

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 1, 2002
(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: James E. Bryant, District 5, Chair
 Nicholas Meiszer, District 1, Vice Chair
 John Reardon, District 2
 Marc Jacalone, District 3
 Mary Kohnke, District 4
 Ben W. Adams, Jr., County Administrator
 Michael Hunt, County Attorney
 Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(10/01/02 - 1 - 9:08 a.m.)

The meeting was called to order by Chair Bryant.

(10/01/02 - 1 - 9:08 a.m.)

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

(10/01/02 - 1 - 9:09 a.m.)

ROLL CALL

Bryant announced that all five Commissioners were present.

(10/01/02 - 1 - 9:09 a.m.)

PUBLIC COMMENT

Tom Manuel, 505 Becker Branch Place, Jacksonville, congratulated Bryant for leading the public forum yesterday and spoke on how the 7.1 million dollars from JEA funding would be spent.

(9:14 a.m.) Christopher Dillion, 5419 4th Street, spoke on a parking lot being built at the Wind Swept Acres property, utilizing visual display. He voiced concerns about cars parking on the street instead of paying to park in the parking lot and also on beach access. Bryant addressed this issue.

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

DELETIONS TO CONSENT AGENDA

Kohnke requested to pull Item 8 and place it on the Regular Agenda as Item A2. Hunt requested to pull Item 7 because there was an outdated title opinion.

(10/01/02 - 1 - 9:24 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report.
2. Sheriff's Bonds:

Cancel: Richard J. Downs, Jr.	Cancel: Kathy L. Metcalf
Cancel: Marcie C. Cable	Cancel: Elizabeth Adelspergger
3. Approval of Minutes:
 - BCC Special Meeting 9/13/02
 - BCC Meeting 9/17/02
 - BCC Special Meeting 9/18/02
4. Motion to adopt **Resolution No. 2002-200**, approving an exchange of real property in connection with the Scaff Road Extension for access to Turnbull Park.

RESOLUTION NO. 2002-200

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AN EXCHANGE OF REAL PROPERTY PURSUANT TO SECTION 125.37, FLORIDA STATUTES, IN CONNECTION WITH THE SCAFF ROAD EXTENSION FOR ACCESS TO TURNBULL PARK

5. Motion to adopt **Resolution No. 2002-201**, authorizing the Clerk of Courts to file the survey of Hub Bailey Road, claiming a vested interest by St. Johns County in the right-of-way.

RESOLUTION NO. 2002-201

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP FOR HUB BAILEY ROAD, CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHTS-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC IN ACCORD WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SQ.2D 57 (FLA. 1958)

6. Motion to adopt **Resolution No. 2002-202**, granting an irrevocable license to Bellsouth Telecommunications, Inc. to install communication service to the Northwest Annex at Julington Creek Plantation PUD.

RESOLUTION NO. 2002-202

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A LICENSE TO BELLSOUTH TELECOMMUNICATIONS, INC. FOR THE BENEFIT OF THE NORTHWEST ANNEX IN THE JULINGTON CREEK PUD

7. Motion to adopt a Resolution approving a Final Plat for Stonehurst Plantation Unit One-C.

This item was pulled from the Consent Agenda.

8. Motion to adopt a Resolution implementing new and/or revised fees for services provided by all affected St. Johns County Departments.

This item was pulled and placed on the Regular Agenda as Item A2. (See page 3)

9. Motion to direct the County Administrator to execute the Florida Recreation Development Assistance Grant Agreement for St. Johns River Park.
10. Motion to direct the County Administrator to execute the Florida Recreation Development Assistance Grant for the Vilano Beach Pavillion.
11. Motion to declare listed computers as surplus and donate to Hastings Elementary School.
12. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the top ranked firm for RFQ No. 02-122, Fully Automated Clinical Management Information System for St. Johns County Mental Health Department. (*See Attachment "A"*)
13. Motion to approve the contract between the St. Johns County Board of County Commissioners and the State of Florida Department of Health for operation of the St. Johns County Health Department for contract year 2002-2003.
14. Proofs:
 - a. Proof, Certificate of Insurance, All Waste, Inc.

(10/01/02 - 3 - 9:24 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested to add as Item 3A the discussion of the JEA Funding. Kohnke requested to add as Item A1, Presentation of the Conflict of Interest Form.

(10/01/02 - 3 - 9:25 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/01/02 - 3 - 9:25 a.m.)

A1 CONFLICT OF INTEREST FORM BY KOHNKE

Kohnke read the Conflict of Interest Form she presented at the last meeting requesting the Board to pay her attorney's fees during the upcoming deposition by the attorney's representing the Sierra Club in the lawsuit; Sierra vs. St. Johns County.

(10/01/02 - 3 - 9:26 a.m.)

A2. MOTION TO ADOPT A RESOLUTION IMPLEMENTING NEW AND/OR REVISED FEES FOR SERVICES PROVIDED BY ALL AFFECTED ST. JOHNS COUNTY DEPARTMENTS (*This item was pulled from Consent Agenda Item 8.*)

Kohnke questioned why photocopies are going up 200%. Vonasek explained. **Motion by Jacalone, seconded by Meiszer, carried 5/0, to approve Resolution No. 2002-203.**

RESOLUTION NO. 2002-203

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE SCHEDULE OF FEES FOR CERTAIN COUNTY DEPARTMENTS

(10/01/02 - 4 - 9:33 a.m.)

1. CONSIDER A RESOLUTION CONTINUING THE AUTOMATIC INDEXING OF WATER AND SEWER RATES AND UNIT CONNECTION FEES FOR FISCAL YEAR 2003

Bill Young, Director of Utilities, clarified the intent of today's requested action, stating that they are requesting a reduction in the water and sewer base rates in addition to the small reduction in the first block of water consumption. He requested for the Board to authorize the rate reduction and stated that he thought it was a positive step in the right direction. Discussion followed on rate restructuring. **Motion by Jacalone, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-204.**

RESOLUTION NO. 2002-204

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CONTINUING THE AUTOMATIC INDEXING OF WATER AND SEWER RATES AND UNIT CONNECTION FEES FOR FISCAL YEAR 2003; REDUCING THE MINIMUM WATER AND WASTEWATER BASE RATE AND THE BLOCK 1 USAGE RATE FOR WATER; PROVIDING A DATE FOR THE RATES AND FEES TO RESUME INDEXING; AND PROVIDING AN EFFECTIVE DATE

(10/01/02 - 4 - 9:43 a.m.)

2. CONSIDER A RESOLUTION FOR ST. JOHNS RIVER BLUEWAY ACQUISITION AND RESTORATION COUNCIL'S (ARCS) SUPPORT

Teresa Bishop, AICP, Planning Director, stated that this is a request for the Board to pass a Resolution supporting the St. Johns River Blueway Florida Forever application. She mentioned that this item was brought to the Board on August 6, and due to some citizens concerns, Staff took time to talk to them. The issues were resolved and the citizens were brought up to date.

(9:44 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke in favor of the Resolution. **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2002-205, supporting the St. Johns River Blueway Florida Forever application proposal.**

RESOLUTION NO. 2002-205

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY EXPRESSING SUPPORT FOR THE ST. JOHNS RIVER BLUEWAY FLORIDA FOREVER PROPOSAL

(10/01/02 - 5 - 9:48 a.m.)

3. DISCUSSION OF FUNDING A PORTION OF THE PRODUCTION COSTS FOR A PBS TV SPECIAL ON THE ST. JOHNS RIVER HIGHLIGHTING THE AMERICAN HERITAGE RIVER INITIATIVE

Meiszer spoke on this item. Reardon mentioned that he supported this request. Jacalone stated that the concept was good, and asked who the Board would be funding and what the contractual stipulations would be.

(9:53 a.m.) Don Beattie, 808 Mill Pond Court, recommended the Board approve the request.

(9:54 a.m.) Tom Lowe, Eagle Productions, Orlando, responded to Jacalone's questions. He spoke on the history of St. Johns County, and then played a four-minute videotape. Lowe spoke about the video, stating that it was an important documentary. Discussion followed on how the information was solicited for the content matter that goes in the video, and how the obligations from other Counties on funding were obtained. Motion by Meiszer, seconded by Reardon, to authorize the expenditure of \$5,000 for the production and distribution of this film from the General Fund. Vonasek stated that the money needed to come from the General Fund Reserve and be transferred to TDC. **Motion by Kohnke, carried 5/0, to call the question.** Meiszer withdrew his motion and the second withdrew. (10:12 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to support the request of \$5,000 from the General Fund Reserve and transfer to the TDC Tax Fund.**

The meeting recessed at 10:13 a.m. and reconvened at 10:25 a.m.

(10/01/02 - 5 - 10:26 a.m.)

3A. DISCUSSION OF JEA FUNDING

Bryant stated that he noticed a lot of people had brought props to make presentations on this item, but he preferred them not to because a lot of the presentations were already made in the past and the Board is familiar with them. He didn't mind them speaking on the item but not making a presentation. Adams stated that he was not looking for a decision right now, but more of a discussion and guidance of the proposed projects. Jacalone spoke on the money the Board received from JEA and deciding what to do with the funds. He stated that it was not proper for money to sit there unused. He thought that he had made the request in time for this item to appear on the Regular Agenda. He requested that the Board not decide anything definite today but to discuss the list provided by Adams. Kohnke spoke about the proposed list that was presented and stated that she was against it. Meiszer stated that this \$7 million is no windfall. He recommended treating today like a workshop, and then at a later date allocate the money. He also suggested using it to benefit expanding the County utilities. Vonasek spoke on the total amount and how it was obtained.

(10:49 a.m.) Bryant requested to add to the list as Item #15, a supplement to the MSD area of \$1 million to off set the impacts of the sewer up there.

(10:52 a.m.) Don Beattie, 808 Mill Pond Court, commented on the northern part of the county providing these funds, and asked for the majority of these funds be reserved for the northern part of the county.

(10:53 a.m.) Sarah Bailey, 2202 Bishop Estates Road, voiced concern about this item being added to the agenda. She agreed with Kohnke about the funds being reserved for the northern part of the county. There was a lengthy discussion about having a public hearing.

(10:56 a.m.) A.J. McGuinness, 5167 Osprey, spoke on the SR 312 Extension. Reardon suggested placing the discussion of the SR 312 Extension on the Agenda. Jacalone confirmed the date and time of October 15, at 9:00 a.m. Meiszer mentioned getting some information on the SR 312 Extension and Staff briefing the Board before it is on the Agenda.

(11:05 a.m.) Bruce Lucker, 545 Granada Terrace, spoke on spending taxes and coming up with the best use for these funds. He also spoke on the amphitheater project.

(11:10 a.m.) Fred Halback spoke on the State of Florida awarding St. Johns County a Cultural Facilities Grant for approximately \$454,000.

(11:11 a.m.) Sue Burdan, 8925 Reid Packinghouse Road, Hastings, spoke on needing a horse facility in St. Johns County.

(11:12 a.m.) Beverly Green, 1725 CR 13A, Elkton, spoke on needing a horse facility.

(11:15 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on the Fort Mose Land Acquisition.

(11:17 a.m.) Doug Crane, 994 Ponte Vedra Blvd., Ponte Vedra Beach, spoke on the sewer lines in Ponte Vedra.

(11:19 a.m.) Bryant suggested reviewing each project and discussing them.

(11:20) Cameron Lacy, 558 LeMaster Drive, spoke on replacing septic tanks and waiting for the sewer system to come in. Jacalone suggested going down the list and letting the Commissioners make comments on the proposed projects. Kohnke requested to add to the list as Item 16, land for parks in the northwest and money for facilities for Bennett Park. She questioned Dan Weimer about having the money for the Bennett Park facilities.

(11:25 a.m.) Dan Weimer, Parks and Recreation, replied that he did not have all the money for facilities for Bennett Park. Kohnke also requested to add as Item 17, money for the north/south corridor and add as Item 18, money to retrofit the sewers in Palm Valley. She referred to Item 11, speaking on not being able to put concession stands and restrooms at Mills Field and Gamble Rogers for \$200,000.

(11:28 a.m.) Bryant started reviewing the proposed list beginning with Item 1, Fort Mose Land Acquisition, is under negotiations and the Board will wait until more information is provided; Item 2, Amphitheatre Renovation, a consensus of the Board to support this item except for Kohnke; Item 3, Boat Ramp Improvements, consensus of the Board to support this item; Item 4, Infill Housing/West Augustine CRA/Land Acquisition, Tom Crawford, Director of Housing and Community Service, spoke on the land for sale and the consensus of the Board was to support it. Bryant continued with Item 5, SR 312-Right-Of-Way Acquisition, a consensus of the Board to wait on this Item; Item 6, Property Acquisition for County Complex Expansion, time sensitive in purchasing land south of the County Complex for expanding before being sold; Item 7 Davis Park Restroom/Concessions, Weimer spoke on the amount for the Davis Park renovation, Kohnke mentioned to check on when sewer and water is being added from JEA before adding more restrooms and concessions, the Board supported this Item; Item 8, Equestrian Center Development, the Board supported discussing this item; Item 10, Beach Parkette Landscaping, Weimer stated that this Item was originally placed in the

TDC budget and was removed, and the funding was at the request of the Beach Commission.

(12:00 p.m.) Albert Holmberg, Beach Commissioner, 11 Lake Shore Drive, explained the request for the Beach Parkette Landscaping, Item 10. The Board stated that they supported Item 10, but wanted to find the money somewhere else. Bryant continued with Item 11, Recreation Ballfield Lighting/Restrooms/Concession, with Weimer stating they needed \$80,000 for Mills Field, Gamble Rogers School \$50,000, and Switzerland School \$80,000. The Board supported Item 11. Item 12, Fairgrounds Arena Development, Adams reviewed the request, stating more information is needed to look at it more in depth; Item 13, Ponte Vedra Cultural Center Expansion, the Board supported it; Item 15, a supplement to the MSD area of \$1,000,000 to off set the impacts of the sewer up there, the Board supported it. Meiszer requested to add as Item 19, Purchase of the Ball Tract. Item 16, Land for Parks in northwest, Weimer stated they needed \$250,000 to complete the work including the restrooms. Meiszer voiced opposition to Item 16 because it would completely destroy the natural state of the park. (12:19 p.m.) Strickland left the meeting. Lengthy discussion followed on Item 16. Item 17, North/South Corridor, discussion followed; Item 18, money to retrofit the sewers in Palm Valley; Item 19, Purchase Ball Tract in US 1 area between Nocatee and Palencia, with Mary Ann Blount reviewing this Item, the Board agreed it needed to be looked into; Item 14, Mitigation Land Acquisition, Blount reviewed this item, discussion followed. Weimer stated that there are inadequate recreation facilities in the northwest. Jacalone stated, by consensus, the Board has obligated about \$5 and a half million. Jacalone mentioned placing this back on the agenda soon for discussion and to make decisions.

(12:35 p.m.) Motion by Jacalone, seconded by Kohnke, carried 5/0, to move the Commissioner's Reports, County Administrator's Report, County Attorney's Report, and the Clerk of Court's Report to the afternoon.

(10/01/02 - 7 - 12:35 p.m.)
COMMISSIONERS' REPORTS

This item was moved to the afternoon. (See page 16)

(10/01/02 - 7 - 12:35 p.m.)
COUNTY ADMINISTRATOR'S REPORT

This item was moved to the afternoon. (See page 16)

(10/01/02 - 7 - 12:35 p.m.)
COUNTY ATTORNEY'S REPORT

This item was moved to the afternoon. (See page 16)

(10/01/02 - 7 - 12:35 p.m.)
CLERK OF COURT'S REPORT

This item was moved to the afternoon. (See page 16)

The meeting recessed at 12:37 p.m. and reconvened at 1:38 p.m. with Bryant, Reardon, Jacalone, Kohnke, Meiszer, Adams, Laura Barrow, County Attorney and Margaret Chevalier, Deputy Clerk present.

(10/01/02 - 8 - 1:38 p.m.)

4. PUBLIC HEARING - PNZVAR 2002-14 WINN DIXIE NON-ZONING VARIANCE. THIS REQUEST SEEKS A NON-ZONING VARIANCE TO WAIVE SECTION 3.06.09.C.2 OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT) TO HAVE A TOTAL OF FOUR WALL SIGNS, ONE AT 45.34 SQUARE FEET FOR "DELI BAKERY", ONE AT 38 SQUARE FEET FOR "MARKETPLACE-BANK", ONE AT 144 SQUARE FEET FOR "WINN-DIXIE" AND ONE AT 32 SQUARE FEET FOR "PHARMACY" TOTALING APPROXIMATELY 260 SQUARE FEET. ALL FOUR SIGNS ARE TO BE INTERNALLY ILLUMINATED. SECTION 3.06.09.C.2 PROVIDES FOR ONE SIGN AT A MAXIMUM SIZE OF 24 SQUARE FEET PER BUSINESS. THE SIGNS ARE PROPOSED TO BE LOCATED ALONG THE EAST BUILDING ELEVATION OF THE SUBJECT PROPERTY, WHICH IS LOCATED AT 190 SOLANA ROAD IN THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT. THIS ITEM APPEARED BEFORE THE PONTE VEDRA/PALM VALLEY COASTAL ARCHITECTURAL REVIEW COMMITTEE ON WEDNESDAY, MAY 8, 2002, AND GAINED THE ARCHITECTURAL REVIEW COMMITTEE'S INPUT AND APPROVAL ON THE PROPOSED SIGNS CONDITIONED UPON APPROVAL OF THIS NON-ZONING VARIANCE REQUEST. IN CONSIDERING THE REQUESTED NON-ZONING VARIANCE, THE BOARD 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 the Notice of Public Hearing on the Winn-Dixie Non-Zoning Variance was received, having been published in the St. Augustine Record on September 16, 2002.

Danielle Mayoros, Planner II, presented the item, utilizing visual display, and answered questions from the Board. (1:42 p.m.) Kohnke stated that the ARC has approved this variance, and that the proposed building is smaller than what was initially there. (1:43 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve PNVZAR 2002-14, with Findings of Fact 1 through 6.**

- (10/01/01 - 8 - 1:43 p.m.)5. PUBLIC HEARING - HABITAT CONSERVATION PLAN. PUBLIC HEARING ON TRANSMITTAL OF THE HABITAT CONSERVATION PLAN TO THE U.S. FISH AND WILDLIFE SERVICE WITH AN APPLICATION TO REQUEST AN INCIDENTAL TAKE PERMIT. THE HABITAT CONSERVATION PLAN AREA INCLUDES THE BEACH SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE AND THE SPECIES INCLUDED IN THE PLAN ARE MARINE TURTLES AND ANASTASIA ISLAND BEACH MICE.

Proof of Publication of the Notice of Public Hearing on the Habitat Conservation Plan was received, having been published in the St. Augustine Record on September 18, 2002.

Jan Brewer, Environmental Manager, presented the details of the final draft of the Habitat Conservation Plan that is to accompany the Incidental Take Permit that is to be submitted to the U.S. Fish and Wildlife Service. She read into the record the response from the U.S. Fish and Wildlife Service regarding the hours in which beach driving would be allowed during turtle nesting season and also areas where beach driving would be prohibited. (1:48p.m.) Jacalone stated that the reasoning, according to the

letter, for closing the beach at 8:00 p.m. is to allow time for rut removal, and it is his opinion that rut removal could still be accomplished if the beach remained open until 10:00 p.m. Additionally, he pointed out what the County has already done to restrict beach driving. (1:54 p.m.) Brewer commented on changes being made and read a letter from the County's environmental consultants suggesting which changes would be applicable. (1:55 p.m.) Jacalone stated that, thankfully, the application has to be approved by the Board prior to its transmittal as there are other factors that have to be taken into account besides the recommendations of the hired consultants. (1:57 p.m.) Kohnke commented that she believes that the U.S. Fish and Wildlife Service is aware of the steps that have been previously taken by the County to reduce impact to endangered species. She further stated that Staff has been working with the U.S. Fish and Wildlife Service all along in developing this plan. The Vilano Beach area was chosen because it has the least amount of beach driving and the highest number of turtles. She also stated that rut removal is not the only issue being cited as the reason for the reduction in beach access hours. The letter also states that the Service does not support the opening of beaches prior to 8 a.m. She asked if any consideration could be given to the possibilities of offering limited access to fishermen prior to 8 a.m. (2:00 p.m.) Brewer stated that the request could be added to the application, but if you open it up to fishing then you have to open it up to surfing and so on. It would be hard to control who is out there for what purpose. Discussion followed. (2:08 p.m.) Meiszer commented that the worst thing the U.S. Fish and Wildlife Service can do is turn down our permit application or they could grant it. He feels that it is futile to try to negotiate with the Federal Government under what conditions they would issue a permit to us as they have statutes and rules that have to be complied with. (2:14 p.m.) Reardon reviewed a list possible scenarios that could happen with the HCP and the permit that was submitted to Board members on September 23, from the County Attorney's Office. (2:18 p.m.) Barrow stated that Staff has been working closely with the Federal Government for a year and the Federal Government is well aware of the circumstances surrounding beach driving in St Johns County. County Staff, the Federal Government and the consultants have been involved in this process all along. She stated that according to the letter from the U.S. Fish and Wildlife Service that was read into the record by Mrs. Brewer, they have stated their position very clearly, that they will not support opening the beaches prior to 8:00 a.m. and having them open past 8:00 p.m. and she feels that it is highly unlikely that they will change their minds. Discussion followed as to possible amendments, i.e. times, to the HCP and whether they would be accepted or rejected and the ramifications of violating Federal Law.

PUBLIC COMMENTS:

(2:33 p.m.) Michael Gosline, 1817 Brian Way, spoke in opposition of the HCP and questioned beach access points and allowing personal piers to be built in the dunes.

(2:36 p.m.) Martin Miller, 29 Hildreth Dr., spoke in opposition of the HCP stating that he pays taxes and votes and he does not recall seeing turtles at the election booths. He is for driving to the beach and parking, but against cruising. He asked the Commissioners to do the right thing and consider the residents who are not fortunate enough to live on the beach.

(2:43 p.m.) Glenda Frawley, 286 Monterey Ave., is a lifelong resident concerned that the animal's rights are being placed above the rights of the human residents and feels that there is enough room for people, automobiles, turtles and mice on the County's beaches.

(2:46 p.m.) Dante Salamone, 5225 Datil Pepper Rd., stated that several years ago there was a SWIM report that listed water polluters and there was no enforcement of the violators, he feels there has been selective enforcement, which he opposes.

(2:51 p.m.) Donald Cattaneo, 341 Village Dr., spoke in opposition of restricted driving on North Beach and stated that if driving has to be banned, it should only be banned during turtle nesting season, May through October, and not 365 days a year.

(2:56 p.m.) Frankie Pacetti, 724 Hansen Rd., questioned what the mouse does for us and if it is really an endangered species. She is troubled by the \$17,000,000.00 that is being spent on the beach renourishment project and asked if a mouse ran through the renourishment project would they shut down to catch the "critter" at taxpayer expense.

(3:00 p.m.) Terry Bottom, 6916 Cypress Lake Ct., stated this is really an issue of government control of public property under the farce of endangered species protection. He questioned how many turtles have been killed by the Corp. of Engineers dredging and renourishment project. He states that Mother Nature does more damage than people do.

(3:04 p.m.) Talmadge Skinner, 3017 Coastal Highway, stated that the beach north of Mickler's Landing was initially closed in the 1940's to create a private beach for Ponte Vedra, then Guana was subsequently closed to vehicular access, and now they want to close access to Vilano Beach, which he opposes.

The meeting recessed at 3:10 p.m. and reconvened at 3:22 p.m.

(3:23 p.m.) Sam Skultety, 428 Porpoise Point Dr., representing the Porpoise Point Homeowner's Association, read a letter into the record, from the Homeowner's Association, opposing the HCP as it pertains to the closing of North Beach to vehicular traffic, limited beach driving during turtle nesting season and limited vehicular access to the waters edge at Porpoise Point Beach. They are requesting that the rules of beach driving remain as they currently are.

(3:26 p.m.) Earl Burghart, 314 Fourth St., North Beach, addressed the issue of public beach accesses, stating that there are 171 public access points, of which 117 are currently open.

(3:27 p.m.) Carl Youman, 132 Turtle Cove Ct., PVB, feels that there is an ulterior motive involved with this plan to privatize beaches or the plan would only aim to close the beach during turtle nesting season. He stated that the Senators and Congressmen in Washington D.C., need to be contacted to have the laws changed that gave this power and control to the Federal Government.

(3:30 p.m.) Wayne Houston, 2591 Bishop Estates Rd., he feels that you have to give the Federal Government what they want or they will close down all of our beaches and he does not want that to happen. He questioned where all of the new residents that are going to be coming into the County with Nocatee, and other new developments, will go to access the beach.

(3:34 p.m.) Jerry Delaney, 1673 N. Masters Dr., representing the United Beach Lovers Association, read a portion of an e-mail that he received into the record regarding who creates the tire ruts on the beach. He read another e-mail into the record regarding Senate Bill 136, dated May 5, 1941, declaring portions of the beaches in St. Johns County to be public highways and stated that people who have built their own private walkways over the dunes have built on the highway and he stated further that he has

called the EPA and has a meeting set up with them. He questioned if it is logical to think that development in the dunes has no impact on the wildlife.

(3:45 p.m.) Mark Fulton, 22 Sylvan Dr., feels that the beach plan now in place is fine and thinks that the County should fight the Federal Government.

(3:45 p.m.) Doug Laidlaw, 12 Stokes Landing Rd., spoke in opposition of the HCP, utilizing visual display, addressing the hypocrisy that the plan was drawn up by people who have a special agenda, i.e. the consultants and some staff, and he feels that this an attempt to make the beaches private.

(3:51 p.m.) Mel Longo, 620 Twenty-first St., stated that the U.S. Fish and Wildlife Service employees are not elected and they have an agenda, one that does not include preserving the quality of life in St. Johns County. He stated that the Serenata Beach PUD originally allowed for about 250 public access parking places, but now only about five.

(3:55 p.m.) Kohnke stated that the original PUD expired and that the land has changed hands several times.

(3:56 p.m.) Michael Burbank, 2740 Old Moultrie Rd., spoke in opposition to the HCP and over regulation of the beaches. He stated that if the modification to the hours is to allow the turtle nest monitors time to mark and check the nest and to allow for rut removal, then the turtle monitors need to get to the beach earlier as they are in the minority.

(3:58 p.m.) Cyndi Stevenson, 148 Cattail Cr., spoke in opposition of the HCP as beach driving has a low impact on the turtles. She feels that the desire to have private beaches by some special interest groups is what is driving this issue. She asked why so many resources have been put into something with so little risk when there are much bigger problems facing the turtles.

(4:05 p.m.) Susan Bolton, 100 Dogwood Dr., spoke in opposition of the proposed HCP and suggested other options for preserving the turtles.

(4:09 p.m.) Julie Abicht, 3227 Turtle Creek Rd., spoke in opposition of the proposed HCP.

(4:10 p.m.) Ron Sanchez, 724 CR 13 South, stated that asking the U.S. Fish and Wildlife Service what times they would accept was a mistake. He feels that Staff should have asked for copies of other applications from other counties who have been through this process and reviewed them to see what was submitted and accepted.

(4:14 p.m.) Carolyn Embury, 577 Boxwood Place, expressed concerns over the closing of Crescent Beach. Discussion followed regarding the purchase of property on A1A for off beach parking.

(4:17 p.m.) Heather McCarthy, Ecological Associates, responded to questions regarding why North Beach was chosen for closure and the amount of takes there have been in that area. Discussion followed about what has already been done to protect the turtles and the Miami-Dade Parks Sea Turtle Program and possibly implementing a plan such as that here in our county, possibly involving Marineland.

(4:31 p.m.) Jacalone commented that if this plan does end up closing the beach north of the Vilano Ramp, he will pursue opening all of the public accesses north of that ramp to provide the public a way to get onto that beach and utilize it.

(4:32 p.m.) Meiszer stated that he supports the opening of all of the accesses even if this plan does not close North Beach.

(4:32 p.m.) Brewer stated that they have been in discussion for many months with the U.S. Fish and Wildlife Service and it is not like they have been offering up concessions at the last minutes.

(4:33 p.m.) Heather McCarthy and Dave Williams, Beach Management, responded to questions raised during Public Comment, i.e. beach access points, why closing the beach year round was added to the plan, the beach mouse, turtle nest excavation and beach pollution.

(4:38 p.m.) Motion by Jacalone, seconded by Bryant, approved 4/1, with Kohnke dissenting, to approve the transmittal of the Habitat Conservation Plan, with the hours and the areas currently open to vehicular access to remain as they are now, instead of what is currently proposed in the plan, and including the statement that the main objective of the plan is to protect the endangered species while keeping access to the beaches open to the public of St. Johns County.

(4:39 p.m.) Kohnke stated that she could not vote for a motion that does not support the Plan as proposed, as it will end up causing all of the County's beaches to be closed. Discussion followed regarding the motion.

Roll call vote:

Jacalone	aye
Meiszer	aye
Bryant	aye
Reardon	aye
Kohnke	nay

The meeting recessed at 4:44 p.m. and reconvened at 5:30 p.m. with Jacalone, Bryant, Meiszer, Kohnke, Reardon, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

(10/01/02 - 12 - 5:39 p.m.)

6. PUBLIC HEARING - AMENDMENTS TO ARTICLE III OF THE LAND DEVELOPMENT CODE. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE ARTICLE III - SPECIAL DISTRICTS. THE SECOND PUBLIC HEARING IS SCHEDULED FOR OCTOBER 15, 2002 AT 1:30 P.M. THE PROPOSED AMENDMENTS TO ARTICLE III INCLUDE REVISIONS TO SIGNAGE REQUIREMENTS CONTAINED IN PARTS 3.06.00 THROUGH 3.09.00 ESTABLISHING REQUIREMENTS FOR THE PONTE VEDRA/PALM VALLEY OVERLAY, THE NORTH COASTAL OVERLAY, THE MID-ANASTASIA OVERLAY, AND THE SOUTH ANASTASIA OVERLAY DISTRICTS. THESE SIGN ISSUES WERE DISCUSSED AT WORKSHOPS ON DECEMBER 7, 2001 AND AUGUST 13, 2002. MEMBERS OF THE ARCHITECTURAL REVIEW COMMITTEE AND DESIGN REVIEW BOARDS, REPRESENTATIVES OF THE SIGN INDUSTRY, COUNTY COMMISSIONERS, AND OTHER CITIZENS ATTENDED THE DECEMBER, 2001 WORKSHOP.

THE PROPOSED REVISIONS CLARIFY THE TYPE AND SIZE OF SIGNAGE ALLOWED WITHIN THE OVERLAY DISTRICTS. IN ADDITION, THESE PROPOSED CHANGES WOULD PROVIDE GREATER CONSISTENCY WITH ARTICLE VII (SIGNAGE) OF THE LAND DEVELOPMENT CODE AS SPECIFICALLY RELATED TO SCENIC HIGHWAY REQUIREMENTS, AND NUMBER, SIZE AND ILLUMINATION STANDARDS. THE PROPOSED REVISIONS ARE ATTACHED IN STRIKETHROUGH AND UNDERLINE FORMAT FOR THE SPECIFIC SECTIONS IN ARTICLE III

Proof of publication of notice of public hearing on Amendments to Article III of the Land Development Code, was received having been published in *The St. Augustine Record* on September 21, 2002.

Scott Clem, Director of Growth Management Services, stated this was the first hearing for these proposed amendments and there is a second hearing scheduled for October 15, at 1:30 p.m. Today is for discussion only. Danielle Mayoros, Planner II, stated these changes are Article III proposed amendments for Section 3.06 through Section 3.09 of the Land Development Code. She reviewed supplemental changes; page 58, changed and then changed back, 1 square foot per linear footage of building frontage, maximum 50 square feet per sign not to exceed 150 square feet of sign area per business and took out the 5%; page 71 same as page 58. Mayoros stated that the first provision she had was with Article III, page 43, in Section 3.06.09 Signage, No. 4 and 5 in center of page on making the neon and ground lighting a little bit more clear in the Ponte Vedra/Palm Valley Coastal Corridor Overlay District; South Anastasia, page 58, calculation chart, 1 square foot of sign, per linear footage of building frontage; South Anastasia, page 59, letter M one banner sign may be permitted as a temporary sign for no more than sixty calendar days per year limited to a maximum of thirty-two square feet in display area, one such banner sign shall be permitted for special events in addition to existing permanent signs, and letter N, prohibited signage, no banners unless Article VII allows it; Mid Anastasia, page 71, the chart, took out the 5% maximum coverage of building fascia. Mayoros stated this was all of the changes.

(5:54 p.m.) Mary Saunders, 107 Clam Bake Court, on behalf of the Mid Anastasia Island Overlay District, spoke on the proposed amendment to the signage requirement of the Overlay District, and stated that they are not an anti-signage group. She requested not to allow larger or more signs and no banners.

(6:00 p.m.) Edward Underhill, 304 Sea Woods Drive North, spoke on signs and stated that they did not want banners.

(10/01/02 - 13 - 6:02 p.m.)

7. PUBLIC HEARING - AMENDMENTS TO ARTICLE VII OF THE LAND DEVELOPMENT CODE. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE ARTICLE VII - SIGNAGE. THE SECOND PUBLIC HEARING IS OCTOBER 15, 2002 AT 1:30 P.M. THE REVISIONS INCLUDE CLARIFICATIONS AND MINOR ADJUSTMENTS TO ARTICLE VII INCLUDING CHANGING REFERENCES FROM THE STANDARD BUILDING CODE TO THE FLORIDA BUILDING CODE AND DELETING THE REQUIREMENT FOR A MASTER REGISTRY OF BILLBOARDS SINCE THE FLORIDA DEPARTMENT OF TRANSPORTATION CURRENTLY MAINTAINS SUCH A REGISTRY FOR ALL BILLBOARDS LOCATED WITHIN ST. JOHNS COUNTY PROVIDING THE SAME INFORMATION. THE TABLE IN SECTION 7.02.01.A. RELATING TO THE NUMBER AND SIZE OF ON-PREMISE BUILDING SIGNS WAS CLARIFIED TO SPECIFY A MAXIMUM ONE

HUNDRED AND FIFTY (150) SQUARE FEET OF SIGNAGE PER BUSINESS. REQUIREMENTS FOR PERMITS FOR SPECIAL USE SIGNS WERE DELETED AND CLARIFICATION WAS PROVIDED FOR SCENIC HIGHWAY AND ROADWAY SIGNS

Proof of publication of notice of public hearing on Amendments to Article VII of the Land Development Code, was received having been published in *The St. Augustine Record* on September 21, 2002.

Michael Griffin, Director of Development Services, stated that this item is a Public Hearing on some amendments to Article VII of the Land Development Code. He stated that they made some clarifications and some minor adjustments to Article VII, the Standard Building Code was replaced by the Florida Building Code on March 1, and made some of those revisions changing where it says, the Standard Building Code on the registry of billboards that's required by the code - deleted it, the Florida Department of Transportation has a registry already with all the billboards on that registry; eliminated special use signs, clarified procedures on non-zoning variances, and clarified some of the procedures of the permitting process. He mentioned changes to the table as Mayoros indicated, Section 7.03 page 16, in addition they allow 150 square foot maximum sign, and for a building it was limited to 200 square feet.

(6:08 p.m.) Mary Cornwell, 2652 SR 13, Switzerland, spoke on Part 7.07, Section 7.07.01, Scenic Highway Signs and Antennas, listing the scenic roadways in both the Ordinance and the Appendix. Discussion followed on listing the scenic roadways in both the Ordinance and the Appendix. Lopez stated that it makes no legal difference where it is listed.

(6:14 p.m.) Louise Thrower, 288 Orange Avenue, spoke on Scenic Highway Signs and Antennas, Section 7.07.00. Kohnke suggested leaving it as is with no changes.

(10/01/02 - 14 - 6:21 p.m.)

8. PUBLIC HEARING - AMENDMENTS TO ARTICLE XII OF THE LAND DEVELOPMENT CODE. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE ARTICLE XII - DEFINITIONS. THE SECOND PUBLIC HEARING IS SCHEDULED FOR OCTOBER 15, 2002 AT 1:30 P.M. THE PROPOSED AMENDMENTS TO ARTICLE XII INCLUDE REVISIONS TO THE DEFINITIONS OF: BOARDING HOUSE; HOTEL, MOTEL, MOTOR HOTEL, MOTOR LODGE, OR TOURIST COURT; MANUFACTURED/MODULAR HOME; AND MANUFACTURED/MOBILE HOME. THE REVISIONS TO THE DEFINITION OF BOARDING HOUSE ARE PROPOSED TO ADDRESS SITUATIONS WHERE SINGLE FAMILY DWELLINGS MAY BE USED AS BOARDING OR ROOMING HOUSES. THE PROPOSED REVISIONS INCLUDE CIRCUMSTANCES WHERE FOUR OR MORE UNRELATED PERSONS RESIDE IN A SINGLE FAMILY DWELLING WHERE RENTAL IS FOR ONE WEEK OR MORE. BOARDING OR ROOMING HOUSES WILL BE PERMITTED IN THE SAME ZONING DISTRICTS AS SPECIAL CARE HOUSING WHICH INCLUDE THE RESIDENTIAL DISTRICTS ALLOWING MULTI-FAMILY RESIDENTIAL (RG-1) AND (RG-2) AND IN OR, AND AS A SPECIAL USE IN RESIDENTIAL DISTRICTS RESTRICTED TO SINGLE-FAMILY DWELLINGS (RS-E), (RS-1), (RS-2) AND (RS-3). THE REVISION TO THE HOTEL, MOTEL, MOTOR HOTEL, MOTOR LODGE, OR TOURIST COURT DEFINITION IS TO MAKE IT CONSISTENT WITH THE DEFINITION FOR RESIDENTIAL DWELLING UNITS. CURRENTLY, THE DEFINITION OF DWELLING UNIT INCLUDES RENTALS ON A WEEKLY, MONTHLY OR LONGER BASIS. THE DEFINITION

OF HOTEL, MOTEL, MOTOR LODGE, OR TOURIST COURT IS PROPOSED TO BE REVISED TO FOLLOW THE SAME REQUIREMENT THAT RENTAL PERIODS MUST BE ONE WEEK OR LONGER FOR A RESIDENTIAL DWELLING UNIT, WHILE TRANSIENT LODGING INCLUDES RENTALS PERIODS OF LESS THAN ONE WEEK

Proof of publication of notice of public hearing on Amendments to Article XII of the Land Development Code, was received having been published in *The St. Augustine Record* on September 21, 2002.

Rosemary Yeoman, Zoning Manager, stated that this amendment is a series of request for changes in Article XII, the Definition Section. These changes were brought about by request from citizens to clarify the Code and to make it more enforceable. The first change is in Boarding House and Hotel/Motel, Motor Lodge Tourist Court; to provide for a delineated definition of Boarding House and applies also when single-family residences are used as boarding homes. The next change is to make it consistent with State regulations on manufactured/modular homes and manufactured/mobile homes.

(6:28 p.m.) Louise Thrower, 288 Orange Avenue, spoke on special care housing, and what specifies special care housing.

(6:30 p.m.) Brian Gsell, 1243 Tangerine Drive, stated that he was here to give his support in the revision of the definition of boarding and rooming house. Yeoman clarified that rooming house/boarding house is not special care housing.

(10/01/02 - 15 - 6:33 p.m.)

9. PUBLIC HEARING - AMENDMENTS TO APPENDIX F OF THE LAND DEVELOPMENT CODE. THIS IS THE FIRST PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE APPENDICES OF THE LAND DEVELOPMENT CODE, TO RENAME THE EXISTING APPENDIX F EXAMPLES OF CLASSIFICATION POINTS AND SWAPDOWN TO APPENDIX G, AND TO INSERT A NEW APPENDIX F ROADWAY ACCESS CLASSES. THE SECOND PUBLIC HEARING IS SCHEDULED FOR OCTOBER 15, 2002 AT 1:30 P.M. IN FEBRUARY 2002, ARTICLE VI OF THE LAND DEVELOPMENT CODE WAS AMENDED TO INCLUDE NEW ACCESS MANAGEMENT STANDARDS FOR MAJOR COLLECTOR ROADWAYS IN ST. JOHNS COUNTY. TO FULLY IMPLEMENT THESE STANDARDS, THE MAJOR COLLECTORS IN THE COUNTY ARE REQUIRED TO BE CLASSIFIED INTO ONE OF SIX ACCESS CLASSES. THE NEW APPENDIX F WILL CLASSIFY EACH OF THESE ROADWAYS TO ESTABLISH THEIR ACCESS MANAGEMENT STANDARDS. MANY FACTORS WERE EVALUATED TO PLACE THE ROADWAYS INTO THE SPECIFIED ACCESS CLASS INCLUDING EXISTING ACCESS CONDITIONS, CURRENT AND EMERGING DEVELOPMENT PATTERNS ON THE ROADWAYS, SPEED LIMITS AND OTHER ROADWAY OPERATING CHARACTERISTICS, EXISTING OR COMMITTED PLANS TO IMPROVE THE ROADWAY BEYOND TWO LANES, AND RECOMMENDATIONS CONTAINED IN ANY CORRIDOR STUDIES FOR THE SUBJECT ROADWAYS. THE NORTH-SOUTH CORRIDOR (CR 2209) IS INCLUDED ON THE ACCESS CLASS TABLE AS AN ACCESS CLASS 3/4 TO ENSURE THAT IT IS CONSTRUCTED AND MAINTAINED AS A HIGH CAPACITY, MAJOR THROUGH ROAD WITH HIGHLY CONTROLLED ACCESS, CONSISTENT WITH THE RECOMMENDATIONS OF THE NORTH-SOUTH CORRIDOR STUDY

Proof of publication of notice of public hearing on Amendments to Appendix F of the Land Development Code, was received having been published in *The St. Augustine Record* on September 21, 2002.

Clem stated there is a new Appendix F to the Land Development Code. There is a table that identifies all the major collector roadways. Table 6.03A, next to the last page, identifies spacing standards dealing with driveways, median openings, and signal spacing on an existing or proposed roadway. He stated that they needed to keep the highest access they could on the North/South Corridor. He pointed out concerns with one project regarding general alignment, and access classification. Discussion followed on the Access Management Section being an addition to what was adopted in February, every project having a right to a driveway access, the County tailoring their Access Management Standards similarly to DOT, and dealing with left and right turn lane requirements.

(6:45 p.m.) John Metcalf, 1104 Mill Creek Drive, spoke on the Access Management Classification for the North/South Corridor. Discussion followed on addressing a change in proposed classification, being concerned about changing classification on the larger part of this roadway, and not being in favor of changing the designation, but looking at the deviation instead. The final Public Hearing is scheduled for October 15, 2002 at 1:30 p.m.

(10/01/02 - 16 - 6: 52 p.m.)
COMMISSIONERS' REPORTS

No reports.

(10/01/02 - 16 - 6:53 p.m.)
COUNTY ADMINISTRATOR'S REPORT

No report.

(10/01/02 - 16 - 6:53 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(10/01/02 - 16 - 6:53 p.m.)
CLERK OF COURT'S REPORT

No report.

Motion by Kohnke, seconded by Bryant, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:53 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #324731 totaling \$164.00. (09/20/02)
2. St. Johns Board of County Commissioners Check Register, Check #324732 through #325046 totaling \$4,475,293.14. (09/24/02)

Approved October 22, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk