

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 10, 2001
(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: Mary Kohnke, District 4, Chair
Marc Jacalone, District 3, Vice Chair
Nicholas Meiszer, District 1
John Reardon, District 2
James E. Bryant, District 5
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Doug Burnett, Assistant County Attorney
Judy Hamilton, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(04/10/01 - 1 - 9:01 a.m.)
CALL TO ORDER

The meeting was called to order by Chair Kohnke.

(04/10/01 - 1 - 9:01 a.m.)
The Invocation was given by County Chaplain Ken Asplud. The Pledge of Allegiance was led by Reardon.

(04/10/01 - 1 - 9:02 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(04/10/01 - 1 - 9:02 a.m.)
PUBLIC COMMENT

Theresea Taylor, Court Reporter, was in attendance.

Vivian Browning, 40 Beachcomber Way, St. Augustine, reported that work was underway on a major landscaping project in the Vilano Beach area, with grant moneys that Staff and volunteers obtained in waterfront designations. She also commented on temporary signage, pavilions, and boardwalk construction.

(9:08 a.m.) Daniel MacDonald, 24501 Deer Trace Dr., Ponte Vedra Beach, spoke on procedures of the Planing & Zoning Agency, whereby an applicant is allowed to not show up at the hearing without notification and without penalty. He stated it created a hardship to the opposition in both time and money and could be used by an applicant to wear down the oppositions. MacDonald also commented about the availability of the PZA agendas. He suggested they require notification of the applicant by Noon the previous day, if the applicant was not going to be at the hearing. Kohnke requested Staff and Legal to come up with some set procedures that would be fair to everybody. Discussion ensued. Procedures will be brought back to the Board of County Commissioners for review and

enactment. Staff advised that the PZA agenda books are sent to Library Systems through interoffice distribution and that the agenda document itself would be faxed to the libraries. Staff will investigate delay of placement of agendas on the Internet.

(04/10/01 - 2 - 9:18 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested Items #6, #9, #10 and #11 be moved to the Regular Agenda. Burnett requested Items #2, #3 and #4 be moved to the Regular Agenda. These items were added as #11a (6), #11b (9), #11c (10), #11d (11), #11e (2), #11f (3) and #11g (4).

(04/10/01 - 2 - 9:20 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the Consent Agenda, removing Items 6, 9, 10, 11, 2, 3, and 4 to be readdressed at the end of the day as 11a, b, c, d, e, f, and g.

1. Approval of minutes:
02/23/01 - BCC Special
02/27/01 - BCC Regular
03/06/01 - BCC Workshop
2. Motion to adopt a Resolution approving a Final Plat for Keswick at Royal St. Augustine Golf & Country Club

This item was moved to the Regular Agenda as Item #11e.

3. Motion to adopt a Resolution approving a Final Plat for Blackmoor Gate at Royal St. Augustine Golf & Country Club

This item was moved to the Regular Agenda as Item #11f.

4. Motion to adopt a Resolution approving a Final Plat for Oxford at Royal St. Augustine Golf & Country Club

This item was moved to the Regular Agenda as Item #11g.

5. Motion to adopt **Resolution No. 2001-63**, approving a Final Plat for Stockbridge at Royal St. Augustine Golf & Country Club

RESOLUTION NO. 2001-63

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR STOCKBRIDGE AT ROYAL ST. AUGUSTINE GOLF & COUNTRY CLUB

6. Motion to approve Resolution amending the Fiscal Year 2001 Flagler Building Renovation budget to recognize unanticipated revenue in the amount of \$119,789 and appropriate it for the St. Johns County Health and Human Services Center renovation project

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

7. Motion to adopt **Resolution No. 2001-64**, approving the terms of the Lease Agreement from children and Families for the rental space located in the Health and Human Services Center

RESOLUTION NO. 2001-64

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A CONTRACT FOR AND LEASE OF THAT PORTION OF THE ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES CENTER CONSISTING OF APPROXIMATELY 7089 SQUARE FEET, MORE OR LESS, OF COUNTY-OWNED PROPERTY TO THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, PURSUANT TO SECTION 125.38, FLORIDA STATUTES

8. Motion to adopt **Resolution No. 2001-65**, approving 1st Amendment to the VA Medical Center and Project Special Care Lease Agreements to extend their respective Commencement Dates and Expiration Date

RESOLUTION NO. 2001-65

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A 1ST AMENDMENT TO THE VA MEDICAL CENTER AND PROJECT SPECIAL CARE LEASE AGREEMENTS TO EXTEND THEIR RESPECTIVE COMMENCEMENT DATES AND EXPIRATION DATES

9. Approval of a motion to allow the County Administrator or his designee to negotiate and enter into a contract with the No. 1 ranked firm, Valor Systems, Inc. Under RFP 01-16, Computer Aided Dispatch (CAD) System for the St. Johns County Department of Emergency Vehicles

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

10. Approval of a motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Southeastern Surveying and Mapping Corp. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm and continue until an agreement is reached

This item was moved to the Regular Agenda as Item #11c.

11. Approval of a motion to authorize the County Administrator to direct the Public Works Department to open Avery St. between Volusia Ave. and St. Johns St. and to open St. Johns St. from north of Aiken St. to just south of Pacific Blvd.

This item was moved to the Regular Agenda as Item #11d.

12. Approval of a motion to appoint Jan Pierce to the private sector board position for the First Coast Workforce Board

13. File:
- a. Proof, Notice of Private Meeting with County Administrator, Board of County Commissioners and County Attorney, March 27, 2001 at 9:00 a.m.
 - b. Proof, Notice of Special Meeting, Vilano Beach Subdivision, March 20, 2001 at 1:00 p.m.
 - c. Proof, Notice of Public Hearing, Amending, Supplementing and Replacing St. Johns County Utility Department Ordinance 97-62
 - d. Proof, Notice to Bidders, Bid No. 01-49, Construction of Curb and Gutter for Northeast Park
 - e. Proof, Notice of Public Hearing, Enacting a list of Permitted Investments, March 27, 2001, at 9:00 a.m.
 - f. Proof, Notice of Meeting, St. Johns County Finance Committee, March 19, 2001 at 9:00 a.m.
 - g. Proof, Notice of Public Hearing - Intent to Vacate Plat, Allen and Camilla Roberts, March 27, 2001 at 1:30 p.m.
 - h. Proof, Certificate of Liability Insurance, Grading & Bush Hog Service, Inc.
 - i. Proof, Certificate of Liability Insurance, Dixie Lime & Stone Company
 - j. Proof, Certificate of Insurance, Staff Leasing, LP by Staff Acquisition
 - k. Proof, Certificate of Insurance, Masteller Moler & Pullium, Inc.
 - l. Proof, Certificate of Liability Insurance, Arwood Inc.
 - m. Proof, Certificate of Liability Insurance, Employers Alliance, Inc.

(04/10/01 - 4 - (9:21 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested the addition of an update of beaches by Dave Williams. This was added as Item A. Consent Agenda items were added as #11a (6), #11b (9), #11c (10), #11d (11), #11e (2), #11f (3) and #11g (4).

(04/10/01 - 4 - 9:21)

APPROVAL OF REGULAR AGENDA

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

(04/10/01 - 4 - 9:22 a.m.)

A. PRESENTATION BY BEACH MANAGEMENT SUPERVISOR, DAVE WILLIAMS

Dave Williams, Beach Management Supervisor, made a presentation to the Board, speaking on two tragic incidents in which two County residents were lost. He advised that there is often the perception that tourists are the ones that encounter problems in the ocean, when in actuality over 60% of their rescues involved locals and about 80% of their drownings involved locals. Williams stated the rip current situation was misreported the past weekend. They did not believe either one of those incidents involved a rip current. Sunday, they did not have any rip currents visible on the beach. Facts to be considered, as stated by Williams, were that it was probably the busiest weekend that they have ever seen on the beaches, in terms of total traffic. Beach toll collections had doubled what they were the previous July 4. The next factor was, because of the cold winter, the water was very cold. It was 68 degrees on Friday and it was only 69 on Sunday. When somebody enters the water, it was going to zap the energy from them. Most people's fitness level is probably not what it was last summer. All these are things to be taken into consideration. Williams advised that lifeguard patrols were made throughout the year, but lifeguard stations were manned from Memorial Day weekend through Labor Day weekend. Discussion was held on vehicle capacity, year round patrols, lifeguard training, rip currents being forecastable weather events, notification of rip currents by local television and other media, beach signage, public address warning system in the flag system, and water safety education.

(04/10/01 - 5 - 9:32 a.m.)

1. PUBLIC HEARING - ORDINANCE THAT WOULD EXPAND THE ST. JOHNS COUNTY FIRE PREVENTION AND CONTROL DISTRICT INTO THE CITY OF ST. AUGUSTINE BEACH. THE CITY OF ST. AUGUSTINE BEACH (THE CITY) HAS REQUESTED THAT ST. JOHNS COUNTY (THE COUNTY) PROVIDE FIRE PREVENTION AND CONTROL SERVICES WITHIN ITS CORPORATE BOUNDARIES THROUGH AN EXPANSION OF THE COUNTY'S FIRE SERVICES MUNICIPAL SERVICE TAXING UNIT (MSTU). THE CITY OF ST. AUGUSTINE BEACH WOULD PAY FOR THESE SERVICES. AT FIRST, THE CITY WOULD MAKE A MONTHLY PAYMENT FOR SERVICE, BASED ON THE COST OF ITS PROVISION. WHEN THE ASSESSMENTS OF THE PROPERTIES WITHIN THE CITY BECOME EFFECTIVE, THE AD VALOREM TAX PAID BY CITY PROPERTY OWNERS WOULD ALSO PAY COUNTY PROPERTY OWNERS FOR FIRE SERVICES. TO ACCOMPLISH THIS EXPANSION, THE CITY HAS ADOPTED AN ORDINANCE THAT STATES ITS CONSENT TO THE EXPANSION OF THE COUNTY'S FIRE PREVENTION AND CONTROL DISTRICT SUCH THAT IT ENCOMPASSES THE CITY. FOLLOWING THE ENACTMENT OF THE ATTACHED COUNTY ORDINANCE, THE CITY AND THE COUNTY WILL EXECUTE AN INTERLOCAL AGREEMENT FOR THE PROVISION OF FIRE PREVENTION AND CONTROL SERVICES

Proof of publication was received for public hearing of an Ordinance amending Ordinance 74-6, as previously amended by Ordinances No. 80-56 and No. 84-10, Municipal Services Taxing Units, having been published in *The St. Augustine Record* on March 23, 2001.

Joe Vonasek, Director of Management and Budget, addressed the issue of the City of St. Augustine Beach requesting that the County provide fire prevention and control services within its corporate boundaries through an expansion of the County's Fire Services MSTU. Vonasek presented the proposed interlocal agreement and distributed a revised equipment schedule "Exhibit C" to the proposed interlocal agreement. (9:33 a.m.) James Sisco County, Attorney, entered the meeting. The City had enacted its ordinance consenting to the expansion of the County's Fire Service MSTU, to encompass the entire city limits. The Board of County Commissioners was addressing the enactment of an ordinance that would consent to the expansion of the Fire Service MSTU to encompass the city limits in a corresponding fashion. The Board was also considering entering into an interlocal agreement, with the City, for the provision of fire services. Vonasek went on to explain the proposed level of services, payment of a monthly service fee by the City to the County. After October 1, 2002, the MSTU assessment would be the source of revenue for the provision of services.

Discussion was held, with visual display, on exhibits to the interlocal agreement, working documents of Staff, areas of service, Station #7, capital equipment, routine dispatching, leasing the building, maintenance, utilities, insurance, monthly payments made by the City to the County for service beginning May 1, 2001, implementation of the fire service tax, volunteer firefighters, and levels of service provided.

(10:03 a.m.) Emmett Pacetti, Mayor of St. Augustine Beach, 800 Mickler Blvd., St. Augustine Beach, with visual display, stated the City Commission of the City of St. Augustine Beach had passed an ordinance requesting the Board of County Commissioners to expand the County's fire prevention and control district so as to encompass all of the lands within the city limits of the City of St. Augustine Beach. They requested that the Board pass an ordinance that would expand the St. Johns County Fire Prevention and Control District to include all of St. Augustine Beach.

(10:08 a.m.) Albert Holmberg, 11 Lake Shore, Dr., St. Augustine Beach, spoke in favor of the ordinance and the interlocal agreement.

(10:13 a.m.) Jay McGarvey, 81 Ponte Vedra Blvd., a developer, spoke in favor of the consolidation.

(10:14 a.m.) **Motion by Bryant, seconded by Reardon, carried 5/0, to enact Ordinance No. 2001-66 that provides a method for the St. Johns County Fire Prevention and Control District to expand into the City of St. Augustine Beach and to direct the Chair to execute the Interlocal Agreement for the provision of Fire Prevention and Control Services within the City of St. Augustine Beach, with the amendment of Exhibit "C."** The meeting recessed at 10:15 a.m. and reconvened at 10:26 a.m. (10:26 a.m.) **Motion by Bryant, seconded by Reardon, carried 5/0, to amend the motion to read Ordinance Number 2001-29.**

ORDINANCE NO. 2001-29

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 74-6, AS PREVIOUSLY AMENDED BY ORDINANCES NO. 80-56 AND 84-10, WHICH IS THE ORDINANCE THAT CREATED THE MUNICIPAL SERVICE TAXING UNIT (THE "MSTU") THAT CONSISTS OF ALL OF THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA AND THAT IS KNOWN AS THE ST. JOHNS COUNTY FIRE PREVENTION AND CONTROL DISTRICT. THIS AMENDMENT EXPANDS THE BOUNDARIES OF THE MSTU INTO EACH MUNICIPALITY WITHIN THE COUNTY THAT CONSENTS TO SUCH EXPANSION BY MUNICIPAL ORDINANCE AND THAT ALSO ENTERS INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY THAT ESTABLISHES THE COMMENCEMENT DATE AND THE TERMINATION DATE OF THE EXPANSION; IT AUTHORIZES THE USE OF PAYMENTS FROM THE MUNICIPALITY AND/OR AD VALOREM TAXATION WITHIN THE MSTU TO PAY FOR THE FIRE SERVICES PROVIDED WITHIN THE MUNICIPALITY; AND IT PROVIDES AN EFFECTIVE DATE

(04/10/01 - 6 - 10:27 a.m.)

2. PUBLIC HEARING - CONSIDER AN ADMINISTRATIVE APPEAL OF THE COUNTY ADMINISTRATOR'S DENIAL OF ISSUANCE OF A BUILDING PERMIT TO BELLSOUTH MOBILITY, INC. ON FEBRUARY 16, 2001, ON THE ADVICE OF THE COUNTY ATTORNEY, THE COUNTY ADMINISTRATOR DENIED BELLSOUTH'S APPLICATION FOR A BUILDING PERMIT TO CONSTRUCT A 150 FT. HIGH MONOPOLE TOWER AT 3635 RACE TRACK ROAD. THIS IS THE SAME SITE UPON WHICH BELLSOUTH NOW HAS A 250 FT. HIGH LATTICE TOWER. BELLSOUTH HAS APPEALED THAT DENIAL TO THE BOARD OF COUNTY COMMISSIONERS

Proof of publication was received for public hearing of Administrative Appeal, BellSouth Mobility, having been published in *The St. Augustine Record* on March 23, 2001.

Theresea Taylor, Court Reporter, was in attendance.

Sisco gave background information on this issue. At the advice of the County Attorney, the County Administrator sent notice that the application for a building permit for 150-foot monopole tower on the site was denied. BellSouth then appealed that decision to the Board of County Commissioners.

(10:31 a.m.) Jeff York, attorney with the firm of McGuire Woods, 3300 Bank of America Tower, 50 N. Laura Street, Jacksonville, representing BellSouth Mobility, addressed the Board, and presented their appeal and filed evidence with the Deputy Clerk.

(10:43 a.m.) Ann Smith, One Independent Drive, Jacksonville, attorney for the Hinsons, gave viewpoints and handed in evidence to the Deputy Clerk.

(10:55 a.m.) Sisco responded and stated he had filed the following with the Deputy Clerk, on behalf of Staff: a one-page explanation of his argument; a complete copy of Ordinance 99-60, enacted 2.03.01-A, which is the section at issue; a copy of the Exception Order, dated February 3, 1983; a copy of the Application for that exception, dated January 3, 1983; copies of excerpts of the old zoning ordinance, with Section 11-15-D in it; excerpts of Ordinance 99-51, which is the new Land Development Code, with Section 10.05.01-D in it; and, the Court's Judgment, dated March 22, 1999.

(10:56 a.m.) York made his closing statements. Discussion ensued on the appeal.

(11:01 a.m.) Motion by Reardon, seconded by Meiszer, carried 5/0, to affirm the denial of the BellSouth's building permit application as based on the testimony of the County Attorney James Sisco.

(04/10/01 - 7 - 11:02 a.m.)

3. CONSIDER OBTAINING REQUESTS FOR PROPOSAL (RFP) FOR FINANCIAL ADVISORY SERVICES

Vonasek made a presentation to the Board. Discussion was held on the need for the RFP.

(11:11 a.m.) Strickland advised the Board that Public Financial Management has performed wonderfully for the Clerk's Office and they have had no problems with them. Further discussion was held on the proposed RFP and contracting.

(11:15 a.m.) Motion by Bryant, seconded by Jacalone, carried 4/1 with Meiszer dissenting, to direct Staff to issue an RFP for Financial Advisory Services.

(04/10/01 - 7 - 11:18 a.m.)

4. CONSIDER AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ST. AUGUSTINE AND ST. JOHNS COUNTY FOR THE EXTENSION OF WASTE WATER COLLECTION SYSTEM FOR A PORTION OF WEST AUGUSTINE

Tom Crawford, Housing and Community Services Director addressed the Board on this issue, with aid of visual display. Discussion was held on the grant and the agreement under consideration. (11:30 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the Interlocal Agreement, between the City of St. Augustine and St. Johns County, for the extension of waste water collection system for a portion of West Augustine and to authorize the County Administrator to execute the agreement.**

(04/10/01 - 7 - 11:31 a.m.)

5. CONSIDER A RESOLUTION TO APPROVE THE ST. JOHNS COUNTY DEVELOPMENT REVIEW MANUAL

Betty Sue Stepp, Development Review Manager, and Scott Clem, Director of Growth Management Services, addressed the Board, presenting the Development Review Manual, which included all of the major permitting processes required by the Land Development Code and contains administrative procedures, application forms, staff contacts, and other useful information to assist applicants. The Standards and Detail manual contains typical details such as, but not limited to, roadway construction, utility placement, mailbox standards and other information to assist applicants in preparing development designs

consistent with the Code. Discussion ensued, and Staff was commended for a job well done. (11:44 a.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2001-66, approving the St. Johns County Development Review Manual and Standards and Detail Manual.** (11:45 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Avenue, complimented Staff for this compilation.

(04/10/01 - 8 - 11:50 a.m.)

6. CONSIDER A RESOLUTION AUTHORIZING THE CLERK OF THE COURT TO FILE THE SURVEY MAP OF RUSSELL SAMPSON ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER *BERGER VS. CITY OF CORAL GABLES*, 101 SO.2D 396 (FLA. DIST. CT. APP.-3D DIST. 1958)

Mary Ann Blount, Real Estate Manager, presented this issue to the Board for consideration, with aid of visual display. Discussion was held on certified mail receipts and right-of-way widths. (11:52 a.m.) Sisco left the meeting and Daniel Bosanko, Deputy County Attorney, entered the meeting. (11:53 a.m.) David Edwards, 200 N. Laura Street, Jacksonville, on behalf of several property holders, spoke in favor of the resolution.

(11:55 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve Resolution No. 2001-67, authorizing the Clerk of Courts to file the survey map of Russell Sampson Road, claimed for St. Johns County in the Right-of-way described in this survey by prescriptive rights of the public per *Berger vs. City of Coral Gables*, 101 So.2d 396 (Fla. Dist. Ct. App.-3d Dist. 1958).**

(04/10/01 - 8 - 11:54 a.m.)

7. PRESENTATION ON PROPOSED CRESCENT BEACH BIKE ROUTES

Greg Kennedy, Traffic Operations Manager, with visual display, advised the Board, that in response to a public request, their section did a bike route study on two local that run parallel to A1A in the Crescent Beach Area, specifically Atlantic View and Middleton Avenue. Based on existing roadway conditions, their study concluded that Atlantic View and Middleton Avenue do not meet bike route standards. Kennedy then answered questions from the Board. (12:03 p.m.) Bill Jepson, 6336 Costanero Rd., spoke in favor of the bike routes, instead of A1A. Further discussion ensued.

(04/10/01 - 8 - 12:12 p.m.)

8. CONSIDER APPOINTMENTS TO THE CODE ENFORCEMENT BOARD

Patsy Heiss, Assistant to the Administrator, advised the Board of a change, Charles Hood's application needed to be removed from the packet, which left two applications.

(12:13 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to appoint Thomas H. Peckenham to the Alternate Subcontractor position on the Code Enforcement Board to complete a term scheduled to expire November 14, 2003.**

(12:14 p.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to appoint James H. Sheppard, to the General Public position, scheduled to expire February 20, 2004.**

(12:14 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to move the Commissioners' Report, County Administrator's Report, County Attorney's Report, Clerk of Court's Report to the end of the day.**

The meeting recessed at 12:14 p.m. and reconvened at 1:30 p.m. with Kohnke, Jacalone, Meiszer, Reardon, Bryant, Adams, Bosanko, and Deputy Clerk Yvonne King present.

(04/10/01 - 9 - 1:32 p.m.)

9. PUBLIC HEARING – APPEAL/TOWER 2000-04 AND WAIVER TO LANDSCAPE REQUIREMENTS –G.M. SELBY ASSOCIATES, INC. THE REQUEST IS AN APPEAL TO THE PLANNING & ZONING AGENCY’S DENIAL OF A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A 250-FOOT SELF SUPPORTING COMMUNICATION ANTENNA TOWER WITH 20-FOOT ANTENNA EXTENSIONS ON PROPERTY LOCATED OFF CR214 NEAR RIVERDALE (ADDRESS: 7425 T. WASHINGTON ROAD). IN ADDITION, THE APPLICANT HAS REQUESTED CONSIDERATION OF A WAIVER OF THE LANDSCAPE REQUIREMENTS FOR THE TOWER SITE, REGARDING TREE AND HEDGE PLANNING SINCE THE TOWER SITE IS LOCATED OVER ONE-HALF MILE FROM A PUBLIC RIGHT-OF-WAY AND IS NOT VISIBLE FROM ANY PUBLIC ROAD. ON FEBRUARY 1, 2001 THE PZA DENIED THE REQUEST AND PROVIDED FINDINGS STATED IN ORDER DATED FEBRUARY 5, 2001. ON FEBRUARY 16, 2001 THE APPLICANT FILED AN APPEAL TO THE DENIAL. THE PROPOSED TOWER IS PLANNED TO BE CONSTRUCTED TO SUPPORT UP TO FIVE USERS AND IS LOCATED INSIDE A DEFINED SPECIAL TOWER ZONE, AS MAPPED BY ST. JOHNS COUNTY. BECAUSE OF THE LOCATION WITHIN A SPECIFIED TOWER ZONE, A SHOWING OF NEED IS NOT REQUIRED (LDC SECTION 6.08.12.Q). HOWEVER ALL OTHER PROVISIONS OF THE LDC ARE REQUIRED TO BE MET, UNLESS THE BCC WAIVES THE REQUIREMENT FOR LANDSCAPE. SUCH WAIVER IS ALLOWED SUBJECT TO CRITERIA ESTABLISHED IN SECTION 6.08.12.M, IF THE TOWER IS LOCATED ADJACENT TO UNDEVELOPABLE LANDS AND NOT IN THE PUBLIC VIEW

Proof of publication of notice of public hearing on the Appeal/Tower 2000-04 and Waiver to Landscape Requirements, G.M. Selby Associates, Inc. was received having been published in the St. Augustine Record on March 23, 2001.

Rosemary Yeoman, Zoning Manager, explained the request for an appeal to the denial of a special use permit for the construction of a 250-foot self-supporting telecommunication tower with 20-foot antennae extensions. Kohnke disclosed that she talked to Ms. Brown relating to the findings of fact. Reardon said he had a conversation with County Administrator Ben Adams on the pros and cons about citing a tower at that location and the distance away from houses, and whether the proposed tower site was in a defined special tower zone as depicted by St. Johns County. Discussion followed on the appeal. (1:49 p.m.) Wayne Ragan, 8380 Baymeadows Road, Suite 16, Jacksonville, representing the applicant, made a presentation addressing the findings of the PZA for denial of the special use permit; then, displayed photos of the communication antenna tower. (2:00 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., commented on keeping the height of towers below 200'. Discussion followed on a height limit of towers. (2:10 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to approve appeal/approve waiver to landscape/approving Special Use Permit, reversing the decision of the PZA, adopting findings of fact 1 - 9 and conditions 1 - 6 that support motion.**

(04/10/01 - 9 - 2:12 p.m.)

10. THE APPLICANT HAS REQUESTED THAT THIS PUBLIC HEARING BE CONTINUED. PUBLIC HEARING – BARTRAM PARK DEVELOPMENT OF REGIONAL IMPACT/PLANNED UNIT DEVELOPMENT NOTICE OF PROPOSED CHANGE AND BARTRAM PARK MAJOR MODIFICATION

Proof of publication of the notice of public hearing on the NOPC to the Bartram Park DRI Order and Major Modification to the Bartram Park PUD was received having been published in The St. Augustine Record on March 19, 2001.

Theresa Bishop, Planning Director, relayed a request of the applicant to continue the public hearing. (2:13 p.m.) **Motion by Bryant, seconded by Reardon, carried 5/0, to continue the Bartram Park Notice of Proposed Change and the Major Modification to the Bartram Park PUD to a date to be determined, with re-notice required at the expense of the applicant.**

(04/10/01 - 10 - 2:13 p.m.)

11. DISCUSSION OF THE NORTHWEST ANNEX LOCATION

Teresa Bishop, Planning Director, reviewed the 15 year and the 25 year plan for annex locations in the northwest part of the County. Discussion followed on possible locations for the annex sites. (2:41 p.m.) Pal West Howell, 1317 Fruit Cove Drive N., Fruit Cove, commented in favor of an annex site in the Fruit Cove area. (2:42 p.m.) John Arms, 1595 Fruit Cove Woods Drive, commented in favor of an annex site in the Fruit Cove area. (2:45 p.m.) **Motion by Meiszer, seconded by Reardon, carried 5/0, that the site at Flora Branch be designated and the architect be directed to do the drawings for that site and to proceed with that site.**

(04/10/01 - 10 - 2:46 p.m.)

11a. MOTION TO APPROVE RESOLUTION AMENDING THE FISCAL YEAR 2001 FLAGLER BUILDING RENOVATION BUDGET TO RECOGNIZE UNANTICIPATED REVENUE IN THE AMOUNT OF \$119,789 AND APPROPRIATE IT FOR THE ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES CENTER RENOVATION PROJECT (This item was removed from the Consent Agenda as Item #6.)

Joe Vonasek, Director of Management and Budget, explained the requested budget amendment. Discussion followed on the budget amendment. (2:49 p.m.) **Motion by Bryant, seconded by Reardon, carried 5/0, to approve Resolution No. 2001-68, amending the Fiscal Year 2001 Flagler Building Renovation Budget to recognize unanticipated revenue in the amount of \$119,789 and appropriate it for the St. Johns County Health and Human Services Center renovation project.**

RESOLUTION NO. 2001-68

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2001 FLAGLER BUILDING RENOVATION FUND BUDGET TO RECOGNIZE UNANTICIPATED REVENUE AND APPROPRIATE IT FOR THE ST. JOHNS COUNTY HEALTH AND HUMAN SERVICES CENTER RENOVATION

(2:49 p.m.) Doug Burnett, Assistant County Attorney, entered the meeting.

(04/10/01 - 10 - 2:49 p.m.)

11b. APPROVAL OF A MOTION TO ALLOW THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AND ENTER INTO A CONTRACT WITH THE NO. 1 RANKED FIRM, VALOR SYSTEMS, INC. UNDER RFP 01-16, COMPUTER AIDED DISPATCH (CAD) SYSTEM FOR THE ST. JOHNS COUNTY DEPARTMENT OF EMERGENCY VEHICLES (This item was removed from the Consent Agenda as Item #9.)

Linda Stoughton, Division Chief of Communications for Emergency Services, explained the CAD System. Discussion followed on the CAD System. (2:54 p.m.) **Motion by**

Reardon, seconded by Bryant, carried 5/0, to allow the County Administrator or his designee to negotiate and enter into a contract with the No. 1 ranked firm, Valor Systems, Inc. under RFP 01-16, Computer Aided Dispatch (CAD) System for the St. Johns County Department of Emergency Services. (See Exhibit "A.")

(04/10/01 - 11 - 2:55 p.m.)

11c. APPROVAL OF A MOTION TO ALLOW THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AND ENTER INTO A CONTRACT WITH THE NO. 1 RANKED FIRM, SOUTHEASTERN SURVEYING AND MAPPING CORP. IF AN AGREEMENT CANNOT BE REACHED WITH THE NO. 1 RANKED FIRM, AUTHORIZATION IS REQUESTED TO TERMINATE NEGOTIATIONS AND BEGIN NEGOTIATIONS WITH THE NO. 2 RANKED FIRM AND CONTINUE UNTIL AN AGREEMENT IS REACHED (This item was removed from the Consent Agenda as Item #10.)

Gail Oliver, County Surveyor, was present. (2:59 p.m.) **Motion by Meiszer, seconded by Reardon, carried 5/0, to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Southeastern Surveying and Mapping Corp. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm and continue until an agreement is reached. (See Exhibit "B.")**

(04/10/01 - 11 - 3:00 p.m.)

11d. APPROVAL OF A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO DIRECT THE PUBLIC WORKS DEPARTMENT TO OPEN AVERY ST. BETWEEN VOLUSIA AVE. AND ST. JOHNS ST. AND TO OPEN ST. JOHNS ST. FROM NORTH OF AIKEN ST. TO JUST SOUTH OF PACIFIC BLVD. (This item was removed from the Consent Agenda as Item #11.)

Meiszer questioned the opening of the two roads. (3:01 p.m.) Tom Crawford, Director of Housing and Community Services, explained the request to open roads in the West Augustine Community Redevelopment Area. Discussion followed. (3:11 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to authorize the County Administrator to direct the Public Works Department to open Avery St. between Volusia Ave. and St. Johns St. and to open St. Johns St. from north of Aiken St. to just south of Pacific Blvd.**

(04/10/01 - 11 - 3:12 p.m.)

11e. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR KESWICK AT ROYAL ST. AUGUSTINE GOLF AND COUNTRY CLUB (This item was removed from the Consent Agenda as Item #2.)

Kathy Nielsen, Applications Review Coordinator, explained that the plat was removed from the Consent Agenda because the permanent reference monuments have not all been set. The County Surveyor will verify that before it is actually recorded. (3:13 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve Resolution No. 2001-69, approving a Final Plat for Keswick at Royal St. Augustine Golf and Country Club.**

RESOLUTION NO. 2001-69

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR KESWICK AT ROYAL ST. AUGUSTINE GOLF AND COUNTRY CLUB

(04/10/01 - 12 - 3:13 p.m.)

- 11f. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR BLACKMOOR GATE AT ROYAL ST. AUGUSTINE GOLF AND COUNTRY CLUB
(This item was removed from the Consent Agenda as Item #3.)

Kathy Nielsen, Applications Review Coordinator, explained that the plat was removed from the Consent Agenda because the permanent reference monuments have not all been set. The County Surveyor will verify that before it is actually recorded. (3:13 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve Resolution No. 2001-70, approving a Final Plat for Blackmoor Gate at Royal St. Augustine Golf and Country Club.**

RESOLUTION NO. 2001-70

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR BLACKMOOR GATE AT ROYAL ST. AUGUSTINE GOLF AND COUNTRY CLUB

(04/10/01 - 12 - 3:13 p.m.)

- 11g. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR OXFORD AT ROYAL ST. AUGUSTINE GOLF AND COUNTRY CLUB (This item was removed from the Consent Agenda as Item #4.)

Kathy Nielsen, Applications Review Coordinator, explained that the plat was removed from the Consent Agenda because the permanent reference monuments have not all been set. The County Surveyor will verify that before it is actually recorded. (3:13 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve Resolution No. 2001-71, approving a Final Plat for Oxford at Royal St. Augustine Golf and Country Club.**

RESOLUTION NO. 2001-71

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR OXFORD AT ROYAL ST. AUGUSTINE GOLF AND COUNTRY CLUB

(04/10/01 - 12 - 3:14 p.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant commented on the communication tower issue on today's agenda.

(3:15 p.m.)

Commissioner Reardon:

Reardon said they have received the SJC Citizenship Award Nominees from all area high schools.

(3:16 p.m.)

Commissioner Kohnke:

Kohnke said she received a complaint from a citizen in the northwest part of the County regarding trees. She informed the Board that the complaint has been sent to Joe Stephenson to follow up on it.

Kohnke commented on concurrency for the library in the northeast part of the County; the concurrency project was to put an extra turn lane on Solano Road. Some of the residents along Solano Road are unhappy with it; so, they have taken it to the MSD and the Ponte Vedra Community Association. Kohnke said this issue will be placed on an upcoming County Commission agenda to be addressed.

(3:19 p.m.)

Commissioner Jacalone:

Jacalone announced that the Florida Association of Counties is requesting that county commissioners and county administrators support the last list of call to action items. They are concerned about Article V Legislation that is pending. They are asking counties to urge legislators to delay the effective date of the county's obligation for definitions in that legislation. That date is July 1, 2001. There is current legislation concerning: billboards, elder care, long term care, growth management reforms, Medicaid county billing, and utility condemnation.

(3:21 p.m.) Kohnke informed the Board that she received an e-mail from Karen Taylor and information from Vicki Renna regarding a resolution that will be appearing on a future County Commission Agenda regarding the Preservation 2000 Funds.

(3:22 p.m.)

Commissioner Meiszer: No report.

(04/10/01 - 13 - 3:22 p.m.)

COUNTY ATTORNEY'S REPORT

Burnett read some proposed language to be included in Ordinance 99-51 regarding signs to further clarify it. In Section 7.00.01.C, Burnett suggested it be amended to reflect that applications for sign permits shall be approved or denied in writing by the County Administrator within 14 days of submittal of a fully completed application. Additionally, new language should be added to the end of that paragraph that would read, "if any sign permit is not approved or denied in writing by the County Administrator within 14 days, the applicant may apply for permit review to the Board of County Commissioners. The County Administrator shall upon receipt of such application for Board review, set a time for hearing, not to exceed 30 days from the request for review, and shall give notice of time and place of the hearing to the applicant. A decision of the Board shall be rendered as a written order within 15 days of the review hearing." Additionally, Section 7.00.08, related to appeals, it states that the County would bear the burden of justifying a denial. Burnett suggested that language be struck. Burnett requested authorization of the Board to prepare an ordinance amendment. (3:24 p.m.) *It was the consensus of the Board to authorize the County Attorney's Office to proceed in preparing an ordinance amendment.*

(04/10/01 - 14 - 3:24 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced that the week of April 22 through 28, 2001 is both National Volunteer Week and also National County Government Week. A breakfast is being planned for the volunteers on April 24, 2001 at approximately 7:30 a.m.

Adams said he received a letter from the Association of Counties, and they are offering the name of a consultant for use in redistricting.

(04/10/01 - 14 - 3:26 p.m.)
CLERK OF COURT'S REPORT

Cheryl Strickland, Clerk of Courts, presented the Board with the Comprehensive Annual Financial Report.

(3:27 p.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to adjourn the meeting.**
The meeting thereupon adjourned at 3:27 p.m.

Approved _____ May 8 _____, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Mary F. Kohnke, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk