

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 12, 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
Judy Hamilton, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(09/12/2000 - 1 - 9:04 a.m.)

CALL TO ORDER

The meeting was called to order by Chair Bryant.

(09/12/2000 - 1 - 9:04 a.m.)

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

(09/12/2000 - 1 - 9:05 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(09/12/2000 - 1 - 9:07 a.m.)

PRESENTATION BY JEA OF VIDEO PROJECTOR FOR EMERGENCY OPERATIONS CENTER

David Dorsey, Manager of Systems Operation at JEA, spoke on the relationship between JEA and St. Johns County, stating JEA staff and EOC had identified some of the County's needs. Dorsey stated it was JEA's privilege to present the video projector to the County. The Board and Ray Ashton, Director of Emergency Services, expressed their thanks to JEA.

(09/12/2000 - 1 - 9:11 a.m.)

PRESENTATION OF GFOA AWARD TO THE OFFICE OF MANAGEMENT AND BUDGET

Adams displayed the award given to the County by Government Finance Officers Association (GFOA), which recognized exemplary budget documentation by local governments. Adams stated it was a "team" award, between Staff, the Board, and citizens. The Board and Adams expressed their appreciation to Joe Vonasek and Doug Timms, Budget Officers, and commended them for their open door policy.

(09/12/2000 - 2 - 9:23 a.m.)

PROCLAMATION RECOGNIZING CONSTITUTION WEEK, SEPTEMBER 17 THROUGH SEPTEMBER 23, 2000

Bryant announced that the proclamation recognizing Constitution Week, September 17 through September 23, 2000, would be at the September 19, 2000 Board meeting.

(09/12/2000 - 2 - 9:16 a.m.)

PROCLAMATION RECOGNIZING MENTOR MANIA MARATHON SEPTEMBER 14 THROUGH SEPTEMBER 26, 2000

Jacalone read the Proclamation into the record, which proclaimed Thursday, September 14, 2000 through Tuesday, September 26, 2000, be designated as the official Mentor Mania Marathon in St. Johns County, and urged all citizens to join Big Brothers Big Sisters, Communities in Schools, Retired & Senior Volunteer Program, Safe & Drug Free Schools Youth Motivators and Take Stock in Children in supporting their mentoring efforts. Jackie Allbritten of Take Stock in Children and Teresa Andrews of Big Brothers Big Sisters accepted the Proclamation.

(09/12/2000 - 2 - 9:24 a.m.)

PUBLIC COMMENT

Robert P. Wheeler, 10805 Russell Sampson Road, appeared before the Board about the paving of Russell Sampson Road. Wheeler submitted a petition regarding same. Discussion was held on traffic problems, heavy truck traffic, and excessive dirt and wear and tear on wet roads. Bosanko addressed the primary question of ownership, stating he had scheduled a meeting within a couple of weeks to discuss how the County can acquire that road bed. Joe Stephenson, Public Works Director, is also working on scheduling a survey of the road bed, per Bosanko. Further discussion ensued on the paving and ownership problems. Howell advised Wheeler that Russell Sampson Road is included in the Northwest Sector Study going on at this time.

(09/12/2000 - 2 - 9:41 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

Kohnke requested that Consent Agenda Item #13 be pulled and placed on the Regular Agenda as 6a. Adams requested Consent Agenda Items #19 and #20 be pulled and placed on the Regular Agenda as 9a and 9b.

(09/12/2000 - 2 - 9:43 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
 - 07/24/00 - BCC Special Meeting
 - 07/25/00 - BCC Regular Meeting
 - 07/27/00 - BCC Special Meeting
 - 08/01/00 - BCC Special Meeting
 - 08/01/00 - BCC Workshop
 - 08/08/00 - BCC Regular Meeting
 - 08/15/00 - BCC Regular Meeting
 - 08/15/00 - BCC Special Meeting
 - 08/15/00 - BCC Workshop

2. Sheriff's Bonds:

Approve: Martinez, Clarisse	Cancel: Gentry, Terri
Rahill, Rosemary	McHone, Sharon
Kausch, Lynn	Imperiale, Barbara
Bourchard, Jeremy	Berger, Bjorn I
	Gumm, Stephanie

3. Approval of a motion to establish October 10, 2000 at 5:30 p.m., November 14, 2000 at 9:00 a.m. as public hearing dates to consider Amendments to the Ponte Vedra Zoning District Regulations, Ordinance 99-43 and also to establish November 14, 2000 at 9:00 a.m. and December 12, 2000 at 5:30 p.m. as public hearing dates to consider amendments to Article III of the Land Development Code, the addition of the Vilano Beach Town Center/South Ponte Vedra Overlay District.

4. Approval of a motion to establish October 10, 2000 at 1:30 p.m. as a public hearing date to consider amendments to Ordinance 87-57, as previously amended, The St. Johns County Road Impact Fee Ordinance.

5. Approval of a motion adopting Resolution Consenting to the Exercise of Powers Pursuant to Section 190.012(2)(a), Florida Statutes, as pertaining to the Sampson Creek CDD.

RESOLUTION NO. 2000-117

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CONSENTING TO THE EXERCISE OF POWERS PURSUANT TO SECTION 190.012(A), FLORIDA STATUTES, FOR THE SAMPSON CREEK COMMUNITY DEVELOPMENT DISTRICT

6. Approval of a motion to authorize the Chairman to execute a "Requisition for Refund" form for approval of a refund of unclaimed redemption monies in the amount of \$324.20 to Mr. Charles Sanks.

7. Approval of a motion to adopt Resolution recognizing unanticipated revenues in the amount of \$195,000 and appropriating it for use in Department 502 - Fleet Maintenance.

RESOLUTION NO. 2000-118

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

8. Approval of a motion to adopt Resolution requesting State Rule to designate "Slow Speed, Minimum Wake" at ramp at Devil's Elbow Fish Camp on Intracoastal Waterway.

RESOLUTION NO. 2000-119

A RESOLUTION OF ST. JOHNS COUNTY REQUESTING THE DIVISION OF LAW ENFORCEMENT, FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION TO ESTABLISH A RESTRICTED AREA DESIGNATION FOR A SPECIFIC SECTION OF THE INTRACOASTAL WATERWAY LOCATED IN ST. JOHNS COUNTY AND FURTHER THAT THE DEPARTMENT AUTHORIZE THE COUNTY TO INSTALL "SLOW SPEED/MINIMUM WAKE" REGULATORY MARKERS WITHIN THE RESTRICTED AREA.

9. Approval of a motion to establish October 10, 2000 at 1:30 p.m. as a Public Hearing Date to consider an Ordinance designating an "Idle Speed No Wake Zone" at Cunningham Creek from the SR 13 Bridge to the Intersection of the St. Johns River.
10. Approval of a motion allowing County Administrator or his designee to enter into a contract with the low bidder, Indian River Industrial Contractors, Inc., in the amount of \$217,000.00 for Bid No. 00-60. *(See Attachment "A.")*
11. Motion to adopt Resolution allowing the Planning Division to expend the unanticipated revenue toward the initiation of a Coastal Habitat Conservation Plan.

RESOLUTION NO. 2000-120

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

12. Motion to approve Resolution authorizing a map of Kenton Morrison Road is filed with the Clerk of Courts in accordance with Florida Statute 95.361 Roads presumed to be dedicated when constructed by the County and maintained by the County for four (4) years the road shall be vested in the County.

RESOLUTION NO. 2000-121

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING A MAP OF KENTON MORRISON ROAD IS FILED WITH THE CLERK OF COURTS IN ACCORDANCE WITH FLORIDA STATUTE 95.361 ROADS PRESUMED TO BE DEDICATED WHEN CONSTRUCTED BY THE COUNTY AND MAINTAINED BY THE COUNTY FOR FOUR (4) YEARS THE ROAD SHALL BE VESTED IN THE COUNTY

13. Motion to adopt Resolution accepting a Grant of Easement for additional right-of-way on Woodward Road for drainage and utility purposes.

This item was moved to the Regular Agenda as Item #6a. See page 13.

14. Motion to adopt Resolution accepting Easement Agreements for the sidewalk to be constructed along the West Side of Lewis Speedway and along the South Side of School House Road to Varella Avenue.

RESOLUTION NO. 2000-122

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING EASEMENT AGREEMENTS FOR THE SIDEWALK TO BE CONSTRUCTED ALONG THE WEST SIDE OF LEWIS SPEEDWAY AND ALONG THE SOUTH SIDE OF SCHOOL HOUSE ROAD TO VARELLA AVENUE

15. Motion to adopt Resolution accepting a Deed for additional right-of-way and a Temporary Construction Easement as part of the Greenbriar Road Transportation Project.

RESOLUTION NO. 2000-123

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED FOR ADDITIONAL RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT AS PART OF THE GREENBRIAR ROAD TRANSPORTATION PROJECT

16. Motion to adopt Resolution accepting maintenance agreements from FDOT for sidewalk projects on Greenbriar Road and Lewis Speedway (County Road 16A).

RESOLUTION NO. 2000-124

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING MAINTENANCE RESPONSIBILITY FOR SIDEWALKS ON GREENBRIAR ROAD FROM SWITZERLAND POINT MIDDLE SCHOOL TO FOXHILL TRAIL AND COUNTY ROAD 16A (LEWIS SPEEDWAY) FROM COVINO AVE TO SCHOOLHOUSE ROAD THEN TO VARELLA AVE

17. Motion to adopt Resolution approving a Final Plat for Julington Creek Plantation Parcel 28-29.

RESOLUTION NO. 2000-125

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 28-29

18. Motion to adopt Resolution approving a Final Plat for River Town North Riverfront.

RESOLUTION NO. 2000-126

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

**APPROVING A SUBDIVISION PLAT FOR RIVERTOWN
NORTH RIVERFRONT**

19. Motion to adopt Resolution approving a Final Plat for Wildfire Pine One at Cimmarone Golf and Country Club.

This item was moved to the Regular Agenda as Item #9a. See page 11.

20. Motion to adopt Resolution approving a Final Plat for Iroquois Point at Cimmarone Golf and Country Club.

This item was moved to the Regular Agenda as Item #9b. See page 11.

21. Motion to adopt Resolution approving the Final Plat for Plantation at Ponte Vedra Unit Eleven.

RESOLUTION NO. 2000-127

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR PLANTATION
AT PONTE VEDRA UNIT ELEVEN**

22. Motion to adopt a Resolution establishing a public hearing on October 10, 2000 at 1:30 p.m. to consider a petition to vacate three drainage and utility easements in Crescent Cove Subdivision.

RESOLUTION NO. 2000-128

**RESOLVED, THAT THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, IN
THE COUNTY AUDITORIUM OF ST. JOHNS COUNTY
ADMINISTRATION BUILDING, ON OCTOBER 10, 2000,
AT 1:30 P.M. UPON PETITION OF QUALIFIED
LANDOWNERS, WILL CONSIDER THE ADVISABILITY
OF EXERCISING THE POWER GRANTED TO IT BY
SECTION 336.09, FLORIDA STATUTES 1985, AND
DETERMINE WHETHER IT WILL VACATE, ABANDON,
DISCONTINUE AND CLOSE PORTIONS OF CERTAIN
STREETS, ALLEYWAYS OR ROADS DESCRIBED AS PER
ATTACHED "SCHEDULE A" AND THE NOTICE
REQUIRED BY SECTION 336.10, FLORIDA STATUTES
1985, IS HEREBY AUTHORIZED AND DIRECTED TO BE
PUBLISHED.**

23. Motion to approve budgetary allocation of funds to accomplish CPI Rate Increase. It is authorized by contract agreement for the operation and transportation requirements of Solid Waste Transfer Station.
24. Approval of a motion to send a letter to the Commissioner of the National Football League supporting the City of Jacksonville's efforts to secure the XXXIX Super Bowl to be held in 2005 and to adopt Resolution of understanding on Ambuse Marketing, Public Safety and support for the Super Bowl Event to be held in Jacksonville in 2005.

RESOLUTION NO. 2000-129

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING THE CITY OF JACKSONVILLE, FLORIDA, IN THEIR EFFORTS TO PREPARE A FORMAL BID TO BE DESIGNATED AS THE XXXIX SUPER BOWL SITE TO OCCUR IN 2005

25. Approval of a motion to allow the County Administrator to enter into a contract with Camp, Dresser & McKee (CDM) to prepare and submit within the required time the 2000/2001 Wastewater Grant Application to Florida Department of Environmental Protection.
26. File:
- a. Proof, Notice of Canceled Meeting, St. Johns County Water and Sewer Authority, August 2, 2000.
 - b. Proof, Notice of Public Hearings, establishing Ordinance/Regulations affecting the use of land, August 15, 2000 (*Mandarin News*).
 - c. Proof, Notice of Public Hearing, establishing Ordinance/Regulations affecting the use of land, August 15, 2000 (*The Beaches Leader*).
 - d. Proof, Request for Proposals, RFP 00-62.
 - e. Proof, Notice to Bidders, Bid No. 00-72.
 - f. Proof, Request for Proposals, RFP 00-68.
 - g. Proof, Notice of Organizational Meeting Value Adjustment Board, August 4, 2000.
 - h. Proof, Notice of Public Hearing to Consider Purchase, Sale and Privatization of Water and Wastewater Utilities, August 15, 2000 (*Ponte Vedra Recorder*).
 - i. Proof, Notice of Public Hearing, Standard Unsafe Building Abatement Code, August 15, 2000.
 - j. Proof, Notice of Public Hearing, SJC Code Enforcement Board, August 15, 2000.
 - k. Proof, Notice of Public Hearing to Consider Purchase, Sale and Privatization of Water and Wastewater Utilities, August 15, 2000.
 - l. Proof, Notice of Special Meeting, to Consider Purchase, Sale and Privatization of Water and Wastewater utilities, August 15, 2000.
 - m. Proof, Notice of Public Hearing to Consider Purchase, Sale and Privatization of Water and Wastewater Utilities, August 15, 2000.
 - n. Proof, Notice of Special Meeting, Board of County Commissioners, September 5, 2000, Equestrian Way, R-PRD-00-17, NZV00-003.
 - o. Proof, Notice of Canceled Regular BCC Workshop, September 5, 2000.
 - p. Proof, Notice of Meeting, SJC Economic Development Committee, August 10, 2000.
 - q. Proof, Notice of Meeting, SJC Economic Development Committee, August 17, 2000.
 - r. Proof, Notice to Bidders, Bid No. 00-71.
 - s. Proof, Notice of Special Meeting and Public Hearing, Consideration of Purchase of Certain Water and Wastewater Utilities, August 15, 2000.
 - t. Proof, Notice of Public Hearing, Establishment of Ordinance/Regulations affecting the use of land, August 1, 2000 and August 15, 2000.
 - u. Proof, Request for Proposals, RFP No. 00-75.
 - v. Proof, Notice of Public Meeting, Establishment West Augustine Community Redevelopment Agency, August 21, 2000.
 - w. Proof, Notice of Hearing, Value Adjustment Board, August 25, 2000.
 - x. Proof, Notice to Bidders, Bid No. 00-61.

- y. Proof, Notice of Public Hearing, Consider Purchase, Sale and Privatization of Water and Wastewater Utilities, August 15, 2000 (*Mandarin News*).
- z. Proof, Notice of Public Hearing, Establishment of Ordinance/Regulations affecting the Use of Land, August 15, 2000 (*Mandarin News*).
- aa. Proof, Notice of Workshops, New Town Future Land Use Designation, August 1, 2000 and Pipelining for DRI Projects, August 15, 2000.
- bb. Proof, Certificate of Liability Insurance, BGCO, Inc.
- cc. Proof, Certificate of Liability Insurance, BGCO, Inc.
- dd. Proof, Certificate of Liability Insurance, Walter J. O'Kon.
- ee. Proof, Certificate of Insurance, Earth Tech (Infrastructure), Inc.
- ff. Proof, Certificate of Liability Insurance, John Q. Hammons Hotels Two, L.P.

(09/12/2000 - 8 - 9:43 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested the addition of Item #3a, Sewer Project Update, and Item #3b, Appointment of Designee to represent the County Commission on the National Estuarine Research Reserve Management Advisory Group (NERR-MAG).

(09/12/2000 - 8 - 9:44 a.m.)

APPROVAL OF REGULAR AGENDA

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

The next item discussed was Item #2.

(09/12/2000 - 8 - 9:47 a.m.)

1. PUBLIC HEARING - AMENDMENTS TO ARTICLES III, V, IX, X, AND XII OF THE LAND DEVELOPMENT CODE.

Proof of publication of the notice of public hearing on the Amendments to Articles III, V, IX, X, and XII of the Land Development Code, was received having been published in *The St. Augustine Record* on September 1, 2000.

Scott Clem, Director of Growth Management Services, presented the proposed amendments to the Board. Strickland left the meeting. Clem first reviewed the proposed amendments to *Article III, Special Districts*. Discussion was held on the proposed revisions. (10:14 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., St. Augustine, spoke on exterior site lighting, definition of native vegetation in buffers, and signs. (10:25 a.m.) Edward H. Underhill, 304 Sea Woods Dr. N., spoke on the Mid-Anastasia Island Overlay District, "keeping what we see" and commended County staff. (10:29 a.m.) Esther Marshall, 329 Marshside Dr. N., St. Augustine, spoke on Mid-Anastasia Island and in support of what Underhill said. (10:31 a.m.) Mary Saunders, 107 Clam Bake Ct., St. Augustine, spoke on native vegetation and the Mid-Anastasia Island Overlay.

The meeting recessed at 10:33 a.m. and reconvened at 10:44 a.m.

(10:44 a.m.) Clem reviewed the proposed amendments to *Article V, Development Options*. Discussion was held on the proposed amendments. Howell left the meeting at 11:15 a.m. to attend another meeting. (11:28 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., St. Augustine, spoke on changing plat size to 40 acres, maps, context of development, streams, and impacts on drainage, topography and environmental issues.

(11:31 a.m.) Clem reviewed the proposed amendments to *Article IX, Administration*. Discussion was held on the proposed amendments.

(11:41 a.m.) Clem reviewed the proposed amendments to *Article X, Interpretations, Equitable Relief, and Enforcement*. Discussion was held on the proposed amendments.

(11:43 a.m.) Clem reviewed the proposed amendments to *Article XII, Definitions*. Discussion was held on the proposed amendments.

(11:50 a.m.) **Motion by Reardon, seconded by Jacalone, carried 4/0 with Howell absent, to set the second public hearing for proposed amendments to Articles III, V, IX, X, and XII of the Land Development Code for October 10, 2000 at 5:30 p.m.**

The next item discussed was Item #3.

(09/12/2000 - 9 - 9:46 a.m.)

2. CONSIDER WAIVER OF FILING FEE FOR A ZONING VARIANCE FOR DAVID WILLIAMS, 311 LINDEN ROAD, IN COMPLIANCE WITH RESOLUTION 99-147

Rosemary Yeoman, Zoning Director, made a presentation to the Board, stating it was a request to waive the Zoning Variance filing fee of \$500; the waiver was sought for maximum height of a fence. Staff had no objection to the Waiver. (9:47 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the waiver of the filing fee for zoning variance of David Williams, finding the request in compliance with Resolution No. 99-147.**

The next item discussed was Item #1.

(09/12/2000 - 9 - 11:51 a.m.)

3. CONSIDER REDUCING THE RETURNED CHECK LIST BY \$5,814.46 FOR UNCOLLECTED CHECKS AND WRITE THEM OFF THE ACCOUNTS RECEIVABLE OF THEIR RESPECTIVE FUNDS

Mike Givens, Chief Deputy-Finance, made a presentation to the Board. Discussion was held on the proposed write-offs. Jacalone suggested formulating some kind of a policy to have identification requirements on all checks that they take and to utilize the State Attorney as much as they can because they are very successful in getting results. Requiring a certified check for payment of impact fees was recommended to be considered by the Finance Committee for placement on the Board agenda. (11:55 a.m.) **Motion by Jacalone, seconded by Reardon, carried 4/0 with Howell absent, to reduce the Returned Check List by \$5,814.46 for the attached uncollected checks and write them off the accounts receivable of their respective funds.**

(09/12/2000 - 9 - 11:55 a.m.)

- 3a. MSD SEWER PROJECT

Jacalone requested Joe Vonasek, Budget Director, to give the Board a statement of the sewer assessment. Vonasek stated a year ago the Board expressed an interest in assisting the MSD areas that were on sewer by implementing a sewer collection system and paying for that improvement through a non ad valorem assessment. They have moved forward with that process to a point where they have made some substantial progress, accomplishing certain legal requirements with the Public Service Commission. At this point, they are attempting to get United Water, the sewer provider in that area, cooperation in executing a letter of intent of mutual interest in providing a special wastewater service availability contract and receiving a declaratory statement from the PSC that would allow the connection of any collection system that the County would construct there to the United Water system. A letter of intent would exhibit to the PSC a mutual agreement on that issue where United Water says they are willing to accept those flows and the County says they are willing to connect. In addition, there has been a certain amount of funding

that has been acquired by the County that will be utilized for this project, both from the State Water Resources Board and from a federal appropriation that should reduce the cost of the system to the citizens. Still to come in the process would be a resolution to be brought to the Board of the Notice of Intent to Assess in accordance with F.S. 197. The County will have to seek financing for the project and contract with the Property Appraiser and the Tax Collector and have to acquire a consultant to implement the assessment roll that would be necessary for the unfunded costs after state and federal funding.

(09/12/2000 - 10 - 12:00 p.m.)

3b. NERR-MAG

Jacalone stated the National Estuarine Research Reserve has a Management Advisory Group, which requires a member of the BCC or their designee to sit on. Jacalone had assumed that duty since the group's inception and requested the Board to allow Jacalone recommend appointing Jan Brewer as his designee to serve on the Management Advisory Group of the NERR. Brewer had agreed to the appointment. (12:01 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Howell absent, to appoint Jan Brewer as the Board's designee to the management Advisory Group of National Estuarine Research Reserve.**

(09/12/2000 - 10 - 12:01 p.m.)

COMMISSIONERS' REPORTS

Commissioner Reardon: - No report.

Commissioner Jacalone: - No report.

Commissioner Bryant: - No report.

(12:01 p.m.) Commissioner Kohnke: Kohnke stated she had attended the MSD meeting yesterday and stated one of their primary concerns was about the drainage in the Guana and Kohnke referred Mr. Crane to Joe Stephenson, Public Works Director, who will contact Crane. Kohnke reported on a Palm Valley Community Association meeting; discussion ensued.

(09/12/2000 - 10 - 12:21 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(09/12/2000 - 10 - 12:21 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(09/12/2000 - 10 - 12:21 p.m.)

CLERK OF COURT'S REPORT

No report.

(12:21 p.m.) **Motion by Bryant, seconded by Jacalone, carried 4/0 with Howell absent, to bring Items 9a and 9b, which were Consent 19 and 20, to be heard now.**

(09/12/2000 - 11 - 12:21 p.m.)

- 9a. CONSENT AGENDA ITEM 19. MOTION TO ADOPT RESOLUTION APPROVING A FINAL PLAT FOR WILDFIRE PINE ONE AT CIMMARONE GOLF AND COUNTRY CLUB; *and*
- 9b. CONSENT AGENDA ITEM 20. MOTION TO ADOPT RESOLUTION APPROVING A FINAL PLAT FOR IROQUOIS POINT AT CIMMARONE GOLF AND COUNTRY CLUB.

Betty Sue Stepp, Development Review Manager, made presentation of the items to the Board. (12:22 p.m.) **Motion by Jacalone, seconded by Reardon, carried 4/0, to approve Consent Item 19 and 20, with stipulation that the permanent reference monuments were set within the 14 day time limit.**

RESOLUTION NO. 2000-130

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR WILDFIRE PINES ONE AT CIMARRONE GOLF AND COUNTRY CLUB

RESOLUTION NO. 2000-131

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR IROQUOIS POINT AT CIMARRONE GOLF AND COUNTRY CLUB

The meeting recessed at 12:23 p.m. and therefore reconvened at 1:30 p.m. with Bryant, Kohnke, Howell, Jacalone, Reardon, Adams, Bosanko, Lopez, and Deputy Clerk Lenora Newsome present.

(09/12/00 - 11 - 1:34 p.m.)

- 4. PUBLIC HEARING – R-00-021 D&J AUTO SALES – THIS REQUEST SEEKS TO REZONE APPROXIMATELY .18 ACRE OF LAND FROM INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL INTENSIVE (CI). THE PROPERTY IS LOCATED ON THE WEST SIDE OF SOUTH DIXIE HIGHWAY, SOUTH OF ITS INTERSECTION WITH STATE ROAD 207, WITHIN THE MIXED USE FUTURE LAND USE DESIGNATION. THE SURROUNDING ZONING IS CI, IW AND COMMERCIAL GENERAL (CG) AND SURROUNDING DEVELOPMENT TRENDS INCLUDE INTENSE COMMERCIAL DEVELOPMENT. THE PROPOSED REZONING IS CONSISTENT WITH THE COMPREHENSIVE PLAN, AND COMPATIBLE WITH THE SURROUNDING AREA AND ZONING.

Proof of publication of notice of public hearing on R-00-021- D & J Auto Sales, was received having been published in The St. Augustine Record on August 22, 2000.

Heather Morris, Planning Coordinator, presented this item, stating that the Planning & Zoning Agency unanimously recommended approval at their August 3rd hearing.

(1:35 p.m.) Bill Smith, 467 Casarina Circle, stated that the use is consistent with the development of the area. Reardon questioned if there were any responses or concerns from surrounding residents. Morris replied some citizens at the Planning and Zoning hearing were concerned with drainage issues and traffic. She mentioned that these citizens were told that those issues would be checked into. Howell questioned the intent of the

applicant. Smith answered that it would be a very small used car lot. **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance No. 2000-51 adopting Findings of Fact 1-6 to support the motion.**

ORDINANCE NO. 2000-51

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(09/12/00 - 12 - 1:37 p.m.)

5. PUBLIC HEARING – R-00-0025 AFFORDABLE AUTO - THIS REQUEST SEEKS TO REZONE APPROXIMATELY ONE ACRE OF LAND FROM COMMERCIAL GENERAL (CG) TO COMMERCIAL INTENSIVE (CI). THE PROPERTY IS LOCATED ON THE NORTH-SIDE OF STATE ROAD 16, EAST OF BAY STREET, WITHIN THE MIXED-USE FUTURE LAND USE DESIGNATION. THE DEVELOPMENT PATTERNS FOR THE AREA INCLUDE COMMERCIAL TO THE WEST, EAST AND SOUTH, AND RESIDENTIAL TO THE NORTH. THE SURROUNDING ZONING IS CG, CI, AND RS-3.

Proof of publication of notice of public hearing on R-00-025, Affordable Auto, was received having been published in The St. Augustine Record on August 3, 2000.

Morris presented this item, stating the Planning and Zoning Agency unanimously recommended approval at their August 3rd hearing. **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance No. 2000-52 adopting Findings of Fact 1-6 to support the Motion.**

ORDINANCE NO. 2000-52

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(09/12/00 - 12 - 1:39 p.m.)

6. PUBLIC HEARING – NZVAR 00 - 04 WOODWARD ROAD – THIS IS A NON ZONING VARIANCE REQUEST TO SECTION 6.02.11 OF THE LAND DEVELOPMENT CODE ENTITLED “FIRE PROTECTION”. THE APPLICANT WISHES TO CONSTRUCT WOODWARD ROAD WITHOUT FIRE PROTECTION.

Proof of publication of notice of public hearing on NZVAR 00 - 004 Woodward Road, was received having been published in The St. Augustine Record on August 29, 2000.

Darrell Locklear, Development Review Engineer Manager, presented this item, stating that the applicant wishes to construct Woodward Road without fire protection. Jacalone questioned how many fire hydrants were required according to the Land Development Code. John Contestabile, Fire Marshall, replied the code requires a fire hydrant every 650 feet maximum. Discussion followed on having central water in the area, a water source

coming from somewhere else other than a central water utility, the nearest fire department, and dividing the lots.

(1:53 p.m.) Avery Roberts, P.O. Box 233 Lake Butler, FL, applicant, spoke on the acre lots being divided.

(1:55 p.m.) John Kiedroski, Jr., 8357 Colee Cove Road, spoke in opposition of building anything in that area without fire protection.

(1:59 p.m.) Discussion followed on the development review of the lots, and having a water source for fire protection. **Motion by Jacalone, seconded by Howell, carried 5/0, to approve a non zoning variance request to Section 6.02.11 of the Land Development Code and that the applicant wishes to construct Woodward Road without fire protection and that the variance allow him to do so, with the following Findings of Fact: 1) This is financially impractical - 10 acre lots with 330' of frontage and 1320' depth Logistically impractical - multi ownership on road already Homes could be out of reach of hydrants, 2) Hydrants are an urban fire protection system and not designated for rural/agricultural developments, 3) Existing homes do not have hydrant systems, 4) Agricultural environment - there are no hydrants in the community, and 5) Hydrants will not ensure adequate fire protection - variance is consistent with agricultural residential areas, including the condition: approval of construction and engineering plans subject to all applicable St. Johns County requirements, except for fire protection, and the inclusion of the questions that the answers apply to.**

(09/12/00 - 13 - 2:04 p.m.)

6a. Motion to adopt Resolution accepting a Grant of Easement for additional right-of-way on Woodward Road for drainage and utility purposes. (*Consent item #13*)

Kohnke pulled this item to be placed after item #6 because she didn't think this consent item #13 should be approved if the regular item #6 was not waived. **Motion by Kohnke, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2000-132 accepting a Grant of Easement for additional right-of-way on Woodward Road for drainage and utilities purposes.**

RESOLUTION NO. 2000-132

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR ADDITIONAL RIGHT-OF-WAY ON WOODWARD ROAD FOR DRAINAGE AND UTILITY PURPOSES

(09/12/00 - 13 - 2:06 p.m.)

7. BRIEF ON MENTAL HEALTH SERVICES IN ST. JOHNS COUNTY.

Isabelle Lopez, Assistant County Attorney, reviewed this item briefly to bring the Board up to date on issues regarding Mental Health Services in St. Johns County. She briefly highlighted the four demands and three alleged violations of the law from a letter sent by Holland and Knight, LLP who represents various citizens of St. Johns County: 1) the Board approve the lease agreement for the Arenta Street location, 2) the Board create a minimum ten bed facility at Flagler West as a regional treatment center, 3) the Board insure at least six beds at the King Avenue Assisted Living Facility be designated as mental health priority beds, 4) the Board divest itself of the Single Point of Accountability function for the provision of mental health services in St. Johns County, and the three alleged violations of the law: 1) the plaintiff alleged that the Board had violated County Ordinance No. 90-65 the Fair Housing Code, 2) the Board violated state law Florida Statutes Chapter 419 and

generally the Florida Constitution, and the plaintiff alleged that the Board violated federal law generally referred to the Fair Housing Act and the US Constitution. She stated that Staff found no basis for violations of the law as alleged by the plaintiffs. Bosanko stated that the County Attorney's Office did not find violations. He read a proposed response to the complainants for their consideration and stated that the County Attorney's Office was not prepared at this time to give a recommendation. Reardon stated that he felt like the County was addressing the issue and providing the service. **Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt the letter written to Mr. Roberts and Mr. Soud read by Bosanko, oked by the Board.** Cheryl Strickland, Clerk of Courts and Mike Givens, Chief Deputy of Finance, entered the meeting. Isabelle Lopez left the meeting.

(09/12/00 - 14 - 2:15 p.m.)

8. CONSIDER CONVENTION CENTER ASSESSMENT CREDIT FUNDING ALTERNATIVES.

Givens reviewed this item, recommending approval of the Tourist Development Tax as the alternative. Bosanko stated that Jim Sisco asked the following two questions of the Attorney General relating to this issue, 1) If St. Johns County uses any portion of two percent Tourist Development Tax Revenues that it levies and collects pursuant to Ordinance 86-72 to pay debt service on a convention center that it owns and is operated by a private for profit entity pursuant to an operating agreement between the County and the private entity, will Section 125.0104(7), Florida Statutes, terminate the above described two percent Tourist Development Tax or the additional one percent Tourist Development Tax that the County levies and collects pursuant to its Ordinance 91-44; and 2) If Section 125.0104(7), Florida Statutes, causes County Ordinance 86-72 and/or County Ordinance 91-44 to expire could either or both of the expired ordinances be reenacted without the need for approval in a new referendum election; and is waiting for an answer. Discussion followed on a time frame for making the decision, and letting the TDC decide which category it will come out of.

(09/12/00 - 14 - 2:24 p.m.)

9. CONSIDER MOVING \$100,000 FROM 083.59902 SPECIAL CONTINGENCY RESERVE TO 018.53150 CONSULTING SERVICES IN THE FY 2001 BUDGET FOR THE PURPOSE OF FUNDING A "NATURAL COMMUNITIES & WILDLIFE HABITAT STUDY."

Joe Vonasek, Budget Officer, reviewed this item. Reardon expressed that it was, in his opinion, a wise choice to pursue this study. Strickland and Givens left the meeting. Kohnke requested a new resolution for the Land Acquisition Fund to receive money every year and have it cumulative until such time there is a sales tax that will bring the money in. She requested to have it brought back before the Board as a workshop item. **Motion by Jacalone, seconded by Kohnke, carried 5/0, to direct Staff to move \$100,000 from 083.59902 Special Contingency Reserve to 018.53150 Consulting Services in the FY 2001 budget for the purpose of funding a "Natural Communities & Wildlife Habitat Study."**

There being no further business to come before the Board, the regular meeting adjourned at 2:33 p.m.

REPORTS:

1. The Housing Finance Authority amended proposed budget FY ending September 30, 2001. (August 28, 2000)
2. Board Database Check Register Disbursement Fund, Check #292749-293009 dated August 18, 2000.
3. Board Database Check Register Disbursement Fund, Check #293037-293270 dated August 25, 2000.

4. Board Database Check Register Disbursement Fund, Check #293288-293512 dated August 31, 2000.
5. The Industrial Development Authority proposed budget FY ending September 30, 2001. (August 14, 2000)
6. Board Database Check Register Disbursement Fund, Check 293529-293724 dated September 8, 2000.

CORRESPONDENCE:

1. A Resolution dated August 28, 2000, from the Housing Finance Authority establishing its regular meeting dates.
2. A Resolution dated August 14, 2000, from the Industrial Development Authority establishing its regular meeting dates.
3. Card dated August 4, 2000, from the Municipal Code Corporation showing receipt of St. Johns County Ordinance Numbers 2000-31, 2000-34, 2000-36, 2000-38, 2000-39, 2000-42, and 2000-43.
4. Letter dated August 10, 2000, to Liz Cloud, Department of State, filing St. Johns County Ordinance Numbers 2000-45 and 2000-46.
5. Letter dated August 21, 2000, to M. Maximillion Wilson informing him of his appointment to the St. Johns County Health and Human Services Advisory Council.
6. Letter dated August 21, 2000, to Liz Cloud, Department of State, filing St. Johns County Ordinance Numbers 2000-47, 2000-48, and 2000-49.
7. Letter dated August 14, 2000, from Richard Brown, IT Land Associates, LLC regarding notice of conversion from SJH Partnership to a Delaware limited liability company, IT Land Associates.
8. Letter dated August 17, 2000, from Holland & Knight LLP, regarding public records request.
9. Letter dated August 30, 2000, to John Metcalf, Esquire, enclosing a certified copy of St. Johns County Resolution No. 2000-116 with Exhibits A and B.
10. Letter dated August 23, 2000, indicating M. Maximillion Wilson as being registered to vote in St. Johns County.
11. Loyalty Oath dated August 23, 2000 from M. Maximillion Wilson for the Health and Human Services Advisory Council.
12. Statement of Acceptance of Appointment dated August 22, 2000, from M. Maximillion Wilson accepting his appointment to the Health and Human Services Advisory Council.
13. Letter dated August 16, 2000, from Bill Young, Utility Director, regarding disposal of hauled waste to St. Johns County Utilities issued to Davis Precast & Ready-Mix Concrete Inc.
14. Letter dated August 18, 2000, to Mark Lawson, Esquire, enclosing a certified copy of St. Johns County Resolution No. 2000-116 with Exhibits A and B.
15. Statement of Acceptance dated August 14, 2000, from Bruce Lucker, accepting his appointment to the Tourist Development Council.
16. Loyalty Oath dated August 14, 2000, from Bruce Lucker for the Tourist Development Council.
17. Memorandum dated August 10, 2000, from Gary Davenport, Esquire, regarding recording fees for Bridgestone Unit Two Plat.
18. Letter dated September 7, 2000 to Liz Cloud, Department of State, filing St. Johns County Ordinance #2000-50.

19. Letter dated September 8, 2000 to Martha V. Porter, City Clerk, enclosing an original Interlocal Agreement for Government Television between The City of St. Augustine and St. Johns County.

Approved: September 26, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk