

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 22, 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
James G. Sisco, County Attorney
Lenora Newsome, Deputy Clerk

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

(02/22/2000 - 1 - 9:00 a.m.)
CALL TO ORDER

The meeting was called to order by Chair Bryant.

(02/22/2000 - 1 - 9:04 a.m.)
The Invocation was given by Jacalone. The Pledge of Allegiance was led by Bryant.

(02/22/2000 - 1 - 9:05 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(02/22/2000 - 1 - 9:05 a.m.)
ADDITIONS/DELETIONS TO CONSENT AGENDA

There were no additions nor deletions to the Consent Agenda.

(02/22/2000 - 1 - 9:06 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
02/08/00 BCC Regular Meeting
2. Approval of a motion to amend the BCC meeting minutes of January 25, 2000 to correct the short title of Resolution No. 2000-10.
3. Approval of a Resolution to accept an access easement to a communications tower site located off Old SR 207 and west of Scoville Road.

RESOLUTION NO. 2000-20

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF OLD SR 207 AND WEST OF SCOVILLE ROAD.

4. Approval of a Resolution to accept an access easement to a communications tower site located at 2755 Palm Valley Road, Ponte Vedra Beach, Florida.

RESOLUTION NO. 2000-21

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED ON CR 210 EAST ALSO KNOWN AS PALM VALLEY ROAD.

5. Approval of a Resolution approving the grant and execution of a certain conservation easement from St. Johns County to St. Johns River Water Management District.

RESOLUTION NO. 2000-22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE GRANT AND EXECUTION OF A CERTAIN CONSERVATION EASEMENT FROM ST. JOHNS COUNTY TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.

6. Approval of a motion authorizing the County Administrator to execute Maintenance and Hold Harmless Agreement between St. Johns County and Don Sutton, and Jeffrey B. and Marjorie A. Roden.
7. Approval of a motion transferring \$1,200.00 from the Utility Regulatory Authority Reserves to Office Supplies.
8. Motion to approve the transfer of funds from the Communications Surcharge Trust Fund Reserves for use in Phase 2 of the Intergovernmental Communications Program.
9. Approval of a motion to execute the contract between St. Johns County and the Department of the State, Division of Historical Resources, directing Chairman Bryant sign the contract and the four (4) Request for Advanced Grant Payment forms on behalf of the Board of County Commissioners.
10. Resolution authorizing the County Administrator to enter into an agreement with the St. Johns County Council on Aging, Inc., and sign a Public Transportation Joint Participation Agreement with the Florida Department of Transportation.

RESOLUTION NO. 2000-23

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

AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE ST. JOHNS COUNTY COUNCIL ON AGING, INC., AND SIGN A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

11. File:

- a. Proof, Notice of Public Hearing, Ordinance #86-89 Issuance of Bonds, February 22, 2000.
- b. Proof, Notice to Bidders, Bid No. 00-30.

(02/22/2000 - 3 - 9:06 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to add a Resolution supporting the purchase of the Cummer Property as item 8a.

(02/22/2000 - 3 - 9:07 a.m.)

APPROVAL OF REGULAR MEETING AGENDA

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

(02/22/2000 - 3 - 9:08 a.m.)

PUBLIC COMMENT

John Dinsmore, 5105 SR 13, Orangedale, spoke on the planned intersection of CR 210 and Greenbriar Road. Howell mentioned that he would set up a meeting with the County Engineer and Dinsmore to review Dinsmore=s concerns.

(02/22/2000 - 3 - 9:13 a.m.)

1. PUBLIC HEARING B ENACTMENT OF AN ORDINANCE THAT CLARIFIES AND AMENDS COUNTY ORDINANCE 86-89 AND EXPRESSLY ALLOWS THE COUNTY TO BORROW MONEY TO REIMBURSE THE COUNTY FOR CERTAIN CAPITAL EXPENSES. (PURCHASE OF THE FORMER PONTE VEDRA POST OFFICE)

Proof of publication of notice of public hearing on an Ordinance amending Ordinance No. 86-89 on the Issuance of Bonds, was received having been published in The St. Augustine Record on February 8, 2000.

Jim Sisco, County Attorney, reviewed this item. **Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2000-11 that clarifies and amends County Ordinance No. 86-89 and expressly allows the County to borrow money to reimburse the County for certain capital expenditures.**

ORDINANCE NO. 2000-11

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ITS ORDINANCE #86-89, AS PREVIOUSLY AMENDED, TO RATIFY, CLARIFY AND EXPRESSLY AUTHORIZE THE ISSUANCE OF BONDS BY THE BOARD OF COUNTY COMMISSIONERS TO REPLACE, REPAY, OR REIMBURSE COUNTY

MONIES, FUNDS AND/OR ACCOUNTS THAT WERE USED TO PAY COSTS OF PROJECTS AUTHORIZED BY ORDINANCE # 86-89 AS AMENDED, PROVIDED THAT THE COUNTY EXPENDITURES WERE SPENT FOR SUCH COSTS WITHIN 18 MONTHS OF THE ISSUANCE OF THE BONDS OR WITHIN SUCH LATER TIME AS PERMITTED BY TREASURY REGULATION 1.150-2; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

(02/22/2000 - 4 - 9:16 a.m.)

2. DISCUSSION OF THE JULINGTON CREEK PLANTATION BALD EAGLE HABITAT MANAGEMENT PLAN.

Sisco reviewed this item stating that he was requested by the Board to draft a memorandum having to do with the County=s interaction with the Eagle Habitat Plan in Julington Creek. Kohnke stated that she received a call from Mr. Don Palmer and explained it. Howell questioned on page 6, in the last paragraph, the mention of construction of single family homes in the secondary zone being deliberately deleted in the final adopted draft. Sisco explained.

(9:22 a.m.) Don Beattie, 808 Mill Pond Court, spoke on nesting eagles and birds, and the developer being allowed to conduct an experiment at Julington Creek Plantation. He requested that the original restrictions of the Eagle Habitat Management Plan be reinstated and that infrastructure and construction work be halted for the next three months until the nesting season is over.

(9:31 a.m.) Lucy Seeds, 144 Cattail Circle, Jacksonville, spoke in opposition to construction in the eagle zone during the nesting season. She recommended construction in Parcel 16 and 17 be delayed until after the eagles have returned next fall to see if they will adjust to the development of Plantation Island.

(9:44 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., addressed the location of the eagles nest with the assistance of a map using the overhead projector. He spoke on the experiment going on in Julington Creek. Mike Givens, Chief Deputy-Finance, left the meeting.

(9:55 a.m.) Deborah Andrews, 11 North Roscoe Blvd., spoke on stopping construction in the eagle zone during the nesting season and people changing development orders.

(10:06 a.m.) Chris Tidball, 821 Brookstone, Fruit Cove, spoke on what the eagle symbolizes.

(10:08 a.m.) Michael Elison, 673 Box Branch Circle, Fruit Cove, spoke on the bald eagle being a national symbol.

(10:11 a.m.) Bill Hoffman, 536 Caraway Court, spoke on putting the brakes on this development which he feels is out of control and questioned how many times Don Palmer has seen the eagles nest. Lucy Seeds responded that Palmer has never been out to see the eagles nest. Hoffman spoke on the different zones.

(10:28 a.m.) Linda Kane, 50 North Laura Street, Jacksonville, representing Julington Partners Limited Partnership, pointed out the eagles nesting zone with the assistance of a map on the overhead projector. She spoke on issues addressed earlier in the meeting on items 5 and 6 of the memorandum from Jim Sisco.

(10:36 a.m.) Rhodes Robinson, 8711 Perimeter Park Blvd., Jacksonville, spoke on helping the developers to comply with the rules and regulations of species management plans.

(10:40 a.m.) Matt Dinkins, 8711 Perimeter Park Blvd., Jacksonville, spoke on monitoring the eagle=s nest at Julington Creek Plantation. Kane summarized their position asking the Board to consider the memorandum of the County Attorney and the considerate opinions of the County Staff. Discussion followed on due process and other points of the law dealing with the eagle habitat, having a tape of this meeting sent to Palmer and have him come before the Board and respond to it. Reardon voiced his concern on the developer having a track record of violations. Howell asked if the developer could agree to stop development on the six lots until the nesting period is over. Kohnke requested that Adams send the video tape to Palmer and have him respond to it before the Board. ***It was the consensus of the Board to send a copy of the tape to Palmer and have him respond to it before the Board.***

The meeting recessed at 11:07 a.m. and reconvened at 11:16 a.m.

(02/22/2000 - 5 - 11:17 a.m.)

3. CONSIDER AN APPOINTMENT TO THE HOUSING FINANCE AUTHORITY.

Daniel Bosanko, Deputy County Attorney, entered the meeting. Patsy Heiss, Assistant to the Administrator, reviewed this item. Sisco stated that the person appointed needed to be knowledgeable in finance. Bryant suggested to move James Swanson to the finance expert position and place John Reagan in the citizen position. **Motion by Kohnke, seconded by Reardon, carried 5/0, to have James Swanson serve as the financial expert on this committee and appoint John Reagan as the citizen to the Housing Finance Authority for a four-year term, scheduled to expire March 10, 2004.** Sisco left the meeting.

(02/22/2000 - 5 - 11:20 a.m.)

4. CONSIDER AN APPOINTMENT TO THE SCENIC HIGHWAY A1A COMMITTEE.

Heiss reviewed this item. **Motion by Kohnke, seconded by Reardon, carried 5/0, to appoint Keith Clark to the Scenic Highway A1A Committee to complete a term scheduled to expire July 8, 2001 and Gloria Myers to the Scenic Highway A1A Committee to complete a term scheduled to expire November 3, 2002.**

(02/22/2000 - 5 - 11:21 a.m.)

5. CONSIDER APPOINTMENTS TO THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD.

Heiss reviewed this item. **Motion by Kohnke, seconded by Reardon, carried 5/0, to reappoint Robert Cameron to Seat 6 on the Ponte Vedra Zoning and Adjustment Board for a four-year term, to expire February 22, 2004 and to reappoint Brenda Dirito to Seat 7 on the Ponte Vedra Zoning and Adjustment Board for a four-year term, to expire February 22, 2004.**

(02/22/2000 - 5 - 11:23 a.m.)

6. CONSIDER AN APPOINTMENT TO THE WATER AND SEWER AUTHORITY.

Heiss reviewed this item. **Motion by Howell seconded by Kohnke, carried 5/0, to appoint Victor Martinelli to the Lay Person position on the Water and Sewer Authority to complete a term scheduled to expire May 25, 2001.**

(02/22/2000 - 5 - 11:26 a.m.)

7. CONSIDER AN APPOINTMENT TO THE TOURIST DEVELOPMENT COUNCIL.

Heiss reviewed this item. Kohnke stated that she would like someone from the World Golf Village to serve on this Committee. **Motion by Jacalone, seconded by Kohnke, carried 5/0, to appoint David Lagarce, District 4, to the Owner/Operator position on the Tourist Development Council to complete a term scheduled to expire December 31, 2000.**

(02/22/2000 - 6 - 11:28 a.m.)

8. PRESENTATION ON AN OPTIONAL SALES TAX.

John Schwab, Director of Solid Waste Management, reviewed this item stating that Staff is requesting direction from the Board to determine whether to initiate town meetings to receive input from the public on the optional sales tax. Givens entered the meeting. Joe Vonasek, Senior Budget Analyst, with the assistance of the overhead projector, gave a brief overview of the optional sales tax. (11:38 a.m.) Joe Stephenson, Director of Housing and Transportation, gave a brief presentation stating that the optional sales tax needed to be binding and specific, and suggested having Town Hall Meetings in every district to inform the public on the optional sales tax. He suggested dividing all projects into three categories: Enhancement of Capacity, Safety in Function Enhancements, and Preservation and Maintenance to help the public understand the reason for the optional sales tax. Discussion followed.

(11:47 a.m.) Penny Halyburton, Supervisor of Elections, gave the time table for placing the optional sales tax on the ballot. Stephenson stated that this should not be a sales effort and need to help the public learn why the projects are on the list. (11:51 a.m.) Bryant left the meeting.

(11:51 a.m.) Mary Jane Little, County Library Director, addressed the public facilities needs portion.

(11:53 a.m.) Sarah Bailey, 2202 Bishop Estates Road, spoke for the LAMP Board on how land acquisition can play an overall role in St. Johns County=s future.

(11:55 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing citizens for LAMP, spoke on land acquisition, the optional sales tax and placing the referendum for the optional sales tax on the November ballot. Schwab stated that Staff needed direction from the Board.

(12:02 p.m.) Gina Burrell, 27 Seminole Drive South A, spoke on the joint meeting the BCC had with the School Board. She urged the BCC not to bring the School Board into the one cent sales tax.

(12:03 p.m.) Helen Toby spoke on her District not being consulted on items being done there. Givens left the meeting.

(12:07 p.m.) **Motion by Jacalone, seconded by Reardon, carried 4/0 with Bryant absent, to continue item 8 to 1:30 p.m., continue the Commissioner=s Report, County Administrator=s Report, County Attorney=s Report and Clerk of Courts Report to the end of the day and handle item 8a before breaking for lunch.**

(02/22/2000 - 6 - 12:08 p.m.)

8a. RESOLUTION TO SUPPORT THE WATER MANAGEMENT DISTRICT ACQUISITION OF THE CUMMER TRUST PROPERTY

Bosanko mentioned two technical changes to the resolution: in the title behind Resolution of St. Johns County add *Board of County Commissioners*; and add the signature line for the Chairman and the Clerk.

(12:09 p.m.) Sarah Bailey suggested having some of the Board members attend the Governor and Cabinet Meeting on March 17 on purchasing Twelve-Mile Swamp. (12:09 p.m.) **Motion by Jacalone, seconded by Reardon, carried 4/0 with Bryant absent, to accept Resolution No. 2000-24 with the changes suggested by Bosanko.**

RESOLUTION NO. 2000-24

RESOLUTION OF ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS SUPPORTING THE ACQUISITION OF THE CUMMER TRUST PROPERTY.

(02/22/2000 - 7 - 12:07 p.m.)
COUNTY COMMISSIONER=S REPORT

Moved to the end of the day. (See Page 13)

(02/22/2000 - 7 - 12:07 p.m.)
COUNTY ADMINISTRATOR=S REPORT

Moved to the end of the day. (See Page 13)

(02/22/2000 - 7 - 12:07 p.m.)
COUNTY ATTORNEY=S REPORT

Moved to the end of the day. (See Page 13)

(02/22/2000 - 7 - 12:07 p.m.)
CLERK OF COURT=S REPORT

Moved to the end of the day. (See Page 13)

The meeting recessed for lunch at 12:11 p.m. and reconvened at 1:30 p.m. with Kohnke, Howell, Reardon, Jacalone, Adams, Bosanko, and Deputy Clerk Judy Hamilton present; Bryant was not yet in attendance. *The next item discussed was Item #10.*

(02/22/2000 - 7 - 2:19 p.m.)
8. PRESENTATION ON AN OPTIONAL SALES TAX

Schwab reviewed his presentation for Bryant=s benefit. (2:19 p.m.) Bryant stated that the State was going to put \$4 billion into transportation over the next five years and that if the Board did not exercise its local options, either the two gas taxes or the one cent optional sales tax, that did not jeopardize the County gaining DOT funding. Therefore, Bryant had relooked at his position and was supportive of not going forward with any sales tax. (2:21 p.m.) Jacalone stated he would not support the proposed tax at this time, but wanted to leave their options open. (2:24 p.m.) Discussion was held on town hall meetings. Reardon commented it would be wise to hold district wide town hall meetings to allow input so the public could vote on it. (2:29 p.m.) Kohnke stated the County was in dire need for moneys for transportation issues and that it was better they do this now. (2:36 p.m.) Further discussion followed regarding the proposed tax and funding for transportation issues and land acquisition issues. (2:44 p.m.) Howell stated they ought to let the public decide and put it on the ballot. Staff recommended gathering a list of projects and prioritizing that list. (3:01 p.m.) Motion by Reardon, seconded by Kohnke, that they allow to go on the ballot a one cent sales tax and again it is not being supported by the Commissioners, for citizens to choose and vote on their own, to place on the general election ballot where the highest voter turnout will be, on the November ballot, a one cent sales tax referendum to be 50% infrastructure and transportation issues and 50% land acquisition and recreation.

Further discussion ensued. (3:11 p.m.) Kohnke withdrew her second. (3:13 p.m.) Reardon withdrew his motion. Discussion of town hall meetings and polls followed. Staff will bring back a proposed schedule of meetings. Adams stated it would be brought back at the March 7 workshop.

The next item discussed was Item #11.

(02/22/2000 - 8 - 1:36 p.m.)

9. CONSIDER A RESOLUTION AUTHORIZING EXPENDITURE OF SHIP FUNDS TO PAY CERTAIN IMPACT FEES AS A LOCAL GOVERNMENT CONTRIBUTION TOWARD ADDITIONAL FUNDING APPLICATION FOR AN AFFORDABLE RENTAL DEVELOPMENT

Vice Chair Kohnke opened this item for discussion. Scott Clem, Director of Growth Management Services, addressed the Board, explaining the use of SHIP funds for the payment of impact fees. He reviewed the policy in the housing assistance plan that allows each year for projects to use SHIP funds to help offset impact fees and allows them to accumulate points for the housing credit program. A formal process was set up this year so applicants could apply and a ranking system is then applied and a recommendation is then forthcoming to the Board of County Commissioners. There was one applicant this year, Whispering Woods. Bryant entered the meeting at 1:36 p.m.

(1:37 p.m.) Judith Foxworth, SHIP Administrator, presented a revised resolution, with clerical errors corrected, and reviewed local government contributions. Bosanko stated the addition of a new Section 10 to read: A Approval of this resolution is contingent upon approval of the Whispering Woods PUD.@ and the old Section 10 renumbered to Section 11. Discussion was held on rules and conditions which had to be met to rent there. Bosanko recommended these be brought up at the zoning hearing. Foxworth stated she could work with Bosanko in preparing a memorandum of understanding which stipulated the County=s conditions for the SHIP assistance, assuring that this will be safe housing or people will be evicted for certain infractions. (1:48 p.m.) Consultant Karen Taylor, 3070 Harbor Drive, stated this had been addressed at the PZA hearing and stated guidelines were submitted as part of the PSD application. Kohnke requested a copy of those things. Discussion was held on live-in sheriff=s deputy; affordable rents; safeguards of rental and lease agreements; need for legal counsel review; road impact fee credits. (2:01 p.m.) **Motion by Kohnke, seconded by Howell, carried 5/0, to hold #9 until March 7 hearing following the zoning hearing.**

The next item discussed was Item #10.

(02/22/2000 - 8 - 2:01 p.m.)

10. CONSIDER AUTHORIZATION OF A ROAD IMPACT FEE CREDIT AGREEMENT FOR THE WHISPERING WOODS DEVELOPMENT

Clem spoke on a road impact fee credit agreement for Whispering Woods, which would be the second component of the local government contribution. He spoke on unusual aspects as indicated by Foxworth and the applicant=s counsel. Clem recommended that approval be contingent upon an acceptable appraisal and credit not exceed \$151,200. Discussion was held with altered alignment of 312. (2:10 p.m.) Taylor used the overhead projector to review a map of the proposed development. Further discussion was held on FDOT and additional wetland mitigation. Clem will seek to get something more definitive in writing for the Board. (2:18 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to move Item #10 Road Impact Fee Credit Agreement/Whispering Woods to March 7 after the Board heard Item #9 and after hearing the rezoning.**

The next item was deferred discussion on Item #8.

(02/22/2000 - 9 - 3:19 p.m.)

11. PUBLIC HEARING B R-99-033, ST. JOHNS COUNTY UTILITY WATER AND SEWER BOOSTER STATION. THIS REZONING IS A REQUEST MADE BY ST. JOHNS COUNTY TO REZONE APPROXIMATELY 1.5 ACRES OF LAND FROM OR TO PUBLIC SERVICE TO ALLOW THE DEVELOPMENT OF A UTILITY SITE. PROPOSED DEVELOPMENT OF THE SITE INCLUDES AN UNMANNED WATER AND SEWER BOOSTER STATION, SEWAGE PUMPING STATION, AND THE ASSOCIATED STORAGE TANKS AND PUMPS. THE PROPERTY IS LOCATED OFF OF US1 NORTH NEAR ITS INTERSECTION WITH RAY ROAD, WITHIN THE MIXED USE FUTURE LAND USE DESIGNATION. STAFF FINDS THE PROPOSED REZONING CONSISTENT WITH THE COMPREHENSIVE PLAN AND COMPATIBLE WITH THE SURROUNDING AREA; THEREFORE, STAFF RECOMMENDS APPROVAL. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL BY UNANIMOUS VOTE AT THEIR PUBLIC HEARING ON FEBRUARY 3, 2000

Proof of publication of the notice of public hearing regarding the rezoning, R-99-033, St. Johns County Utility Water and Sewer Booster Station was received having been published in The St. Augustine Record on February 7, 2000.

Morris made a presentation to the Board. Bill Young, Utility Director, answered questions from the Board. (3:20 p.m.) Don Smith, 1900 Corporate Square, had been working with Staff, commented on buffering and the surrounding area. (3:21 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2000-12, adopting Findings of Fact 1-5 to support the motion.**

ORDINANCE NO. 2000-12

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

(02/22/2000 - 9 - 3:22 p.m.)

12. PUBLIC HEARING - R-PSDB99-030, SIMS/ESTES PARTNERSHIP PLANNED SPECIAL DEVELOPMENT. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.32 ACRES FROM RG-1 TO PSD (PLANNED SPECIAL DEVELOPMENT) TO ALLOW THE DEVELOPMENT OF A PERSONAL SELF-STORAGE COMPLEX. THE SUBJECT SITE IS LOCATED IN A MIXED USE DISTRICT, AND IS SURROUNDED PRIMARILY BY LIGHT INDUSTRIAL USES WITH SOME RESIDENTIAL USES TO THE WEST. THE PLAN OF DEVELOPMENT PROPOSES EIGHT SINGLE-STORY BUILDINGS CONTAINING A TOTAL OF APPROXIMATELY 12,800 SQUARE FEET

Proof of publication of the notice of public hearing on the rezoning, R-PSD-99-030, Sims/Estes Partnership PSD, was received having been published in The St. Augustine Record on February 7, 2000.

Sonya Doerr, Principal Planner made a presentation to the Board. Strickland and Givens left the meeting. Discussion of the application followed. (3:25 p.m.) **Motion by Reardon, seconded by Howell, carried 5/0, to enact Ordinance No. 2000-13 adopting Findings of Fact 1-5 to support the motion.**

ORDINANCE NO. 2000-13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A REZONING OF LAND AS HEREINAFTER DESCRIBED FROM RESIDENTIAL GENERAL (RG) TO PLANNED SPECIAL DEVELOPMENT (PSD), PROVIDING FOR A CHANGE IN USE, A DEVELOPMENT PLAN, FINDINGS OF FACT, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE

(02/22/2000 - 10 - 3:27 p.m.)

13. PUBLIC HEARING B R-PUD-00-002 - BOARD OF REALTORS PLANNED UNIT DEVELOPMENT. THIS REQUEST SEEKS TO REZONE A ONE-HALF ACRE PARCEL FROM IW TO PUD TO BRING THE ZONING INTO COMPLIANCE WITH THE PROPOSED USE AND THE SURROUNDING AREA. WHILE THE FUTURE LAND USE DESIGNATION OF MIXED USE DISTRICT PROVIDES FOR A MINIMUM LEVEL OF INDUSTRIAL USE, SUCH USES WOULD NOT BE CONSISTENT WITH THE EXISTING STRUCTURE OR THIS PARTICULAR SITE. THE GENERAL AREA CONTAINS PRIMARILY COMMERCIAL, PROFESSIONAL OFFICE, MEDICAL OFFICE AND RELATED USES

Proof of publication of the notice of public hearing on the rezoning, R-PUD-00-002, Board of Realtors PUD, was received having been published in The St. Augustine Record on February 7, 2000.

Doerr presented this item to the Board. Discussion of the application followed. (3:29 p.m.) Allen Scott, 101 Orange St., the applicant, addressed the Board. (3:29 p.m.) Joe Serra, addressed the Board, speaking as owner of two acres to the northeast of this proposed rezoning and stated he was in favor of the rezoning. (3:30 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2000-14 adopting Findings of Facts 1-5 to support the motion.**

ORDINANCE NO. 2000-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION INDUSTRIAL WAREHOUSE (IW) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 3:31 p.m. and reconvened at 3:38 p.m.

(02/22/2000 - 10 - 3:38 p.m.)

14. PUBLIC HEARING B MJM-99-009- FAIRFIELD PLANNED UNIT DEVELOPMENT MAJOR MODIFICATION. THIS REQUEST SEEKS TO MODIFY THE APPROVED USES WITHIN A COMMERCIAL PARCEL OF THE FAIRFIELD PUD. THE SUBJECT PROPERTY IS LOCATED IN A COMMERCIAL FUTURE LAND USED CATEGORY AND CONTAINS AN EXISTING RETAIL OUTLET FOR TIRES, BATTERIES AND AUTOMOBILE ACCESSORIES. THE PLANNING AND

ZONING AGENCY RECOMMENDED APPROVAL AT THEIR DECEMBER 16,
1999 PUBLIC HEARING WITH A 5:1 VOTE

Proof of publication of the notice of public hearing on a major modification, MJM-99-009, Fairfield PUD Major Modification, was received having been published in The St. Augustine Record on February 7, 2000.

Doerr made presentation to the Board, stating it was properly noticed and the application was submitted and reviewed consistent with the process established by the County. Discussion followed of the application. Reardon disclosed ex parte communication with Ponte Vedra Community Coalition and Marie Siefert. Jacalone revealed faxes as other Commissioners had received and had conversation with Rita Friedman. Bryant revealed he had received the same faxes, spoke with Rita Friedman. Kohnke revealed communication with the coalitions and McDivatts. Howell stated he received the same faxes and spoke to Marie Seifert. (3:48 p.m.) Frank Upchurch, 781 Ponce De Leon Blvd., introduced exhibits into the record, and made presentation of the application to the Board. (4:19 p.m.) Jeff Snead, attorney, 599 Atlantic Blvd., responded by Upchurch and questioned posting of sign advertising proposed rezoning. Bosanko stated he would investigate same. He stated he had Eric Morgan=s affidavit of zoning sign placement dated November 29, 199, at 220 Valley Circle, the 911 address. (4:24 p.m.) Snead continued with his discussion. (4:31 p.m.) Bryant stated he thought the County was proper and would prevail in court in that they have followed proper procedure. (4:34 p.m.) Karen Taylor, 3070 Harbor Drive, presented evidence with use of the overhead projector. (4:41 p.m.) Snead responded.

(4:50 p.m.) Deputy Clerk Judy Hamilton left the meeting; Deputy Clerk Yvonne King entered the meeting.

(4:55 p.m.) Les McDevitt, 209 Settlers Row N., Ponte Vedra Beach, commented in opposition to the major modification. (5:02 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to recess the public hearing (MJM-99-009).**

(5:03 p.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to open the public hearing on the notice of intent pertaining to the collection of non ad valorem sewage facility assessments.** (5:03 p.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to recess the public hearing on the notice of intent.**

(5:03 p.m.) The public hearing (MJM-99-009) was reconvened at 5:03 p.m. Daniel MacDonald, 24501 Deer Trace Drive, Ponte Vedra Beach, made a slide presentation of some of the tire stores along U.S. 1, on San Marco Avenue, in Jacksonville Beach, and in Ponte Vedra Beach; then, commented in opposition to the major modification. (5:15 p.m.) Leo Warner, 115 South Roscoe Blvd., Ponte Vedra Beach, commented in opposition to the major modification. (5:16 p.m.) Roger Gibson, 122 Glen Cove Place, Ponte Vedra Beach, commented in opposition to the major modification. (5:20 p.m.) Teryn Romaine, 277 Odom=s Mill Blvd., Ponte Vedra Beach, commented in opposition to the major modification. (5:23 p.m.) George Meyer, 103 Harbour Island Court, Ponte Vedra Beach, commented in opposition to the major modification. (5:25 p.m.) Marcy Silkebaken, 41 Phillips Avenue, Ponte Vedra Beach, commented in opposition to the major modification. (5:27 p.m.) William Tunstall, 115 Glen Cove Place, Ponte Vedra Beach, commented in opposition to the major modification. (5:28 p.m.) Robert Brock, 356 San Juan Drive, Ponte Vedra Beach, commented in opposition to the major modification. A brief discussion followed regarding the sign.

The meeting recessed at 5:32 p.m. and reconvened at 5:37 p.m.

Bosanko reviewed the sign provision in the Code. (5:40 p.m.) Snead gave a rebuttal and requested the Board to deny the rezoning. (5:42 p.m.) UpChurch gave closing statements

and requested the Board to approve the rezoning. (5:56 p.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, that the Fairfield PUD Major Modification be denied; and adopting the Findings of Fact that: a) the PUD, as modified, does adversely affect the orderly development of St. Johns County as embodied in the Land Development Code and in the Comprehensive Plan or portions thereof adopted by the St. Johns County Board of County Commissioners; b) the PUD, as modified, will adversely affect the health and safety of residents or workers in the area and will be detrimental to the natural environment or to the use for development of adjacent properties for the general neighborhood; c) the PUD, as modified, will not accomplish the objectives and will meet the standards and criteria of Section 5.03.02 (c) of the Land Development Code of St. Johns County for PUDs; and d) the PUD, as modified, is not consistent with the development trends in the surrounding area; the surrounding area in the PUD is General Commercial and Residential; this is not compatible; it is not esthetically pleasing; and this creates a spot zoning situation.**

(5:59 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to continue with the Regular Meeting.**

(02/22/2000 - 12 - 6:00 p.m.)

15. PUBLIC HEARING B NOTICE OF INTENT RESOLUTION PERTAINING TO THE COLLECTION OF NON AD VALOREM SEWAGE FACILITY ASSESSMENT. SECTION 197.3632, FLORIDA STATUTES, REQUIRES THAT THE COUNTY ADOPT THIS RESOLUTION IF IT WISHES TO COLLECT THE COUNTY=S NON AD VALOREM SEWAGE FACILITY ASSESSMENTS PERTAINING TO CERTAIN REAL PROPERTY IN THE MUNICIPAL SERVICE DISTRICT OF PONTE VEDRA BEACH USING THE TAX COLLECTOR PROCEDURE FOR COLLECTING AD VALOREM TAXES COMMENCING IN THE FALL OF THIS YEAR

Proof of publication of the notice of public hearing on the notice of intent resolution pertaining to the collection of non ad valorem sewage facility assessment was received having been published in The St. Augustine Record on January 25, February 1, 8, and 15, 2000.

(6:02 p.m.) Joe Vonasek, Budget Analyst, made a presentation on the resolution of intent to assess regarding the Ponte Vedra MSD Sewer Project; addressed the authority for assessments; and described the elements of the assessment process. Discussion followed regarding the purpose of the notice of intent resolution.

(6:08 p.m.) Kenneth Mason, 16 Sea Winds Lane East, Ponte Vedra Beach, displayed a map that was published in The Ponte Vedra Recorder on April 16, 1999, which shows the areas with existing sewers, proposed sewers, areas where they were never considered, and the excluded areas; then, commented in support of the resolution. (6:13 p.m.) Marshall Hartman, 28 Ramona Street, Ponte Vedra Beach, commented in favor of the project if the County can obtain State funding to pay for most of the cost of the project; then, read a letter from Karen Shuman urging the Board to exclude the Sea View Park Subdivision from the project. (6:17 p.m.) Virginia Simpson, 51 Valencia Street, Ponte Vedra Beach, commented on the sewer project survey. (6:20 p.m.) Donald Poling, 37 Jefferson Avenue, Ponte Vedra Beach, commented in favor of the project if it has a funding source.

(6:23 p.m.) Chuck Baxter, 508 Morning Side Drive, commented in favor of the project but not the funding. (6:26 p.m.) George Ruotolo, 59 Solana Road, commented in opposition to the sewer project until a funding source is found. (6:29 p.m.) Robert Brock, 356 San Juan Drive, Ponte Vedra Beach, commented in favor of the resolution. (6:30 p.m.) Leona Yonge, 38 Alhambra St., Ponte Vedra Beach, suggested the Board not proceed with the project until certain facts are known about funding. (6:32 p.m.) John Harris, 539 Canal Road, Ponte Vedra Beach, commented in favor of the resolution. (6:35 p.m.) Richard Olson, 342 Quail

Pointe, Ponte Vedra Beach, commented in favor of the resolution. (6:37 p.m.) Mike Koerner, 3040 La Reserve Drive, commented in favor of the sewer system. (6:41 p.m.) Robert Lindsay, 301 Pablo Road, Ponte Vedra Beach, commented in favor of the sewer system.

(6:42 p.m.) Mack McCuller, 28 Monterey St., Ponte Vedra Beach, commented in favor of the sewer project, but was opposed to the funding mechanism. (6:46 p.m.) Jay Skelton, 196 San Juan Drive, Ponte Vedra Beach, commented in favor of the sewer project. (6:50 p.m.) Leilani Fitzgerald, 554 Rutile Drive, Ponte Vedra Beach, commented in favor of the resolution. (6:56 p.m.) Bill Smedberg, 332 San Juan Drive, Ponte Vedra Beach, commented on the sewer project survey. (6:59 p.m.) Marcy Silkebaken, 41 Phillips Avenue, Ponte Vedra Beach, commented in favor of the resolution. (7:01 p.m.) Harry Graham, 223 Pablo Road, Ponte Vedra Beach, commented in favor of the resolution. (7:02 p.m.) Tim Gaskin, 74 San Juan Drive, Ponte Vedra Beach, commented in favor of the resolution.

(7:03 p.m.) Virginia Simpson read a letter from Earl Newton, Sea View Park, who was opposed to the funding of the sewer project; then, read a letter from Joan Labry, 48 Valencia Street, opposing the sewer project. (7:10 p.m.) Reardon read a letter from Jean Langston expressing opposition to the sewer project. (7:12 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to adopt the Notice of Intent Resolution (Resolution No. 2000-25) pertaining to the collection of the County=s non ad valorem sewage facilities assessments in the Ponte Vedra Beach MSD.**

RESOLUTION NO. 2000-25

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, STATING ITS INTENT TO USE THE SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR COLLECTING NON AD VALOREM ASSESSMENTS TO LEVY, COLLECT AND ENFORCE THE NON AD VALOREM SEWAGE FACILITY ASSESSMENTS THAT WILL BE LEVIED ON CERTAIN DESCRIBED REAL PROPERTY THAT IS LOCATED WITHIN THE MUNICIPAL SERVICE DISTRICT OF PONTE VEDRA BEACH; STATING A NEED FOR SUCH LEVY; PROVIDING INSTRUCTIONS TO THE COUNTY ADMINISTRATOR; PROVIDING THAT THE CLERK SHALL MAIL A COPY OF THIS RESOLUTION TO THE TAX COLLECTOR, PROPERTY APPRAISER AND DEPARTMENT OF REVENUE; AND PROVIDING AN EFFECTIVE DATE

(02/22/2000 -13 - 7:12 p.m.)
COUNTY COMMISSIONERS= REPORT

No reports.

(02/22/2000 - 13 - 7:12 p.m.)
COUNTY ADMINISTRATOR=S REPORT

No report.

(02/22/2000 - 13 - 7:13 p.m.)
COUNTY ATTORNEY'S REPORT
No report.

(7:13 p.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to adjourn the meeting.**
There being no further business to come before the Board, the meeting thereupon adjourned at 7:13 p.m.

REPORTS:

1. St. Johns County Check Register, Disbursement Fund, checks 285404 through 285649 totalling \$1,053,935.00 (02/18/00)

CORRESPONDENCE:

1. Notice to William McQuilkin informing him of his appointment to the St. Johns County LAMP Conservation Board (02/15/00)
2. Notice to James Kern informing him of his appointment to the St. Johns County Code Enforcement Board (02/15/00)
3. Notice to Jaime Rojas informing him of his appointment to the St. Johns County Code Enforcement Board (02/15/00)
4. Notice to Warren Michael, Jr. informing him of his appointment to the St. Johns County Code Enforcement Board (02/15/00)
5. Notice to Al Schmidt informing him of his appointment to the St. Johns County Code Enforcement Board (02/15/00)
6. Notice to Eugene Watson informing him of his appointment to the St. Johns County Industrial Development Authority (02/15/00)
7. Notice to Charles Usina informing him of his appointment to the St. Johns County Industrial Development Authority (02/15/00)
8. Notice to Alfred Liotta informing him of his appointment to the St. Johns County Board of Adjustments and Appeals (02/15/00)
9. Notice to David Miller informing him of his appointment to the St. Johns County Board of Adjustments and Appeals (02/15/00)
10. Notice to Councilwoman Doris Fisher informing her of her appointment to the St. Johns County LAMP Conservation Board (02/15/00)
11. Letter to the Secretary of State filing Ordinances No. 2000-9 and 2000-10 (02/17/00)

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