commissioner Meiszer:

Meiszer protested the manner in which Kohnke deals with motions.

Meiszer announced that the next meeting of the Government Growth Management Meeting will be on January 31 in Orlando. He suggested for someone from this County to participate in it and monitor it. Adams stated that Mr. Clem has been monitoring it and that Brian Teeple has been going to the meetings. Reardon supported Meiszer's request to have someone from the Planning Staff go to the meeting in Orlando. Jacalone stated that they are being kept updated.

(01/23/01 - 18 - 8:29 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(01/23/01 - 18 - 8:29 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(01/23/01 - 18 - 8:29 p.m.)

CLERK OF COURT'S REPORT

No report.

Motion by Bryant, seconded by Jacalone, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 8:33 p.m.

REPORTS:

1. St. Johns County Check Register, checks number 298885 through 299154 totaling \$1,453,437.71 (01/18/01)
2. Statement of Acceptance of Reappointment of Chris Bracken to the Tourist Development Council (12/27/00)
3. Loyalty Oath of Chris Bracken of the Tourist Development Council (12/27/00)

4. Statement of Acceptance of Appointment of Henry Warner to the Mid-Anastasia Design Review Board (12/29/00)
5. Loyalty Oath of Henry Warner of the Mid-Anastasia Review Board (12/29/00)
6. Statement of Acceptance of Appointment of Arthur Moxon to the A1A South Architectural Review Committee (01/03/01)
7. Loyalty Oath of Arthur Moxon of the A1A South Architectural Review Committee (01/03/01)
8. Letter to the Secretary of State filing Ordinances No. 2001-1, 2001-2, 2001-3, and 2001-4 (01/16/01)

CORRESPONDENCE:

1. Letter to the Department of State with corrections to pages 4 & 5 of Ordinance No. 2000-60 (01/19/01)
2. Letter to the Department of State filing Ordinances No. 2001-5, 2001-6, & 2001-7 (01/19/01)

Approved _____ February 13 _____, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Mary F. Kohnke, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk