

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

Also Present: Cheryl Strickland, Clerk of Courts; and Allen MacDonald, Finance Director.

(10/23/01 - 1 - 9:01 a.m.)

The meeting was called to order by Chair Jacalone.

(10/23/01 - 1 - 9:02 a.m.)

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

(10/23/01 - 1 - 9:02 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(10/23/01 - 1 - 9:02 a.m.)

SPECIAL RECOGNITION OF KEVIN FELDT, ST. JOHNS COUNTY'S TRANSPORTATION PLANNING MANAGER

Jacalone, on behalf of the Board of County Commissioners, presented a plaque to Kevin Feldt for his service to St. Johns County.

(10/23/01 - 1 - 9:06 a.m.)

CERTIFICATES OF APPRECIATION AWARDED TO WILLIAM DIXON, SISTER PATRICIA CONSIER, SHANNON MCKAY, DR. JANET GRAHAM, CARL PETER III, AND CURTIS POWELL

Reardon, on behalf of the Board of County Commissioners, presented certificates to the following persons for their service to St. Johns County: William Dixon, Sister Patricia Consier, Shannon McKay, Dr. Janet Graham, Carl Peter III, and Curtis Powell. (9:13 a.m.)
Kris Kelly and Jane Mathis then sang a song.

(10/23/01 - 1 - 9:18 a.m.)

PUBLIC COMMENTS

Stephen Crooms, 936 Irvin Street, newly elected Chairman of the West Augustine Redevelopment Agency, introduced himself to the Board and showed photos of the condition of West Augustine. Discussion followed on the plans for West Augustine. (9:27

a.m.) Dante Salamone, 5225 Datil Pepper Road, commented on the West Augustine Revitalization Project, the Shannon Road access problem, and emergency vehicles.

(10/23/01 - 2 - 9:32 a.m.)

DELETIONS TO CONSENT AGENDA

Kohnke commented on Item #11; it was not pulled from the Consent Agenda. Meiszer suggested that budget transfer items be more specific when placed on the Consent Agenda. Jacalone requested Item #1 be removed from the Consent Agenda and added to the Regular Agenda as Item A.

(10/23/01 - 2 - 9:36 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Kohnke, seconded by Bryant, carried 5/0, to approve the Consent Agenda, as amended, as follows:

1. Approval of the Cash Requirement Report (*This item was removed from the Consent Agenda and added to the Regular Agenda as Item A; see page 3*)
2. Approval of Minutes:
09/25/01 – BCC Regular Meeting
10/02/01 – BCC Regular Meeting
3. Motion to approve the transfer of \$50,000 from 0083-59920 (General Fund Reserves) to 0002-53150 (Consulting Services)
4. Motion to approve the transfer of \$28,866 from 1230-59920 (Reserves) to Department 1224 to complete the purchase of necessary CAD system equipment
5. Motion to approve the transfer of \$16,940 from 1132-59920 (State Attorney Reserves) to operating budget lines of Department 1132 (State Attorney)
6. Motion to declare CV262, a 1998 Dodge Van, as surplus and allow County Finance Staff to remove it from the County's asset list
7. Motion directing the County Administrator, or his designee, to enter into a contract under Bid No. 01-92, Construction of West 16th Street Sidewalk, with LAS Contracting Corp. in the amount of \$57,000 (*See Exhibit A*)
8. Motion to adopt **Resolution No. 2001-201** approving a final plat for Julington Creek Plantation, Parcel 67

RESOLUTION NO. 2001-201

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 67

9. Motion to adopt **Resolution No. 2001-202** approving a Final Plat for St. Johns Golf & Country Club, Unit Two, Phase One

RESOLUTION NO. 2001-202

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

**FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST.
JOHNS GOLF & COUNTRY CLUB UNIT TWO PHASE ONE**

10. Motion appointing Carol Alford as Chairperson of the Board of the Housing Finance Authority of St. Johns County for fiscal year October 2001 through September 2002
11. Motion to approve the transfer of \$40,000 from the Landrum Lane/Odom Mills Sidewalk Project (1114-56301-0745-56301) to the King Street Corridor Plan Project (1114-56301-0748-53180)
12. Motion to authorize the County Administrator, or his designee, to extend the contract under Bid No. 01-10, Open Graded Cold Mix Bituminous Pavement, with Koch Materials Co., in amount of \$750,000 (*See Exhibit B*)
13. Proofs:
 - a. Proof, Notice of Special Meeting, St. Johns Board of County Commissioners & Airport Authority, October 15, 2001
 - b. Proof, Notice of Special Meeting, St. Johns County Board of County Commissioners & School Board, October 18, 2001
 - c. Proof, Notice of Proposed Purchase, Mitigation Property Charles V. & Carolyn A. Robshaw, November 6, 2001
 - d. Proof, Notice to Bidders, Bid No. 02-11
 - e. Proof, Notice to Bidders, Bid No. 02-13
 - f. Proof, Notice to Bidders, Bid No. 02-14
 - g. Proof, Request for Qualifications, RFQ. # 02-08
 - h. Proof, Certificate of Liability Insurance, North Beach Engineering, Inc.
 - i. Proof, Certificate of Insurance, DeGrove Surveyors, Inc.
 - j. Proof, Certificate of Insurance, St. Johns County (Hastings Library)

(10/23/01 - 3 - 9:36 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Meiszer requested to add an Item to the afternoon agenda; it was added as Item #10a, Sarah Bailey comments. Jacalone added Item #1A, Southeast Library Update.

(10/23/01 - 3 - 9:37 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/23/01 - 3 - 9:38 a.m.)

- A. APPROVAL OF THE CASH REQUIREMENT REPORT (*This item was removed from the Consent Agenda and added to the Regular Agenda.*)

Allen MacDonald, Finance Director, submitted an additional Cash Requirement Report with checks that were written after the agenda was prepared; then, asked the Board to approve the Cash Requirement Report with the additional checks added. (9:40 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the Cash Requirement Report, as amended.**

(10/23/01 - 3 - 9:40 a.m.)

1. PRESENTATION OF THE LIST OF REVENUES & EXPENDITURES/EXPENSES OF THE ST. JOHNS COUNTY TAX COLLECTOR'S OFFICE IN COMPLIANCE WITH FLORIDA STATUTE 218.30

Dennis Hollingsworth, St. Johns County Tax Collector, aired that this year they had a total distribution to date of \$1,725,338.35. In addition to this, last month they distributed \$522,642.39 in interest that was earned. The total cash flow of earned revenue unused expenses was \$2,247,980.74.

(10/23/01 - 4 - 9:43 a.m.)

1A. SOUTHEAST LIBRARY UPDATE

Mike Rubin, Director of Construction, gave an update on the status of the Southeast Library construction project. Roxanne Horvath and Peter Rumpel reviewed the changes to the construction project. Horvath then entertained questions from the Board. (9:57 a.m.) Dante Salamone, 5225 Datil Pepper Road, commented on the design of the library.

(10/23/01 - 4 - 9:59 a.m.)

2. UPDATE ON UPCOMING EVENTS TO BE HELD AT THE WORLD GOLF VILLAGE

Bruce Lucker, Chief Operating Officer of World Golf Village, informed the Board of some events that were held and will be held at the World Golf Village: Grand opening of the Caddy Shack Restaurant, the 2nd Annual Vets at the Village Harvest Day Celebration, the 2nd Annual Red White and Blue Festival, various printing course tournaments for members of the local community, Shell World Golf Village Junior Championship Golf Tournament, free seminars from how to make chocolate to learning to solve problems on new software, and the Imax Theater. Lucker concluded by showing a 30 second video to be aired locally of the World Golf Hall of Fame Induction Ceremony.

The meeting recessed at 10:20 a.m. and reconvened at 10:32 a.m.

(10/23/01 - 4 - 10:32 a.m.)

3. CONSIDER THE ACCEPTANCE OF A FLORIDA ECONOMIC DEVELOPMENT TRANSPORTATION GRANT AND RESOLUTION AUTHORIZING AN ECONOMIC SUPPORT PACKAGE

Ted Zebrowsky, Director of Intergovernmental Relations, said an Economic Development Transportation Road Fund Grant was applied for with the purpose of enticing ConAgra Foods, Inc. to locate in St. Johns County. It is a company that is located in Omaha, NE. It is the largest independent food company in the United States with annual sales of approximately \$27 billion. They are considering moving part of its operation to St. Johns County. Zebrowsky said he has received verbal approval that the Road Fund Grant was approved by the State of Florida in the amount of \$315,000. Zebrowsky then requested the Board to authorize the County Administrator to execute a contract with the State once the contract is received. ConAgra has asked the County for some economic development incentives. Zebrowsky said Staff has been working with the Chamber of Commerce and the Cornerstone representatives, and they have recommended a performance based incentive package, which includes the following: expedited permitting, reimbursement of ad valorem taxes and tangible personal property taxes for one year (County General Fund portion), and a \$7,000 subsidy to assist with the sewer and water connection fees. Zebrowsky reviewed the performance based side of this in order for the company to qualify is as follows: they will develop 42 new jobs and submit to audit, verifying that those jobs and salaries are here. The minimum based salary is \$21,500. The average salary will be \$25,500, which is the County's average. They will also be required to design and construct a 404,000 square foot facility. This company will pay impact fees in the amount of \$200,384. The cost of the facility is a \$14.5 million building that will have approximately \$2.5 million worth of tangible property inside the building. It is a 404,000 square foot building, and they are considering a 100,000 square foot expansion. The total taxes this company will pay to St. Johns County is approximately \$250,000 annually. The County's portion is \$72,674. The tangible property taxes annually will be \$12,530. The total amount of taxes (County's portion) annually will be approximately \$85,204. Construction is scheduled to begin immediately. The completion

date is scheduled for August, 2002. Zebrowsky introduced July Kimbel, the National Accounts Management Team's Vice President, and James G. Doyle, Vice President for Real Estate for ConAgra Foods, Inc. Discussion followed on salaries, incentives, and jobs. (10:50 a.m.) James Doyle explained the services that will be provided by ConAgra Foods, Inc. (10:39 a.m.) **Motion by Meiszer, seconded by Bryant, carried 4/1 by roll vote, to approve Resolution No. 2001-203 and authorize the County Administrator to execute the contract reviewed by the County Attorney as approved by the Board of County Commissioners, to accept this grant.**

Roll Call:

Kohnke **nay**
Bryant **aye**
Meiszer **aye**
Reardon **aye**
Jacalone **aye**

Motion carried 4/1.

RESOLUTION NO. 2001-203

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, FUNDING AND AWARING AN ECONOMIC DEVELOPMENT GRANT FOR THE CONAGRA FOODS, INC. COMPANY TO ASSIST THEM IN LOCATING THEIR DISTRIBUTION CENTER WITHIN ST. JOHNS COUNTY

(10/23/01 - 5 - 10:53 a.m.)

4. CONSIDER AUTHORIZING A REQUEST FROM THE PONTE VEDRA BEACH MUNICIPAL SERVICE DISTRICT TO SEND A LETTER REQUESTING THE ATTORNEY GENERAL'S OPINION REGARDING SPECIAL ASSESSMENTS

Kohnke explained that the Ponte Vedra Beach MSD has requested that an Attorney General's Opinion be sought regarding special assessments. Discussion followed. (11:05 a.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, that the County Attorney sign and mail a request for a legal opinion from the Florida Attorney General concerning special assessments regarding putting electric lines underground.**

(10/23/01 - 5 - 11:07 a.m.)

Anthony Pelligrino and students from the First Coast Technical Institute Social Studies Class was present in the audience to see how County Government operates.

(10/23/01 - 5 - 11:08 a.m.)

5. CONSIDER A WAIVER OF A FILING FEE FOR A TEMPORARY USE PERMIT FOR THE COUNCIL ON AGING

Rosemary Yeoman, Zoning Manager, explained the request for a waiver of filing fee for a temporary use permit for the Council on Aging. (11:09 a.m.) **Motion by Bryant, seconded by Reardon, carried 5/0, to approve the waiver of filing fee for temporary use permit application for Council on Aging, as allowed by Resolution No. 2001-192, finding the request is in the best interest of the County and will serve a public purpose by: 1) it is a 501(c)(3) corporation receiving federal, state, and local funding providing many needed local services to the elderly in St. Johns County; 2) it is the community transportation coordinator for the transportation for the disadvantaged program in St. Johns County; 3) it operates the Sunshine Bus System, which provides low cost transportation to needy citizens of St. Johns County; 4) the Sunshine Bus System is subsidized by St. Johns County; and 5) a centralized parking location reduces the operation costs.**

(10/23/01 - 6 - 11:10 a.m.)

6. PRESENTATION OF AN ECONOMIC REVITALIZATION AND JOB CREATION PROGRAM FOR THE WEST AUGUSTINE COMMUNITY AREA

Tom Crawford, Director of Housing and Community Services, introduced Steve Kelly. (11:11 a.m.) Steve Kelly, Florida Planning Group, Inc., made a presentation of the economic revitalization of the West Augustine community area, as follows: reviewed the purpose of the study, the project tasks, regional economy, neighborhood demographics, land uses, infrastructure, neighborhood housing, problem areas, market potential, development potential, overall strategy, then offered recommendations. Discussion followed.

(10/23/01 - 6 - 11:31 a.m.)

7. CONSIDER A RESOLUTION IMPLEMENTING THE PROVISIONS OF THE FLORIDA MILITARY COMPENSATION LAW FOR COUNTY EMPLOYEES CALLED TO ACTIVE DUTY

Karen VanVolkingburg, Human Resources Manager, explained the resolution. (11:33 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2001-204, implementing the provisions of the Florida Military Compensation Law for employees called to active duty as a result of terrorist attacks of September 11, 2001.**

RESOLUTION NO. 2001-204

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING AND DIRECTING THAT THE BOARD OF COUNTY COMMISSIONERS AND THE SHERIFF'S OFFICE OF ST. JOHNS COUNTY IMPLEMENT THE PROVISIONS OF FLORIDA MILITARY SERVICE COMPENSATION LAW FOR ALL EMPLOYEES CALLED TO ACTIVE DUTY AS A RESULT OF THE TERRORIST ATTACKS FOR FISCAL YEAR 2001/2002. THIS RESOLUTION ALSO RESCINDS RESOLUTION NO. 91-17

(10/23/01 - 6 - 11:34 a.m.)

8. CONSIDER AN APPOINTMENT TO THE AMPHITHEATRE BOARD OF DIRECTORS

Patsy Heiss, Assistant to the Administrator, informed the Board of the two appointments needed to the Amphitheatre Board. (11:35 a.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to reappoint Walter Kelly to the District 1 position on the Amphitheatre Board of Directors for a two-year term, scheduled to expire November 30, 2003.** (11:37 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to reappoint Rita Stark, to the District 2 position on the Amphitheatre Board of Directors for a two-year term, scheduled to expire November 30, 2003.**

(10/23/01 - 6 - 11:38 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer expressed concerns regarding emergency vehicles responding to calls being required to have their lights and sirens on only if they are the primary unit.

(11:40 a.m.)

Commissioner Reardon:

Reardon reported that trees have grown and encompassed the electrical utility wires along Masters Drive.

Reardon said Warren Celli, a St. Johns County Resident, has provided him with copies of a letter and a newspaper called the Saint Aug Dog.

(11:41 a.m.)

Commissioner Kohnke:

Kohnke displayed a series of pictures of a eagle's nest being built in a tree that was cut down before the nest was completed.

Kohnke announced that the Hampton Inn Oceanside Hotel is open for business.

(11:43 a.m.)

Commissioner Bryant:

No report.

(10/23/01 - 7 - 11:46 a.m.)

Commissioner Jacalone:

Jacalone commented on appointments to the St. Johns Vision Strategic Planning Board; then, suggested each Board member submit names to the County Administrator.

Jacalone read a letter from Mr. Whetstone regarding the Amphitheatre project.

(10/23/01 - 7 - 11:52 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams commented on the tree branches covering the utility lines along Masters Drive.

Adams announced that the landscaping position has been filled by Chuck Moore. Meiszer suggested Loretta Hodyss, Agricultural Extension Director, work in conjunction with the new hire.

(10/23/01 - 7 - 11:58 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(10/23/01 - 7 - 11:58 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:58 a.m. and reconvened at 1:35 p.m. with Jacalone, Bryant, Kohnke, Reardon, Meiszer, Adams, Bosanko and Deputy Clerk Lenora Newsome present.

(10/23/01 - 7 - 1:35 p.m.)

9. CONSIDER A PROPOSED RESOLUTION DIRECTING THE COUNTY TO MAINTAIN RAULERSON ROAD EAST

Joe Stephenson, Public Works Director, spoke on this item, using visual display, asking the Board if they wish to consider a proposed resolution directing the County to maintain Raulerson Road East. Kohnke questioned why the County would accept a road and then state that they are not going to maintain it. Stephenson replied that he can not answer that

question. Bosanko remarked that the County's responsibility on a County owned road, is a minimal level of maintenance, there is no legal requirement to do any more. (1:41 p.m.) Isabelle Lopez, Assistant County Attorney, entered the meeting. Bosanko mentioned that the County has an option of creating an MSBU to pay for the upgrade of the road by the residents through assessment. Reardon voiced concern about emergency vehicles not being able to go down the road. He stated that he would like for the County to increase the maintenance to bring it up to minimal level. Stephenson stated that the County maintains most all the County owned dirt roads to County dirt road standards. He stated that he was not asking for any more money, just stating costs. Jacalone asked Adams to encourage his department heads, when they have a position on a request, to provide it to the Board and to provide reasons why their position is what it is. Adams spoke on the previous resolution in the agenda packet. Stephenson spoke on how they would handle, when citizens come to them about maintaining their road. **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2001-205 amending Resolution 93-167, directing Staff to maintain Raulerson Road East routinely to the standard that other County dirt roads are maintained.** (1:49 p.m.) Pattie Yakaboski, 3210 Raulerson Road East Lot C, spoke on why she asked for this item to be placed on the agenda. Stephenson pointed out, using visual display, the part of the road that the County agreed to maintain and stated that he is working with Yakaboski on an MSBU for the other part of the road at the owners expense. (1:52 p.m.) Lopez left the meeting.

(1:52 p.m.) John Donlon, 909 Deer Chase Drive, spoke on a mediation hearing that took place on October 17, 2001 at 11:00 a.m., regarding the Shannon Road situation. Kohnke voiced her concern about getting calls and requested getting a copy of the conditions of the mediation. Donlon stated that there were not really any changes. He reiterated the concerns regarding the construction company, ingress and egress, and the signage issue.

RESOLUTION NO. 2001-205

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REVISING RESOLUTION 93-167 TO SPECIFY ROUTINE COUNTY MAINTENANCE OF THAT PORTION OF RAULERSON ROAD EAST OWNED BY ST. JOHNS COUNTY

(10/23/01 - 8 - 1:55 p.m.)

10. UPDATE ON THE CURRENT STATUS OF RUSSELL SAMPSON ROAD

Stephenson reviewed this item, giving the update on the current status of Russell Sampson Road and stated there are 24 people who live on this road. The main complaints on Russell Sampson Road are the dust, speeding and rough road surface. Russell Sampson Road is a vital link in the transportation system, but is a dirt road with problems. He stated that they would like to propose a simpler solution and explained. Discussion followed on the time limit on getting the roads done, amount of right-of-way the County has in this area, the kind of material that will be used on surfacing the road, and the width of the stabilized roadway.

(2:12 p.m.) Barry Ansbacher, 10545 Russell Sampson Road, spoke on the issues regarding the ownership of Russell Sampson Road, being aware of legislative changes clarifying ownership, not only asking the County to help but also asking the County to let them help the County, asking the County to consider authorizing the engineering and design phase of the road, and them going out to get donations to pay for it.

(2:18 p.m.) Robert Wheeler, 10805 Russell Sampson Road, voiced concern about the speed limit on the road, and road dust problems.

(2:24 p.m.) Freddy Rowland, 10425 Russell Sampson Road, reiterated the dust issue, safety

issue, and health issue.

(2:27 p.m.) Bosanko spoke on the fire service and the incidents that happened on Saturday. He recommended not to make a report at this time until their investigation is complete. Adams mentioned having red lights and sirens on when going to a call. Bosanko stated that part of the report would be on how procedures affected this incident. Meiszer questioned if it is the County's policy to have lights and sirens on when emergency vehicles take special privileges. Shelly Woods, EMT, responded yes. Bosanko stated that there may have been some incorrect facts reported. Wood stated that it depends on the incident that one is being dispatched to, whether they take special privileges or not.

(10/23/01 - 9 - 2:30 p.m.)

10a. SARAH BAILEY COMMENTS

Sarah Bailey, 2202 Bishop Estates Road, spoke on the NW Sector Greenway Communities Overlay's goals, objectives and policy. She voiced concern on the citizens in the area not being notified of the NW Sector meetings. Bishop stated that they were not planning any more community type meetings in the NW, there would be public hearings before Planning and Zoning on November 8, and the Board meeting is scheduled after the PZA meeting. Bailey mentioned that she didn't think there were enough meetings. Discussion followed on the expiration date of the moratorium, the Sector Plans and Amendments being transmitted to DCA by December 31, extending the moratorium, having a community input meeting, there being a time limit on transmitting, the documents being made available to everyone, and distributing Draft 6 to all the Commissioners.

(2:49 p.m.) Mary Cornwell, 2652 SR 13, spoke on the Northwest Sector, Draft 6, and extending the moratorium.

The meeting recessed at 2:52 p.m. and reconvened at 3:02 p.m.

(10/23/01 - 9 - 3:03 p.m.)

11. DISCUSSION OF REQUIREMENTS FOR MANUFACTURED/MODULAR HOMES IN ST. JOHNS COUNTY

Harold Law, CBO, Building Official, spoke on manufactured/modular homes, using visual display. Law explained the difference between manufactured homes and manufactured buildings. (3:17 p.m.) Bryant left the meeting.

(10/23/01 - 9 - 3:19 p.m.)

12. DISCUSSION OF OVERLAY DISTRICT REGULATIONS CONTAINED IN THE LAND DEVELOPMENT CODE

Bishop reviewed this item stating that this is a workshop to discuss the overlay districts. There are four overlay districts in the County. Bishop spoke on the concerns with signage, setbacks that are required, attendance on the ARB and DRB, and continuations from the ARB and DRB meetings delaying applications. Discussion followed on the current standard in LDC for a continuation time period, on the A1A North Commercial Corridor Study, the overlay districts having standards, getting rid of the South Anastasia ARC, not the regulations, and replacing it with Staff having the authority to sign off on the actual plans, sitting down with the people in South Anastasia and explaining the problem, adjusting the language that allows the members of the ARC to deny a request, there being no intent of doing away with ARC, the goal being to get through the process in a more efficient manner than what is being done currently, and accepting registered trademark colors.

(4:05 p.m.) Frank Shumer, 2419 Ponte Vedra Blvd., spoke on facilities coming in and fitting into the overall concept of maintaining the character in Ponte Vedra and Palm Valley. He spoke on developing standards to follow. Shumer stated that there was no legislation that

they can put down that can control architecture. Discussion followed on the description of raceway lighting, and the possibility of Shumer talking with other ARC members and Danielle Mayoros to iron out necessary adjustments. Shumer replied that he would be happy to get together with everyone to discuss adjustments.

(4:21 p.m.) Sharon Warner, 115 South Roscoe Blvd., requested the Board not to consider changing the ordinance.

(4:24 p.m.) Les McDevitt, 209 Settlers Row North, spoke on complimenting Shumer and his committee for their hard work, and spoke on getting a lot of information from all over to write a decent signage ordinance.

(4:30 p.m.) Wendy McDevitt, 209 Settlers Row North, spoke on the intent and purpose of the ordinance and stated that she hoped that none of the rules and regulations were deluded.

(4:32 p.m.) Gordon Lohman, 7648 A1A South, spoke on taking applications back to the community association to get members for the ARC Committee.

(4:33 p.m.) Vivian Browning, 40 Beachcomber Way, spoke on the overlay district being the arm of the visioning and on being a part of the changes made. Discussion followed.

(4:40 p.m.) Esther Marshall, 329 Marshside Drive North, representing the Mid-Anastasia Island Design Review Committee, spoke on supporting everything that Vivian Browning said, and on having a time table set for how long things can be deferred.

(4:42 p.m.) Cameron Lacy, 550 Le Master Drive, spoke on endorsing Kohnke's remarks, and Shumer's remarks. (4:43 p.m.) Bryant returned to the meeting. Jacalone stated that there was a consensus on allowing applications to be dealt with, when there is not a quorum of committee members in South Anastasia. Kohnke suggested giving the committee members a shot at putting it together. Jacalone stated that they do advertise for those committee vacancies on GTV. Jacalone may have to make some changes eventually. Kohnke suggested on having Mayoros and Bishop set up a workshop with everyone involved to find out where they may want to make some adjustments. Jacalone stated that Bishop has direction to have a workshop with everyone and then proceed from there.

(4:49 p.m.) Adams announced that Zebrowski went to Tallahassee to see what he could do.

The meeting recessed at 4:50 p.m. and reconvened at 5:30 p.m. with Jacalone, Bryant, Meiszer, Kohnke, Reardon, Bosanko, Adams, and Deputy Clerk Judy Hamilton present.

(10/23/01 - 10 - 5:30 p.m.)

13. PUBLIC HEARING - AMENDMENTS TO ARTICLES II, IV AND XII OF THE LAND DEVELOPMENT CODE. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE ARTICLE II - ZONING DISTRICTS AND SPECIAL USES, ARTICLE IV - NATURAL RESOURCES, AND ARTICLE XII - DEFINITIONS. A SECOND PUBLIC HEARING IS SCHEDULED FOR NOVEMBER 13, 2001 AT 1:30 P.M. THE PROPOSED AMENDMENTS TO ARTICLE XII INCLUDE AN EXEMPTION IN THE DEFINITION OF FLAG FOR THE UNITED STATES FLAG. THIS WOULD HAVE THE EFFECT OF REMOVING THE UNITED STATES FLAG FROM ANY SIGN REGULATION IN THE CODE. IN ADDITION, THE DEFINITION OF LOT OF RECORD IS CLARIFIED TO INCLUDE LOTS CREATED BY SALE OR OTHER CONVEYANCE IN WHICH THE CONVEYANCE WAS NOT RECORDED PRIOR TO ADOPTION OF APPLICABLE SUBDIVISION OR ZONING REGULATIONS. THE PROPOSED AMENDMENTS TO ARTICLE IV INCLUDE AN EXEMPTION FROM TREE PROTECTION REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL LOTS LESS THAN OR EQUAL TO ONE ACRE IN SIZE. RESIDENTIAL LOTS

GREATER THAN ONE ACRE THAT CONTAIN A SINGLE-FAMILY HOME WOULD HAVE A 100 FOOT EXEMPT AREA AROUND THE PERIMETER OF THE HOME UNDER THE PROPOSED AMENDMENTS. THE PROPOSED AMENDMENTS TO ARTICLE II INCLUDE VARIOUS REVISIONS INCLUDING SIGNIFICANT CHANGES TO THE SPECIAL USE SECTIONS OF THE ARTICLE AND OTHER MISCELLANEOUS CLARIFICATIONS AND ADDITIONS. A STRIKE THROUGH AND UNDERLINE VERSION OF THE PROPOSED ARTICLE II AMENDMENTS IS PROVIDED TO ILLUSTRATE THE PROPOSED REVISIONS

Proof of publication of public hearing for Amendments to Articles II, IV and XII of the Land Development was received, having been published in *The St. Augustine Record* on October 13, 2001.

Teresa Bishop, Planning Director, made the presentation to the Board of the proposed ordinances for revisions. The second public hearing is scheduled for November 13, 2001 at 1:30 p.m. Changes to Article XII included a redefinition of "flag" and "lot of record." Flag was exempted by the last sentence: "*This definition of flag shall exclude the flag of the United States of America.*" Section C under Lots of Record: "*A lot or parcel described by metes and bounds, the division of which complies with the Land Development Regulations in effect on the date of conveyance creating the division as evidenced by documentation substantiating such conveyance.*"

Mike Griffin, Director of Development Services, assisted by Kurt Stoughton, presented revisions to Article IV. He explained they had removed the requirement to obtain a permit to remove a tree from an existing lot with a house, or within 100 feet surrounding the dwelling. Additionally, they could not remove any protected or specimen historic trees. He further explained that it would be on property, where a Certificate of Occupancy had been issued, and they had met their 25 tree credits.

Jacalone reiterated: *Land Clearing or Tree Removal for existing single family residential home sites situated on a Lot of Record one (1.0) acre or less in size; except that Historic and Specimen Trees shall not be removed without obtaining approval from the County Administrator unless diseased or a substantial threat to the existing house. Furthermore, the same exemption shall apply to land within one hundred (100) feet of the perimeter of an existing single family residential home situated on a Lot of Record larger than one (1.0) acre. Newly constructed single family residential homes shall become exempt upon the issuance of a Certificate of Occupancy.*

Jacalone asked how many permits were issued to individuals that wanted to remove trees on existing home sites, since the law became effective; Griffin guesstimated around 20 permits. Kohnke asked how this affected the maintenance of the 25 tree credits. Griffin responded this would only ensure that specimen trees and historic trees would remain on the site; if there were no specimen/historic trees on the site, this ordinance would not provide any control for that. Kohnke emphasized it totally gutted the ordinance and the reason the permit had been included was to act as a check and balance. Meiszer asked how this impacted a residential lot that was vacant and over an acre in size; Griffin responded they would still have to provide tree credits and even on a lot that was under an acre, before they could get their certificate of occupancy, they would have to provide the 25 tree credits. Meiszer inquired about the impact to a dwelling with the 100 feet perimeter. Griffin responded they still had to provide 25 tree credits per acre, up to five to 10 acres. Reardon expressed his thoughts on the historic and specimen trees that were being protected. Further discussion ensued. (5:53 p.m.) Public comment was then received. Bryant read a letter from Karen Lewis, Conservation Chairman of TREES of St. Augustine, Inc., representing 200 members, to retain the current environmental legislation regarding the tree protection regulation. (5:54 p.m.) Jerry Cameron, 518 Gentian Rd., stated this was something that needed to be constantly updated. (6:01 p.m.) Archie Tucker, 5314 Shore Drive, stated he was certainly disturbed because of this particular hearing. (6:04 p.m.) Robin Nadeau, 26 Mickler Blvd., spoke in favor of the current tree ordinance. (6:06 p.m.) Barrie Higgins, 902 San Remo Rd., stated it was important to consider property values and the value of trees. (6:08 p.m.)

Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the St. Johns County Audubon Society, spoke as to trees and vegetation being an essential link in the conditioning of the environment for human life. (6:12 p.m.) Bill Hamilton, 7000 Charles St., stated the requirement to obtain a permit to cut a tree was not new and that this was an important part of the tree ordinance and should be kept that way. Further discussion was held by the Board. Reardon left the meeting at 6:38 p.m.

Scott Clem, Director of Growth Management Services, then presented Article II revisions to the Board. Copies of a document, according to title 4, United States Code, Chapter 1, Section 1 and Section 2 and Executive Order 10834, relating to flags, was distributed by Kohnke. Clem continued with his presentation and answered questions from the Commissioners. Topics included enclosed service bays, review of special uses, adjacent and surrounding land uses, reasonable period of time, number of animals per household. Bryant questioned when the definition between wall and fence would be addressed. Kohnke asked about fill. Clem responded those would be addressed within two to three months.

Motion by Kohnke, seconded by Bryant, carried 4/0 with Reardon absent, to adjourn. There being no further business to come before the Board, the meeting adjourned at 6:51 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, dated 10/16/01, Check Number 310200 through 310509, totaling \$1,639,436.76
2. St. Johns Board of County Commissioners Check Register, dated 10/18/01, Check Number 310510 through 310534, totaling \$40,074.98

Approved _____ November 13 _____, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk