

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 11, 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
Marc Jacalone, District 3
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Lenora Newsome, Deputy Clerk

(04/11/2000 - 1 - 9:06 a.m.)

CALL TO ORDER

The meeting was called to order by Bryant.

(04/11/2000 - 1 - 9:06 a.m.)

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

(04/11/2000 - 1 - 9:06 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(04/11/2000 - 1 - 9:07 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

Adams requested to remove item #5 from the Consent Agenda and stated that it would not be rescheduled.

(04/11/2000 - 1 - 9:08 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
03/21/00 BCC Workshop
03/21/00 BCC Special Meeting
1999 Value Adjustment Board
2. Approval of a motion setting a public hearing to adopt the EAR Based Comprehensive Plan Amendments on May 10, 2000 at 9:00 a.m.
3. Approval of a motion setting a public hearing for the Nocatee DRI Comprehensive Plan Amendment for Monday, May 22, 2000 at 9:00 a.m.

4. Approval of a request from the Clerk of Courts Office for disposal of records in accordance to Florida Statutes 119.01(4) and 119.041(1).
5. Approval of a motion declaring County Vehicle 482 as surplus, and allowing Staff to use the vehicle for a trade-in.

This item was removed from the Consent Agenda and will not be rescheduled.

6. Approval of a Resolution setting a Public Hearing for petition to vacate a portion of Ramona Street.

RESOLUTION NO. 2000-40

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SETTING A PUBLIC HEARING FOR THE PETITION TO VACATE A PORTION OF RAMONA STREET.

7. Approval of a motion adopting a Resolution approving a final plat for Marsh Creek Unit 8 Replat.

RESOLUTION NO. 2000-41

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSH CREEK UNIT EIGHT REPLAT.

8. Approval of a motion authorizing the County Administrator to negotiate the SHIP contract with the Consumer Credit Counseling Service for providing the Home Buyer credit counseling and homeowner classes.
9. Motion approving the use of up to \$275 of SHIP Administration Funds to pay for May 11 workshop attendance by Bill Lazar of the St. Johns Housing Partnership.
10. Motion approving the extension of J.D. McIntire's contract to conduct inspections for the SHIP Rehabilitation Program.
11. Approval of a motion transferring \$600.00 from the TDC Category II Reserve Fund to account 147-53728-968-53110, contribution to the City of St. Augustine's cost for the Millennium Celebration.
12. Approval of a motion adopting a Resolution approving the terms of a Purchase and Sale Agreement and accepting an easement and deed dedication right-of-way for the acquisition of property for the construction of the Holmes Boulevard Extension.

RESOLUTION NO. 2000-42

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT AND ACCEPTING AN EASEMENT AND DEED OF DEDICATION RIGHT-OF-WAY FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF THE HOLMES BOULEVARD EXTENSION.

13. Approval of a Resolution adopting drainage easements required for the Greenbriar Road Transportation Project.

RESOLUTION NO. 2000-43

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF THE PERPETUAL EASEMENTS REQUIRED FOR THE GREENBRIAR ROAD TRANSPORTATION PROJECT.

14. Approval of a motion transferring \$6,585 from Judicial Center Reserves to Contractual Services to fund the additional signs included in the interior package for the complex.
15. Approval of a motion allowing Staff to negotiate a tentative contract for software upgrades with Pentamation.

File:

- a. Proof, Notice of Special Meeting of the St. Johns County Board of County Commissioners, April 4, 2000.
- b. Proof, Notice of Town Meetings, March 29, March 30, April 6, April 12, and April 19, 2000.
- c. Proof, Certificate of Liability Insurance, Aquamarine Swimming Pool Company.
- d. Proof, Certificate of Insurance, Hatfield, Hatfield & Associates, Inc.
- e. Proof, Certificate of Liability Insurance, Abba Construction, Inc.
- f. Proof, Notice of Canceled SJC Board of County Commissioners Meeting, March 28, 2000.
- g. Proof, Request for Qualifications, RFQ-Medical and Dental Services – Hastings Medical Center.
- h. Proof, Request for Proposals, RFP 00-32 Archaeological Survey Consulting Services.
- i. Proof, Notice of Public Hearing, SJC Water and Sewer Authority Adoption of Price Index, April 5, 2000.
- j. Proof, Notice of Meeting, Intergovernmental Committee, April 5, 2000.
- k. Proof, Notice of Public Hearing, Establishment of Ordinance and Regulations affecting the use of Land, April 4 and April 18, 2000.
- l. Proof, Notice of Public Hearing, Establishment of Ordinance and Regulations affecting the use of Land, April 4 and April 18, 2000.
- m. Proof, Notice of Public Hearing, Ordinance 99-51, April 4 and April 18, 2000.
- n. Proof, Notice of Public Hearing, Ordinance 89-63 SJC Water and Sewer Authority, April 11, 2000.
- o. Proof, Certificate of Liability Insurance, Aquamarine Swimming Pool Co.
- p. Proof, Evidence of Property Insurance, St. Johns County Welfare Federation, Inc.
- q. Proof, Evidence of Property Insurance, St. Johns County Welfare Federation Inc.
- r. Proof, Evidence of Property Insurance, St. Johns County Welfare Federation, Inc.
- s. Proof, Evidence of Property Insurance, St. Johns County Welfare Federation, Inc.
- t. Proof, Evidence of Property Insurance, St. Johns County Welfare Federation, Inc.

- u. Proof, Certificate of Liability Insurance, St. Johns County Welfare Federation, Inc.
- v. Proof, Certificate of Liability Insurance, St. Johns County Welfare Federation, Inc.
- w. Proof, Notice of Meeting, Proposed Ordinance Amending Articles II, IV, VI, and VII of the Land Development Code, April 4, 2000.
- x. Proof, Notice to Bidders, Bid No. 34.
- y. Proof, Notice for Qualifications, RFQ00-35 Hearing Officers for the St. Johns County Utility Authority.
- z. Proof, Notice of District Town Meetings, March 29, March 30, April 6, April 12, and April 19, 2000.
- aa. Proof, Certificate of Insurance, Taylor Engineering, Inc.
- bb. Proof, Certificate of Insurance, Connelly & Wicker, Inc.
- cc. Proof, Certificate of Liability Insurance, GCR, Inc.

(04/11/2000 - 4 - 9:08 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to add a discussion on the Abatement Program for the asbestos that was found in Flagler West as item #2a.

(04/11/2000 - 4 - 9:08 a.m.)

APPROVAL OF REGULAR MEETING AGENDA

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

(04/11/2000 - 4 - 9:09 a.m.)

PRESENTATION OF A PROCLAMATION DECLARING THE WEEK OF APRIL 9TH THROUGH APRIL 15TH, 2000 BE DESIGNATED AS VICTIM'S RIGHTS WEEK.

Kohnke presented on behalf of the Board a proclamation on Victim's Rights Week and was received by Mary Alice Coalson. Coalson reviewed the rest of the events for the week for Victim's Rights.

(9:13 a.m.) Adams presented a retirement certificate to Warnock Tedder. Tedder expressed his pleasure working for St. Johns County and that he would miss the people he worked with. There were remarks made by all the Commissioners to Tedder and a retirement gift presented to him from the County Employee Sunshine Network.

(04/11/2000 - 4 - 9:23 a.m.)

PUBLIC COMMENT

Louise Thrower, 288 Orange Avenue, spoke on records being destroyed. Bryant read the records that are to be destroyed listed in Consent item #4.

(9:27 a.m.) Marsha Sanks, 7130 Second Street, spoke on an old trailer needing to be removed off of the property at 7380A CR 208. Bryant directed Adams to check into this matter. Discussion followed.

(9:33 a.m.) Dante Salamone, 5225 Datil Pepper Road, commented on Warnock Tedder doing a good job working for the County.

(9:35 a.m.) Heather Michael, 981 Irma Way, spoke on being rudely interrupted at the LAMP Meeting when she was speaking.

(04/11/2000 - 5 - 9:37 a.m.)

1. PUBLIC HEARING – ORDINANCE RELATED TO THE REGULATION OF WATER AND SEWER UTILITIES WITHIN THE UNINCORPORATED AREA OF ST. JOHNS COUNTY, AMENDING COUNTY ORDINANCE 89-63. THIS PROPOSED ORDINANCE AMENDS ST. JOHNS COUNTY ORDINANCE NO. 89-63, PROVIDING ATTENDANCE REQUIREMENTS FOR MEMBERS OF THE ST. JOHNS COUNTY WATER AND SEWER AUTHORITY; CHANGING THE PROCESS FOR THE REMOVAL OF MEMBERS OF THE AUTHORITY; CHANGING THE TERM OF OFFICE OF MEMBERS OF THE AUTHORITY TO FOUR YEARS; PROVIDING FOR PERIODIC REPORTS ON THE STATUS OF THE REGULATORY FEE FUND, AND PROVIDING AN EFFECTIVE DATE.

Proof of publication of notice of public hearing on St. Johns County Water and Sewer Authority, Ordinance #89-63, was received having been published in *The St. Augustine Record* on March 27, 2000.

George Flint, Executive Director, St. Johns County Water and Sewer Authority, reviewed the proposed amendments to Ordinance 89-63. Discussion followed on having appointments of the members of the Authority staggered, being limited to a two-year term in office, and on being removed from office if miss three consecutive meetings in a row. Bosanko stated that it would take another amendment to limit the term in office to two years. Kohnke suggested to bring another amendment on limiting the term in office to two years back before the Board in a couple of weeks for approval. (9:44 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve proposed Ordinance No. 2000-20, related to the regulation of private water and wastewater utilities within St. Johns County.**

ORDINANCE NO. 2000-20

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, RELATED TO THE REGULATION OF WATER AND SEWER UTILITIES WITHIN THE UNINCORPORATED AREA OF ST. JOHNS COUNTY, FLORIDA; AMENDING ST. JOHNS COUNTY ORDINANCE NUMBER 89-63, AS AMENDED; PROVIDING ATTENDANCE REQUIREMENTS FOR MEMBERS OF THE ST. JOHNS COUNTY WATER AND SEWER AUTHORITY; CHANGING THE PROCESS FOR THE REMOVAL OF MEMBERS OF THE AUTHORITY; CHANGING THE TERM OF OFFICE OF MEMBERS OF THE AUTHORITY TO FOUR YEARS; PROVIDING FOR PERIODIC REPORTS ON THE STATUS OF THE REGULATORY FEE FUND; AND PROVIDING AN EFFECTIVE DATE.

(04/11/2000 - 5 - 9:45 a.m.)

2. PUBLIC HEARING – PONTE VEDRA BEACH LIBRARY APPEAL OF THE ARCHITECTURAL REVIEW COMMITTEE. ON MARCH 8, 2000, THE ARCHITECTURAL REVIEW COMMITTEE (ARC) OF THE PONTE VEDRA OVERLAY DISTRICT CONSIDERED AN APPLICATION TO APPROVE AN ADDITION TO THE EXISTING PONTE VEDRA BRANCH LIBRARY ALONG WITH ASSOCIATED LANDSCAPING, BUFFERING AND PARKING. AFTER DISCUSSION, THE ARC VOTED TO CONTINUE THE APPLICATION TO THE NEXT REGULAR MEETING ON MARCH 22. IN THE MOTION TO CONTINUE, THE ARC REQUESTED MODIFICATIONS TO THE PROPOSED BUILDING DESIGN, EXTERIOR COLORS AND LANDSCAPING.

Proof of publication of notice of public hearing on Ponte Vedra Beach Library Appeal of the Architectural Review Committee, was received having been published in *The St. Augustine Record* on March 25, 2000.

Sonya Doerr, AICP Principal Planner, reviewed this item with audio-visual display on the architecture of the Library. Mike Rubin, Director Construction Services, stated with audio-visual display that the question is, whether the building is compatible with the surrounding area and stated that he thinks it is. He stated that he didn't realize that he had to go before the Ponte Vedra Beach Architectural Review Committee until the last minute; he thinks the BCC should decide whether to redesign or not; and he reviewed what needed to be done if the building was redesigned. He read the objections that were stated in their denial. (9:59 a.m.) Richard Barfield, Assistant County Attorney, entered the meeting. Rubin stated that they were ready to go to bid in about 30 days and the cost in the design was \$70,000. He stated it would cost about \$10,000 to make changes. Discussion followed on making changes delaying the building of the library; and avoiding building two libraries at the same time. Kohnke announced that she was the one who decided to build these libraries back to back. The Board Members announced receiving exparte' communication by letters, phone calls, and faxes. Bosanko stated that any letters received about the design issue needed to be given to the Clerk. Kohnke and Howell briefly summarized the nature of the comments they had received. Rubin stated that the Board had a wonderful Planning Staff.

(10:16 a.m.) Frank Shumer, 2419 South Ponte Vedra Blvd., spoke on the library needing more design done to bring it up to character of the area and showed the designs of the area using audio-visual display. Discussion followed on the roof type, the design of the library, the new proposed building not having any overhangs, and windows being consistent on the building.

(10:42 a.m.) Allen McKellips, 408 West University Avenue, Gainesville, Architect, stated that the street side view rendering is what the building is going to look like and spoke on the functions of the different rooms. Discussion followed on having two buildings look like they are stuck together; how much of the Expansion Committee's desires for the interior of the building dictated the design; the type of glass used for the windows; and the type of material used for the roof structure.

(11:00 a.m.) Edward M. Barrett, 91 San Juan Drive, Ponte Vedra Beach, spoke on denying the appeal; spoke in favor of redoing the design and recommended sitting down with ARC and working a compromise.

(11:03 a.m.) Cameron Lacy, 550 LeMaster Drive, Ponte Vedra Beach, spoke on redoing the design of the library.

(11:05 a.m.) Cathy Portrie, 8010 Merganser Drive, Ponte Vedra Beach, President of the Friends of the Library of Ponte Vedra Beach, read a speech for Sherry Tathom, Chair of the Expansion Committee, on seeing a compromise between everyone.

(11:07 a.m.) Taryn Rodriguez-Boyette, 212 12th Street, expressed her support for the County Staff and spoke on proceeding with the plans as presented.

(11:09 a.m.) Patricia Laurencelle, 23 Versaggi Drive, spoke in opposition of the ARC's decision and requested that the BCC overturn the denial and allow the plans to continue as presented.

(11:11 a.m.) Sharon Warner, 115 South Roscoe, Ponte Vedra Blvd., spoke in favor of the ARC's decision.

(11:12 a.m.) Marie Seifert, 109 Buck Island Court, Ponte Vedra Beach, spoke in favor of the ARC's decision and submitted pictures.

(11:16 a.m.) Frederic S. Owen, 13 Maria Place, spoke on the BCC not having to decide on this item, suggested to send it back to ARC, and direct them to work with the County to solve the problem. He entered a letter into the record from C. Gates Beckwith.

(11:19 a.m.) David Spiller, 1178 Salt Marsh Circle, Ponte Vedra Beach, spoke in favor of the ARC's decision.

(11:23 a.m.) Bob Cameron, 10 Lake Terrace, spoke on redoing the design of the library.

(11:24 a.m.) Heather Michael, 981 Irma Way, spoke on redoing the library design.

(11:28 a.m.) Kohnke commented on pictures not being shown on the veranda buildings, the ARC spending five hours on this design and couldn't come up with a compromise, questioned to what extent should an ARC Committee be allowed to redesign a building, commented on having guidelines for the roof line, wanting the reading room to be a dramatic room, flat roofs for easy maintenance, and rooms needing natural light. Reardon stated that he feels that the resident should have a say in this matter and he is concerned about a time line. Rubin stated that he had no problem with rescinding this item back to the ARC Board, but it will cause a 90 day delay. Discussion followed on remanding this item back to the ARC Board. (11:42 a.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to remand this item back to the Architectural Review Committee with the understanding that they will make every effort to work with the County to come to some kind of agreement.**

(11:43 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to rearrange the agenda by hearing item #3 now and move the rest of the agenda items #2a, 4, 5, 6, 7, Commissioner's Reports, County Administrator's Report, County Attorney's Report, and the Clerk of Court's Report to the afternoon after item #10.**

(04/11/2000 - 7 - 11:43 a.m.)

2a. ABATEMENT PROGRAM FLAGLER WEST

Moved to the afternoon. (See page 8)

(04/11/2000 - 7 - 11:43 a.m.)

3. DISCUSSION OF BEACH DRIVING ON NORTH BEACH WITH THE RECREATION DEPARTMENT AND THE SHERIFF'S OFFICE.

Barfield left the meeting. Bryant left the meeting. Jacalone reviewed this item recommending to continue allowing people that are familiar with that section of the beach to use it, but require those people to get a permit to do so. Discussion followed on how people with permits will be identified, not being able to restrict people from that section of the beach, and having permits and enforcing them. (11:56 a.m.) David Williams, Recreation Department, gave a historical review of the beach with audio-visual display. He also showed a video of the beach line and spoke on the permit process. Bryant re-entered the meeting.

(12:04 p.m.) John Forbes, 3990 Coastal Hwy., spoke on the critical condition of the beach.

(12:06 p.m.) Dante Salamone, 5225 Datil Pepper Road, spoke on the critical condition of the beach and suggested to open another access to the beach north of Vilano. Bryant requested Williams to check on the accesses to the beach.

(12:10 p.m.) Paul Fletcher, 24713 Deer Trace Drive, Ponte Vedra, spoke on driving on the beach being destructive to the beach and suggested taking strong action against it.

(12:12 p.m.) John Underwood, 3011 South Ponte Vedra Blvd., spoke on the beach recovering, if the people stopped destroying it.

(12:15 p.m.) Marjorie Blocksidge, 110 Ocean Hollow Lane, voiced being opposed to driving on the beach and her concern on safety of people on the beach.

(12:18 p.m.) Daniel Rourke, 101 Azalea Point Drive North, Ponte Vedra Beach, spoke on safety, quality of life and ecological concerns. He submitted a picture of signage.

(12:22 p.m.) Sacha Martin, 133 Coastal Hollow Circle, spoke on driving on north beaches should not be allowed.

(12:26 p.m.) Martin B. Miller, 29 Hildreth Drive, spoke on being allowed to drive on the beaches.

(12:30 p.m.) Heather Michael, 981 Irma Way, spoke on this being public beaches and should be for the public. She stated that she is opposed to closing the beaches.

(12:33 p.m.) William Morton, 2 Viejo Street, spoke on addressing the south beach area. Jacalone stated that conditions are different on the south side and this item does not address the beaches south of the County ramp.

(12:41 p.m.) Neil Perry, Sheriff, St. Johns County, 13065 County Road 13 North, spoke on the work that was done on the beaches and all the hours spent by the Sheriff's Office doing it. He stated that they were no closer to solving the beach access than they were years ago and agreed with passing the ordinance. He said the beach is in worse shape than it has been in a long time. Kohnke requested at the next meeting to have Williams and Shimer come back with details on what is going to be done from beginning to end with the North Beach area. Reardon requested for research to be done on the property north of the Gate Station that has been authorized to be a parking area. (12:49 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to schedule readings for the ordinance on April 25, 2000 at 5:30 p.m. and if necessary, a second hearing on May 9, 2000 at 9:00 a.m.**

(12:51 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to recess for lunch at 12:52 p.m.**

The meeting reconvened at 1:30 p.m. with Bryant, Kohnke, Howell, Jacalone, Reardon, Bosanko, Adams, and Judy Hamilton, Deputy Clerk, in attendance.

(1:37 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to hear Item #4 first this afternoon before Item #8.**

(04/11/2000 - 8 - 2:16 p.m.)

2a. ABATEMENT PROGRAM FOR ST. JOHNS COUNTY HEALTH & HUMAN SERVICES CENTER

Adams asked the Board to approve Task Order #04 to Continuing Contract for Environmental Services for Various Projects in St. Johns County between Reynolds, Smith & Hills, Inc. and the County, regarding St. Johns County Health Complex, scope of services including Removal/Disposal of Asbestos Containing Materials, for the lump sum of \$24,850. (2:17 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the issuance of a Task Order to Reynolds, Smith & Hills,**

Inc. in the amount of \$24,850 for the abatement of asbestos at the St. Johns County Health & Human Services Center, to be paid through the General Fund Reserves.

The next item discussed was Item #5.

(04/11/2000 - 9 - 1:38 p.m.)

4. CONSIDER A RESOLUTION ADOPTING A RENTAL AGREEMENT WITH THE OPTION TO PURCHASE THE COUNTY-OWNED PROPERTY ON MARINE STREET BY THE COUNCIL ON AGING

Mary Ann Blount, Real Estate Manager, made a presentation to the Board. The Council on Aging had presented a rental agreement with option to purchase that outlined their proposed plan to use, rent, and purchase the property for \$800,000 over a five year period. The first \$300,000 would be due within six months after they exercised their option and the \$500,000 would be paid no later than the end of that five year period. The rental portion of the agreement calls for \$2,000 a month for 120 months with 80% of that amount being applied to the purchase price. She reviewed two changes to the proposed lease. Discussion was held on the aspects of the proposed lease; the form of the lease; asbestos concerns; environmental site assessment; need for the Construction Department to inspect the building; comparability of rental amount; easement for a perpetual parking lot; an appraisal. (1:54 p.m.) Joseph Bowles, Chairman of the Board of the Council on Aging, spoke on the proposed partnership with the County, and excitement about green space. (2:04p.m.) Cathy Brown, Executive Director of the Council on Aging, spoke in favor of this project. (2:06 p.m.) Heather D. Michael, 981 Irma Way, spoke in favor of the project.

(2:07 p.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt Resolution No. 2000-44, with amendments; with enhancements as stated by the Deputy County Attorney: to the fourth WHEREAS, to add the words “which will serve a major public service” as a finding of fact; and, add to Paragraph 2 of the body of the Resolution the language “Adjustment by the County Administrator may be made to this attached agreement prior to execution in regards to the move-in date and to the legal description to make it more precise. (In other words, the legal description is not a proper legal description; a survey needs to be done and the move-in date is going to have to be adjusted.) On page 2 of the Agreement, paragraph 9, second sentence changed “~~The total assignment....~~” to “Any other assignment....”**

RESOLUTION NO. 2000-44

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A RENTAL AGREEMENT WITH OPTION TO PURCHASE THE COUNTY OWNED PROPERTY ON MARINE STREET BY THE COUNCIL ON AGING AND AUTHORIZING THE EXECUTION

The next item discussed was Item #8.

(04/11/2000 - 10 - 2:18 p.m.)

5. CONSIDER TWO TAX CREDIT RESOLUTIONS FOR THE ST. JOHNS HOUSING PARTNERSHIP, INC. AND THE HABITAT FOR HUMANITY OF ST. AUGUSTINE/ST. JOHNS COUNTY, INC.

Joe Stephenson, Director of Transportation and Housing, made a presentation to the Board, stating passage of these resolutions would aid the not-for-profit agencies in obtaining donations of goods and services for use in improving the quantity and quality of affordable housing in the community. (2:21 p.m.) **Motion by Reardon, seconded by Howell, carried 5/0, to adopt Resolution No. 2000-45.**

RESOLUTION NO. 2000-45

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CERTIFYING THAT THE ST. JOHNS HOUSING PARTNERSHIP, INC., PROGRAMS FOR REPAIR AND CONSTRUCTION OF HOUSING FOR LOW INCOME PERSONS IS CONSISTENT WITH LOCAL PLANS AND REGULATIONS

(2:22 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2000-46.**

RESOLUTION NO. 2000-46

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CERTIFYING THAT THE HABITAT FOR HUMANITY OF ST. AUGUSTINE/ST. JOHNS COUNTY PROGRAM FOR CONSTRUCTION OF HOUSING FOR LOW INCOME PERSONS IS CONSISTENT WITH LOCAL PLANS AND REGULATIONS

(04/11/2000 - 10 - 2:23 p.m.)

6. CONSIDER THE ACQUISITION AND INSTALLATION OF AUXILIARY GENERATORS AT THE SWITZERLAND, PALM VALLEY AND ORANGEDALE FIRE STATIONS AT THE COST OF \$37,950

Joe Vonasek, Budget Officer, made a presentation to the Board, stating the Director of Emergency Services had made his own estimates of the requirements, had three alternatives to choose from, and has viewed Option 2, which is a 10KW, 3-phase generator, as being the most appropriate for the three stations. The per unit cost of the generator and installation is \$11,500 according to estimates obtained by the Director and allowing for a 10% contingency the three stations could be equipped for approximately \$37,950. Outlay for this would come from the Fire Services Capital Outlay Department. Ray Ashton, Director of Emergency Services, answered questions of the Board. Discussion of building covers over the generators in-house ensued. (2:28 p.m.) **Motion by Howell, seconded by Kohnke, carried 5/0, to approve the acquisition and installation of auxiliary generators at the Switzerland, Palm Valley, and Orangedale fire stations at a total cost of \$37,950.**

(04/11/2000 - 11 - 2:29 p.m.)

7. UPDATE ON THE CODE ENFORCEMENT BOARD DECISION FINDING NO VIOLATION BY OLSEN TIRE COMPANY LOCATED AT 220 VALLEY CIRCLE, PONTE VEDRA BEACH, FLORIDA

Bosanko reported to the Board on this issue, stating he thought they could appeal this to a higher court. The Olsen Tire rezoning, which the Board had turned down, has been appealed and thus two appeals would be going on at the same time. The Board inquired about the Code Enforcement Board's decision and asked questions of legal counsel about appealing this. Bosanko stated he thought there was a valid argument to appeal this on and there was a valid argument the other way. Discussion followed about appealing and about holding a closed door meeting.

The meeting recessed at 2:44 p.m. and reconvened at 2:55 p.m.

Bosanko stated that State law requires 10 days advertisement before a closed door meeting for litigation purposes, so the closed door meeting could be held on April 25. (2:55 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to schedule a closed door meeting between the Board of County Commissioners and the legal counsel regarding the Code Enforcement Board decision finding no violation by Olsen Tire Company located 220 Valley Circle, Ponte Vedra Beach, Florida, said meeting being held on April 25, 2000, at 4:00 p.m.**

The next item discussed was Item #10.

(04/11/2000 - 11 - 2:10 p.m.)

8. PUBLIC HEARING - R-00-007, MOLASSES JUNCTION COUNTRY STORE. THIS REQUEST IS FOR THE REZONING OF APPROXIMATELY 2.33 ACRES OF LAND FROM OR TO CI WITH CONDITIONS TO ALLOW THE FUTURE EXPANSION OF AN EXISTING RURAL COMMERCIAL DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF COUNTY ROAD 214 WITHIN THE A-1 FUTURE LAND USE DESIGNATION. APPROVAL OF THIS REZONING WOULD ALLOW THE EXISTING GENERAL STORE WITH A FUTURE EXPANSION NOT TO EXCEED 5,000 SQUARE FEET; REPAIR AND SERVICE OF TRACTOR AND FARM EQUIPMENT, AND OFFICES RELATED TO THE APPROVED USES.

Proof of publication of the notice of public hearing on the rezoning, R-00-007, Molasses Junction Country Store, was received having been published in *The St. Augustine Record* on March 27, 2000.

Heather Morris, Planning Coordinator, made a presentation to the Board, stating Staff and PZA recommended approval.. The applicant was in attendance. (2:11) **Motion by Reardon, seconded by Howell, carried 5/0, to enact Ordinance 2000-21, adopting Findings of Fact 1-5 to support the motion.**

ORDINANCE NO. 2000-21

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF OPEN RURAL TO**

**COMMERCIAL INTENSIVE WITH CONDITION;
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING AN EFFECTIVE
DATE**

(04/11/2000 - 12 - 2:11 p.m.)

9. PUBLIC HEARING - CHRIST EPISCOPAL CHURCH REZONING TO R-2 MULTIPLE FAMILY. CHRIST EPISCOPAL CHURCH, AT 400 SAN JUAN DRIVE, IS WITHIN THE PONTE VEDRA ZONING DISTRICT. THE CHURCH AND RELATED BUILDINGS ARE SITUATED UPON LANDS WHICH ARE ZONED R-2 MULTIPLE FAMILY, WHICH ALLOWS CHURCHES AND ACCESSORY CHURCH USES.

Proof of publication of the notice of public hearing on the rezoning from R-1-D to R-2 for Christ Episcopal Church, was received having been published in *The St. Augustine Record* on March 27, 2000.

Sonya Doerr, AICP, Principal Planner, made a presentation to the Board, stating the property would be used only for overflow parking, and the Ponte Vedra Zoning & Adjustment Board recommended approval. Blake F. Deal, III, 50 Highway 1A, Suite 103, attorney for the applicant, had no comments. (2:14 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2000-22 approving the rezoning of Lots 5, 6, 7, 10 and 11, Block 5, of the St. Johns Seaview Park Unit 1 from R-1-D Single Family to R-2 Multiple Family with conditions, limiting the R-2 Multiple Family to parking only, with conditions A through F.**

ORDINANCE NO. 2000-22

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF R-1-D TO R-2;
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING AN EFFECTIVE
DATE**

The next item discussed was Item #2a.

(04/11/2000 - 12 - 2:56 p.m.)

10. PUBLIC HEARING - A-001 APPEAL OF THE LAURENCE/GRAUBARD SUBDIVISION SITE PLAN. THIS ITEM WAS ORIGINALLY TO BE HEARD ON MARCH 14, 2000; HOWEVER, BEFORE THAT HEARING STAFF BECAME AWARE THAT LOTS WITHIN THE LAURENCE/GRAUBARD SUBDIVISION HAD BEEN SOLD. IN THAT THE APPEAL MAY AFFECT THE DEVELOPMENT OF SUCH LOTS, THE BOARD ADVISED STAFF TO NOTICE THE PROPERTY OWNERS WITHIN THE LAURENCE/GRAUBARD SUBDIVISION. STAFF NOTIFIED EACH PROPERTY OWNER, KNOWN AS OF MARCH 23, 2000, BY LETTER AND PROVIDED EACH A COPY OF THE APPEAL. IN ADDITION, MR AL HADEED REPRESENTING THE APPELLANTS SUBMITTED, FOR THE BOARD'S REVIEW A "REPLY TO COUNTY STAFF REPORT AND AMENDMENT TO NOTICE OF APPEAL." THIS DOCUMENT PROVIDES

FOR 6 ISSUES THAT THE APPELLANTS FEEL WERE NOT ADDRESSED IN THE PREVIOUS REPORT TO THE BOARD OR SUFFICIENTLY ADDRESSED DURING REVIEW OF THE SUBDIVISION.

Proof of publication of the notice of public hearing on the Appeal A-001, Laurence/Graubard Subdivision Site Plan, was received having been published in *The St. Augustine Record* on February 28, 2000. This item was continued from March 14, 2000.

Court Reporter, Diane M. Tropa, was in attendance.

Bosanko briefly discussed procedures. The two issues were stated by Bosanko: whether the appellants have standing and the second, whether this site plan should have been platted under the plat law and plat ordinances, because of an easement on the property. (3:00 p.m.) Al Hadeed, representing the appellant, David Wiles, was in attendance. Fred Lauderhaus, representing the applicants, was in attendance. (3:02 p.m.) Discussion of Roger Van Ghent being an appellant was held. Van Ghent stated he was not represented by anybody but himself. (3:03 p.m.) Scott Clem, Director of Growth Management, stated that a determination was not made as to Van Ghent having standing. Bosanko stated they had one appellant, David Wiles. (3:04 p.m.) Clem addressed the procedural issues, standing of appellant and applicability of the subdivision site plan process versus the platting subdivision process. (3:15 p.m.) Clem stated this project should have been a platted subdivision and that the subdivision site plan that had been approved was no longer valid. Staff's recommendation was, based on evidence, that the project should go back through a platting process.

(3:16 p.m.) Hadeed stated their position as agreeing with Staff on the issue of standing as well as that the project should be platted for the reason of the utility easement. They also agreed with Staff's observation that the other issues that are raised, the archeological issues, natural buffer issues, the other issues could be resolved within the platting context. He stated because there was not an agreement on standing from the developer he must present evidence that showed Wiles had the requisite standing. Hadeed stated the standing appeal was filed on February 14. The significant issue was being filed within the 30 days required. (3:19 p.m.) Hadeed called Nancy Holdsworth as his first witness. Bosanko swore in Nancy Holdsworth, 1400 SR 207, who gave testimony to Hadeed's questions. Hadeed presented Exhibit for Appellant #1, the appeal, which Holdsworth stated she delivered on the afternoon of the 14th of February to Ben Adams' office, the County Administrator, and to the Commissioners' Office. (3:22 p.m.) Fred Lauderhaus questioned Holdsworth about the fax, who stated she did not have a copy of the fax with her. Discussion was held on the date stamp on the appeal of County Administrator's Office, being February 15. (3:24 p.m.) Hadeed asked Holdsworth about the file stamp date and asked her to study it; Holdsworth read "Received February 15, St. Johns County Planning Department." (3:24 p.m.) Hadeed introduced his next witness, David Wiles, 8220 A1A South. Bosanko swore in Wiles. Questioning of Wiles was done by Hadeed. (3:39 p.m.) Lauderhaus questioned Wiles. (3:45 p.m.) Hadeed made closing comments. (3:50 p.m.) Lauderhaus presented his argument. (4:11 p.m.) Kohnke revealed ex-parte communication. Howell revealed ex-parte communication. Bryant revealed ex-parte communication. Jacalone revealed ex-parte communication. Reardon disclosed ex-parte communication.

(4:15 p.m.) Robert Graubard, 33 Water Street, St. Augustine, was sworn in by Bosanko and gave testimony. (4:21 p.m.) Hadeed objected to Graubard reading his testimony and stated that it was a narrative. Bosanko stated this was not a court of law.

(4:24 p.m.) Babette Ashley, 50 N. Laura Street, Jacksonville, stated she was involved in this process, who stated she had been directed by Assistant County Attorney Patrick McCormack, to go under the new LDRs as they were coming into effect and as they did come into effect. She stated McCormack made a determination on behalf of the County that the subdivision site plan review process was appropriate for this particular item. Bosanko stated Ashley's comments were going in another direction and that those issues would not be raised here today. Hadeed objected to comments made by Ashley. Discussion was held by the Board. (4:38 p.m.) Ray McCall, 5455 A1A South, spoke as a property owner of one of the lots, and payment of water and sewer impact fees. (4:39 p.m.) William D. Mitchell, 6745 A1A South, presented a list of property owners, who thought they could build on their property. He read a letter from William B. Angyalffy. (4:44 p.m.) Heather Michael, 981 Irma Way, spoke on citizen groups with personal agendas. (4:44 p.m.) John A. O'Hara, Jr., 8000 A1a S., #2-107, spoke on improper decisions that were made by the County officials and the denial of the public's ability to take part in these proceedings that should have been done through the platting process. (4:48 p.m.) Ray Walter, 4812 Innisbrook Ct. So., Elkton, a licensed building contractor, spoke on being contracted to build a home for Mark Stas.

(4:51 p.m.) Deputy Clerk Judith Hamilton left the meeting, and Deputy Clerk Yvonne King entered the meeting.

(4:53 p.m.) Marilyn Wiles, 8220 A1A South, commented in opposition to the site plan. (4:58 p.m.) Winston Radford, 122 Marshside Drive, representing Winston Radford, Jr., commented in favor of the site plan. (5:01 p.m.) Deborah Andrews, 11 N. Roscoe Blvd., commented on the site plan. (5:02 p.m.) Bosanko suggested the Board ask: whether Patrick McCormack made the statements that were attributed to him before or after the easements were given to the County; ask Teresa Bishop whether all the 28 lots were in the same site plan and whether that single site plan was the subject of the appeal; and if all the lot owners were notified of the hearing. (5:04 p.m.) Graubard responded that the statements made by McCormack were made before the easement was granted. (5:04 p.m.) Bishop submitted the list to the Clerk of notices that were sent to the property owners. Bishop said the appeal that was filed by Mr. Wiles was for one site plan. (5:07 p.m.) Graubard requested the site plan be put into the record. (5:07 p.m.) Al Hadeed requested Staff provide the officially approved site plan to be entered into the record. (5:06 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, that the appellate has standing; being that the appeal was filed in a timely manner and that Mr. Wiles living within 300 feet as presented by his evidence and his testimony.** Discussion followed on the approved site plan and the easement request. (5:12 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/1 with Jacalone dissenting, that the subject development is required to have been platted pursuant to Section 5.01.02 of the St. Johns County Land Development Code in Chapter 177, Florida Statutes, based on the fact that a utility easement on this site in favor of the County has been delivered to the County by the applicant; therefore, pursuant to said section of St. Johns County Land Development Code; the subject site plan is hereby revoked.**

(04/11/00 - 15 - 5:21 p.m.)
COMMISSIONER'S REPORTS

Commissioner Howell:

Howell said he and a County employee visited the Bennett property with a group of children. They viewed the various trees, plants, etc.

(5:22 p.m.)

Commissioner Kohnke:

Kohnke requested the Board set a date for a field trip to view wetlands. Discussion followed on a date. (5:23 p.m.) ***It was the consensus of the Board to set the date for the field trip for Monday, April 24, 2000 at 12:00 noon.***

(5:28 p.m.)

Commissioner Bryant:

Bryant announced the town meeting that will be held on Wednesday, April 12, 2000 at 6:00 p.m. at St. Anastasia Catholic Church.

(5:28 p.m.)

Commissioner Jacalone: No report.

(5:29 p.m.)

Commissioner Reardon:

Reardon asked if the County will have a booth at Earth Day at the Amphitheater on April 22, 2000.

Reardon requested the Board place on a future agenda a discussion of fines for code violations.

(04/11/00 - 15 - 5:33 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced the joint meeting with the School Board on Wednesday, April 19, 2000 at 9:00 a.m. at the School Board Building.

(04/11/00 - 15 - 5:34 p.m.)

COUNTY ATTORNEY: No report.

(5:34 p.m.) Joann Vacky, 40 Jessica Lynn Place, questioned the difference in site plan and plotting. Bosanko offered to meet with Ms. Vacky and provide her with an explanation.

(5:37 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 adjourned at 5:37 p.m.

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief, Bureau of Administrative Code, regarding Ordinance No. 2000-19, dated March 23, 2000.
2. Letter to Shannon Novey, Hopping Green Sams & Smith, regarding copies of Ordinance No. 98-7 and Resolution No. 98-191, dated March 29, 2000.

REPORTS:

1. St. Johns County Check Register, Disbursement Fund, checks number 286860 through 287428, totaling \$2,547,463.41 (03/27/00).

Approved __May 9, _____, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk