

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 15, 2000
(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
Mary Kohnke, District 4, Vice Chair
Pal Howell, District 1
John Reardon, District 2
Mark Jacalone, District 3
Ben W. Adams, Jr., County Administrator
Patrick McCormack, Assistant County Attorney
Judy Hamilton, Deputy Clerk

Also present were: Cheryl Strickland, Clerk of Courts; and Michael Givens, Chief Deputy-Finance

(02/15/2000 - 1 - 9:05 a.m.)
CALL TO ORDER

The meeting was called to order by Chair Bryant.

(02/15/2000 - 1 - 9:05 a.m.)
The Invocation was given by Bryant. The Pledge of Allegiance was led by Howell.

(02/15/2000 - 1 - 9:05 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(02/15/2000 - 1 - 9:06 a.m.)
ADDITIONS/DELETIONS TO CONSENT AGENDA

There were no additions or deletions to the Consent Agenda.

(02/15/2000 - 1 - 9:06 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
01/26/00 - BCC/JCCI Joint Special Meeting
02/01/00 - BCC Workshop
2. Sheriff's Bonds:
Approve: Heather Walle
Approve: Connie Myatt
Approve: Matthew W. Laxton
Cancel: Helen Hayes
Cancel: Mark A. Flores

Cancel: Bjorn Berger
Cancel: Candice Hayes

3. Approval of a budget transfer in the amount of \$775,408; appropriating \$289,399 to SHIP Strategies from SHIP Department Reserves and moves \$486,099 in funds already appropriated.
4. Approval of a resolution renaming the Flagler West Hospital Facility the St. Johns County Health and Human Services Center.

RESOLUTION NO. 2000-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, NAMING THE FLAGLER WEST HOSPITAL FACILITY THE "ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES CENTER"

5. Approval of a motion accepting Lease #4248 between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and St. Johns County regarding property known as the St. Augustine Amphitheater.
6. Approval of a Preliminary Order Approving Bulk Service Class for St. Johns Service Company.
7. Approval of a Preliminary Order Approving Extension of Service Area for St. Johns Service Company.
8. Approval of a budget transfer moving \$40,500 from Utilities Reserves (426.5920) to Transmission & Distribution - Improvements Other Than Buildings (413.56301).
9. Approval of a resolution recognizing unanticipated revenue in the amount of \$10,000 for use in the Vilano Beach Signage and Landscaping Project.

RESOLUTION NO. 2000-19

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY PLANNING DEPARTMENT

10. File:
 - a. Proof, Notice of Meeting, Economic Development Committee, January 19, 2000.
 - b. Proof, Request for Proposals, RFP #00-16 Engineering Services for SJC Utility Department.
 - c. Proof, Notice to Bidders, Bid No. 00-17.
 - d. Proof, Notice of Special Meeting, SJC Board of County Commissioners and Jacksonville Community Council, Inc., January 26, 2000.
 - e. Proof, Notice to Bidders, Bid No. 00-26.
 - f. Proof, Certificate of Insurance, Sverdrup Civil, Inc.
 - g. Proof, Certificate of Liability Insurance, Military Construction Corp.
 - h. Proof, Certificate of Insurance, Component Fabricators, Inc.

- i. Proof, Certificate of Liability Insurance, McKenzie Service Company, Inc.
- j. Proof, Certificate of Liability Insurance, River City Contractors, Inc.
- k. Proof, Notice to Bidders, Bid No. 00-23.
- l. Proof, Notice to Bidders, Bid No. 00-24.
- m. Proof, Notice to Bidders, Bid No. 00-25.
- n. Proof, Notice to Bidders, Bid No. 00-18.

(02/15/2000 - 3 - 9:06 am.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions or deletions to the Regular Agenda.

(02/15/2000 - 3 - 9:06 a.m.)

ADDITIONS/DELETIONS TO WORKSHOP AGENDA

Reardon requested the inclusion of Item 10a: Discussion of the Stetson tract, including A1A, explanations of the buffer zone study, current LDR regulations regarding the 50-foot buffer, and concerns of a glitch where bulkheads are involved.

(02/15/2000 - 3 - 9:08 a.m.)

APPROVAL OF REGULAR MEETING AGENDA AND WORKSHOP AGENDA

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

(02/15/2000 - 3 - 9:09 a.m.)

PRESENTATION TO PATRICK MCCORMACK, ASSISTANT COUNTY ATTORNEY

The Board presented a Certificate of Appreciation to McCormack, serving as Assistant County Attorney for the Board of County Commissioners from November, 1995 through February, 2000, in recognition of appreciation for his years of service to the County and his valuable contributions.

(02/15/2000 - 3 - 9:11 a.m.)

PUBLIC COMMENTS

Howard Grisham, Chairman, Putnam County Commission, Rt. 2, Box 776, Crescent City, spoke on Rodman Reservoir, now renamed by Congress as Lake Ocklawaha, and addressed the issues of drawing down lakes, water shortages, and home rule.

(9:19 a.m.) Don Beattie, St. Johns County Audubon Society, 808 Mill Pond Ct., Jacksonville, addressed the Board, speaking on Julington Creek Plantation Bald Eagle Habitat Management Plan. James Sisco, County Attorney, entered the meeting. Beattie spoke on a current developer had undertaken construction during this year's nesting season, which was a violation of the plan guidelines. The U.S. Fish and Wildlife Service gradually eased the restrictions until at this time they have told the developer that some construction could be carried out. The County sent a letter to the developer in late January agreeing to ease the restrictions and permit construction during the current nesting season, based on the new conditions accepted by the USF&WS. Beattie requested that if it were true that the Bald Eagle Habitat Management Plan, being part of a County ordinance, could only be modified after action by the Board, that the County immediately issue a stop work order and require the developer to adhere to plan guidelines until (1) the plan was officially amended by the Board to permit construction during the nesting season, or (2) current restrictions in the plan were upheld and the ban on construction during nesting season continued. Sisco responded he was reviewing this item and his preliminary conclusion was that the PUD allows this procedure to go forward without amending the PUD

ordinance. (9:30 a.m.) After brief discussion on the nest being an active nest, **Staff was instructed that this item be agendaed at the morning session of the February 22 Board meeting.**

(9:33 a.m.) Louise Thrower, 288 Orange Avenue, commended McCormack for his zeal and dedicated commitment for the spirit and the letter of the law and wished him well in his private practice of the law. Thrower spoke on violation of citizens' civil rights for residents without legal counsel at a rezoning heard at the February 8 meeting, in that opposing residents never received the right to cross examine any witness nor to rebut any comments or to present a closing statement. She recommended rectification by presenting several televised educational workshops delineating exactly how this new process will work because it will prove to be what the citizens need.

(02/15/2000 - 4 - 9:37 a.m.)

1. PUBLIC HEARING - R-99-032 SUSAN PARMLEY (SEHULSTER). THIS REQUEST SEEKS TO REZONE 2.3 ACRES OF LAND FROM OR TO RMH-S WITH CONDITIONS TO ALLOW THE CONTINUED PLACEMENT OF THREE UNITS ON THE PROPERTY. THE SUBJECT PROPERTY IS LOCATED AT 4480 STATE ROAD 16 WITHIN THE R/S FUTURE LAND USE AREA. SURROUNDING ZONING IS OPEN RURAL, WHICH ALLOWS THE PLACEMENT OF MOBILE HOMES AND SINGLE FAMILY HOUSES ON ONE ACRE OF LAND PER UNIT. THE RMH-S ZONING ALSO PERMITS BOTH MOBILE HOMES AND CONVENTIONAL RESIDENCES.

Proof of publication of the notice of public hearing on the rezoning, R-99-032, Susan Parmley (Sehulster), was received having been published in *The St. Augustine Record* on January 31, 2000.

Heather Morris made presentation to the Board of the rezoning item. Staff had no objection and PZA recommended approval. Discussion was held on surrounding comparable conditions; nontransferable variances; surrounding densities; neighbors; vesting determination. Sisco left the meeting at 9:41 a.m.

(9:41 a.m.) **Motion by Reardon, seconded by Howell, carried 4/1 with Kohnke dissenting, to enact Ordinance No. 2000-9, adopting the Findings of Fact 1 through 5 that approve and support the motion.**

ORDINANCE NO. 2000-9

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR TO RMH-S WITH CONDITIONS; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(02/15/2000 - 4 - 9:43 a.m.)

2. PUBLIC HEARING - R-99-031 SHERMAN HARRIS, JR. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.2 ACRES OF LAND FROM RMH TO RMH-S TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE. THE PROPERTY IS LOCATED AT 454 COOPERS COVE ROAD WITHIN THE COOPERS COVE UNRECORDED SUBDIVISION. THE FUTURE LAND USE DESIGNATION OF THE PROPERTY IS RESIDENTIAL B; SURROUNDING ZONING INCLUDES OR AND RMH.

Proof of publication of the notice of public hearing on the rezoning, R-99-031, Sherman Harris, was received having been published in *The St. Augustine Record* on January 31, 2000.

Morris presented the application to the Board, stating the existing development standards are more consistent with the proposed zoning than the existing RMH zoning classification. Staff had no objections to approval; PZA recommended approval at their January 20 hearing. McCormack entered the meeting.

(9:44 a.m.) Sherman Harris, Jr., 448 Coopers Cove Road, St. Augustine, the applicant, addressed the Board, stating this was a big wooded lot and just begging for a house instead of a mobile home. (9:46 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2000-10, adopting the Findings of Fact 1 through 5 that approve and support the motion.**

ORDINANCE NO. 2000-10

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RMH TO RMH-S MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(02/15/2000 - 5 - 9:47 a.m.)

3. UPDATE ON THE ST. JOHNS COUNTY CONVENTION CENTER AND WORLD GOLF VILLAGE.

Adams introduced Dave Legarce from the Hotel and Convention Center and Jim Davidson, the principal developer, who gave an informational update on the project. Discussion was held on accomplishments and future plans. Adams reiterated that all scheduled payments that the Convention Center and World Golf Village had to make, had been made on time.

(02/15/2000 - 5 - 10:18 a.m.)

COMMISSIONERS REPORTS

Commissioner Reardon:

No report.

Commissioner Jacalone:

No report.

Commissioner Kohnke:

No report.

Commissioner Howell:

Howell reported on a world record tree on the Bennett property.

Commissioner Bryant:

Bryant presented a letter he had prepared in response to a request from the City of St. Augustine Beach, asking for the Board's support on Alternative #6 in a letter to the PSC,

for the 904 area code, giving 5.8 additional years without an overlay or a change in the area code. ***It was consensus of the Board that the Chairman mail the letter to the PSC.***

Bryant stated he had received a letter from the Water Advisory Panel acknowledging receipt of the County's application for the wastewater grant, one of their legislative priorities, and passed it on to Adams, who is the contact person.

Bryant advised FEMA has awarded St. Johns County \$12,588 for the emergency food and shelter program, phase 18, a meeting of the local FEMA board to allocate said funds was scheduled on February 25 at 10:00 a.m. at the United Way Center and directed proper Staff to be in attendance.

Bryant commented on last Tuesday's meeting on a question arose that the Board did not give the citizens the proper or ample opportunity. He stated as chairman he did everything he could to afford citizens to be in a position to cross examine or question the applicants. He had asked if there was a citizen representative to speak and make presentation that would have allowed them to do the cross examination. The intent of the Board was never to stifle the citizens' abilities to cross examine the applicant or any of their witnesses. Bryant stated he had tried his best to put forth a format to allow citizens the ability to do that in public comments and in the future, perhaps better procedure could be worked out.

(02/15/2000 - 6 - 10:23 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reported that at the February 22, 2000 regular meeting, a public hearing was scheduled for the Post Office at Ponte Vedra; discussion would be held by Staff on the sales tax; Don Beattie and the eagle nesting issue was scheduled; there were four public hearings scheduled for the afternoon; at 5:00 p.m. the public hearing for the Ponte Vedra Municipal Service District and sewer and septic issue. Adams expressed appreciation to McCormack for his work with the County.

(02/15/2000 - 6 - 10:24 a.m.)

COUNTY ATTORNEY'S REPORT

No formal report. McCormack made farewell comments to the Board.

(02/15/2000 - 6 - 10:34 a.m.)

CLERK OF COURT'S REPORT

No report.

(10:34 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0 to adjourn the meeting.** There being no further business to come before the Board, the meeting adjourned at 10:34 a.m.

CORRESPONDENCE:

1. Letter to Norman H. Horton, Jr., Messer, Caparello & Self, regarding Final Order Accepting Agreement of Parties and Modifying Order 98-00005 in the matter of Intercoastal Utilities, Inc., dated February 4, 2000.
2. Letter to Michael B. Twomey, regarding Final Order Accepting Agreement of Parties and Modifying Order 98-00005 in the matter of Intercoastal Utilities, Inc., dated February 4, 2000.

3. Letter to F. Marshall Deterding, Rose, Sundstrom & Bentley, regarding Final Order Accepting Agreement of Parties and Modifying Order 98-00005 in the matter of Intercoastal Utilities, Inc., dated February 4, 2000.

REPORTS:

1. Minutes of January 13, 2000, District 4 Health and Human Services Board.

Approved: March 14, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk