MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 4, 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: Marc Jacalone, District 3, Chair
James E. Bryant, District 5, Vice Chair
Nicholas Meiszer, District 1
John Reardon, District 2
Mary Kohnke, District 4
Ben W. Adams, Jr., County Administrator
Isabelle Lopez, Assistant County Attorney
Judy Hamilton, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director, Clerk's Office

(09/04/01 - 1 - 9:00 a.m.)
The meeting was called to order by Chair Jacalone.

(09/04/01 - 1 - 9:00 a.m.)
The Invocation was given by Reardon. The Pledge of Allegiance was led by Bryant.

(09/04/01 - 1 - 9:02 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(09/04/01 - 1 - 9:04 a.m.)
RECOGNITION OF MR. O.C. HAYES FOR SERVING ON THE LOCAL COORDINATING BOARD OF THE TRANSPORTATION DISADVANTAGED

Steven Jones, Regional Planning Council, presented a resolution, passed by the St. Johns County Transportation for the Disadvantaged Program's Local Coordinating Board, recognizing a long-term member of the board, recently retired O.C. Hayes, for his many efforts on behalf of the Transportation for the Disadvantaged.

(09/04/01 - 1 - 9:06 a.m.)
PRESENTATION OF AN AWARD TO THE COUNCIL ON AGING FOR RURAL COMMUNITY TRANSPORTATION COORDINATOR OF THE YEAR

Jones stated the Transportation for the Disadvantaged Commission in Tallahassee presented its annual statewide awards to the St. Johns County Council on Aging for Rural Transportation Coordinator of the year. Cathy Brown, Executive Director of COA, and Staff received the award.

(09/04/01 - 2 - 9:10 A.M.)
PUBLIC COMMENTS

Tom Crawford, 54 Miruela Avenue, St. Augustine, as an individual taxpayer, addressed the issue of open drug dealing on West King Street and in the Volusia area. Discussion followed. Reardon said he was interested in forming a task force. Kohnke asked Crawford to talk to the CRA group and to the Sheriff, and to come to the Sierra meeting. Meiszer stated he wished Crawford had recommended corrective actions and agreed there was a need to examine how these issues are treated. Jacalone commented this had been addressed before, saying the BCC does not do law enforcement; it is the Sheriff's jurisdiction and he is aware of it.

(9:20 a.m.) Marie Seifert, 109 Buck Is. Ct., Ponte Vedra, with visual display, spoke on sludge disposal sites at the D-Dot Ranch across from the Palm Valley/Ponte Vedra area and notice of violations issued for contamination with hazardous materials. She asked that this be placed on a future BCC agenda for Board consideration.

(9:32 a.m.)Virginia Whetstone, 297 St. George St., spoke as chairman of the St. Johns County Visitor Information Bureau, asking that conversation be withheld until September 11 on the tourism advertising agency. Adams stated it was scheduled for the 11th.

(9:35 a.m.) James O'Toole, 125 Seaside Circ. Ponte Vedra Beach, addressed the sludge situation and how extensive the situation was.

(9:37) Louise Thrower, 288 Orange Avenue, with visual display, spoke on trees, Northwest Coalition meetings, bridges, and former County Employee Heather Morris.

(9:45) Daniel MacDonald, 24501 Deer Trace Drive, Ponte Vedra, spoke on contamination sites.

(9:46) Leo O'Farrell, 85 Catalina Circle, spoke on Southeast Visioning process, asking the Board to consider designating land for a recreation area.

(09/04/05 - 2 - 9:56 a.m.)
DELETIONS FROM CONSENT AGENDA

There were no deletions from the Consent Agenda.

(09/04/01 - 2 - 9:56 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Approval of minutes:
   08/03/01 - BCC Workshop Meeting
   08/07/01 - BCC Regular Meeting
   08/14/01 - BCC Regular Meeting
   08/24/01 - BCC Special Meeting

3. Sheriff's Bonds:

Cancel:	Debbie Hitchcock	Cancel:	Rosemarie Rahill
Cancel:	James L. Holland	Cancel:	Robert J. Taylor, Sr.
Cancel:	Mary Overstreet	Cancel:	Joseph Wells

4. Motion to approve the transfer of $90,000 from the Water & Sewer Authority Reserves (1103-59920) to Consulting Services (1103-53120) and Legal Fees (1103-53140)

5. Motion to approve the transfer of $5,000 from General Fund Reserves (0005-0083-59920) to Department 0060 Veteran's Services to cover the remaining expenses for Veteran's Services for FY 2001

6. Motion to direct the Chair to execute the Memorandum of Agreement with the State of Florida granting St. Johns County $60,842.19 under the General Appropriations Act, specific appropriation 2898B, and appropriate those funds to the County Supervisor of Elections

7. Motion to direct the County Administrator to execute the Letter of Engagement with Deloitte Touche LLP for auditing services for FY 2001

8. Motion to adopt **Resolution No. 2001-175**, approving a Final Plat for Southwood PUD Phase 1B, Phase A

RESOLUTION NO. 2001-175

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR SOUTHWOOD PUD, PHASE 1B, PHASE A

9. Motion to adopt **Resolution No. 2001-176**, approving a Final Plat for Marshall Creek DRI Unit B-One

RESOLUTION NO. 2001-176

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT B-ONE

(09/04/01 - 3 - 9:56 a.m.)
ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested Item #4 be pulled and be rescheduled. Adams requested addition of Item #7a - Recognition of Unanticipated Revenue - Friends of the Library Contribution.

(09/04/01 - 3 - 9:58 a.m.)
APPROVAL OF REGULAR AGENDA

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

(09/04/01 - 3 - 10:00 a.m.)
1. BRIAN TEEPLE - CONSIDER AN INTERLOCAL AGREEMENT BETWEEN SJC AND THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL

Brian Teeple, Executive Director, Northeast Florida Regional Planning Council, presented this item to the Board for their consideration. Discussion was held on the interlocal agreement. (10:11 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on the RPC being a valuable agency in the area. **Motion by Kohnke, seconded by Meiszer, carried**

5/0, to adopt Resolution No. 2001-177, amending and restatement of the Interlocal Agreement creating the Northeast Florida Regional Planning Council.

RESOLUTION NO. 2001-177

RESOLUTION AMENDING AND RESTATEMENT OF THE INTERLOCAL AGREEMENT CREATING THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL

(09/04/01 - 4 - 10:11 a.m.)
2. CONSIDER A WAIVER OF A SPECIAL FILING FEE FOR THE APPLICATION OF A SPECIAL USE PERMIT SUBMITTED BY THE STATE OF FLORIDA

Rosemary Yeoman, Zoning Manager, presented this item to the Board with visual display. Discussion was held on the request, fees, and reciprocal action. (10:19 a.m.) Rick Rewiski, Project Manager, answered questions from the Board. (10:28 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on the special use permit and concerns about tower heights and impact on migrating birds, fall zones, stealth towers, and asked the applicant to restudy the issue. Reardon stated he would like to see a presentation of stealth towers. **Motion by Reardon, seconded by Bryant, failed 2/3 via roll call vote**

Meiszer	**no**
Reardon	**yes**
Jacalone	**no**
Kohnke	**no**
Bryant	**yes**

to approve the waiver of filing fee for special use permit, providing the applicant reimburses the County actual costs related to notice publication and consulting fees related to the case, finding the waiver is in the best interest of the County and will serve a public purpose.

Chair Jacalone appointed himself as alternate to the MPO.

The meeting recessed at 10:39 a.m. and reconvened at 10:47 a.m.

(09/04/11 - 4 - 10:47 a.m.)
3. CONSIDER AUTHORIZATION OF A CONTRACT WITH HARTMAN & ASSOCIATES TO REVIEW JEA UTILITY PROPOSAL

John Schwab, Special Projects Manager, presented this contract to the Board for their consideration. Mike Roca, Hartman & Associates, answered questions. Discussion was held on inclusion of a counterproposal and second phasing, and various other aspects of the contract. (11:00 a.m.) Ellen Whitmer, 1178 Natures Hammock Road S., showed a news clip video, and spoke on JEA being called into accountability. (11:07 a.m.) Louise Thrower, 288 Orange Avenue, spoke on the report being provided to JEA, working both sides, and referenced a *Times-Union* article on top home water users draining JEA resources, utilizing visual display. (11:09 a.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to approve the transfer of $50,000 from the 0083-59920 (General Fund Reserves) to 0002-53120 (BCC-Contractual Services) and to direct the County Administrator to execute a contract with Hartman & Associates for the review of the JEA Proposal to serve the northern portion of St. Johns County with water, wastewater and reuse water.**

(09/04/01 - 5 - 11:13 a.m.)
4. CONSIDER THE MARSHALL CREEK UNIFIED ENTRY DESIGN PLAN

This item was pulled and will be rescheduled after conferment with Staff and the Applicant.

(09/04/01 - 5 - 11:14 a.m.)
5. UPDATE ON THE NORTHEAST FLORIDA BLUEWAY - PHASE II TOLOMATO AND MATANZAS CARL APPLICATION

Vicki Renna, Principal Planner, introduced the slide show presentation and asked for letters of support. Renna was directed to prepare a letter for the Commission to utilize. (11:24 a.m.) Robin Nadeau, 26 Mickler Blvd., spoke in support of this issue and encouraged the Board's attendance at meetings. (11:25 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke in support of this project. The Board thanked Renna for the update.

(09/04/01 - 5 - 11:27 a.m.)
6. CONSIDER APPOINTMENTS TO THE HISTORIC REVIEW BOARD

Patsy Heiss, Assistant to the Administrator, presented this item to the Board. **Motion by Meiszer, seconded by Reardon, carried 5/0, to reappoint Mary Cornwell to the District 1 position on the Historic Resource Review Board for a four-year term scheduled to expire October 26, 2005. Motion by Kohnke, seconded by Bryant, carried 5/0, to appoint Laura Storch to the District 4 position on the Historic Resource Review Board to complete a term scheduled to expire October 26, 2001, and serve a concurrent four-year term, scheduled to expire October 26, 2005. Motion by Reardon, seconded by Jacalone, to appoint Jean Marie Emery to the District 2 position on the Historic Resource Review Board to complete a term scheduled to expire October 26, 2002.**

(09/04/11 - 5 - 11:31 a.m.)
7. CONSIDER AN APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Heiss presented the proposed appointments to the Board. **Motion by Reardon, seconded by Kohnke, carried 5/0, to reappoint Cheryl Robitzsch to the Engineer position on the Code Enforcement Board for a three-year term scheduled to expire September 4, 2004. Motion by Kohnke, seconded by Reardon, carried 5/0, to reappoint Shirley Vellis to the Businessperson position on the Code Enforcement Board for a three-year term scheduled to expire September 4, 2004.**

(09/04/01 - 5 - 11:33 a.m.)
7a. RECOGNITION OF UNANTICIPATED REVENUE - FRIENDS OF THE LIBRARY CONTRIBUTION

Joe Vonasek, Director of Management and Budget, presented this item to the Board. **Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt Resolution 2001-178, recognizing unanticipated revenue in the amount of $5,000 and appropriating it to 0078-56300 (Building Improvements) to defray the cost of renovations to the Palm Valley Community Center as a temporary site for the Ponte Vedra Branch Library.**

RESOLUTION NO. 2001-178

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AMENDING THE FISCAL YEAR 2001 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY LIBRARY

(09/04/01 - 6 - 11:35 a.m.)
COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke stated she would report on a more regular basis on the MPO. She spoke on the purchase of the building by RPC. Kohnke commented on construction of the Ponte Vedra bridge span. She reported the Northeast Park was proceeding at a brisk rate.

Commissioner Reardon:

Reardon spoke on a 4-H Achievement Banquet held last Thursday and stated 4-H will observe their 100th Anniversary for the State of Florida in St. Johns County.

Commissioner Bryant:

Bryant spoke on indigent care, primary care unit contribution and responsiveness.

Commissioner Meiszer:

Meiszer advised the Board of property for sale adjacent to the Palmo Cove Fish Camp boat ramp, which is owned by State; property on both sides is for sale. Staff was directed to look into details of the property and report back to the Board; funding can be discussed.

Commissioner Jacalone:

Jacalone spoke on a NAAAM letter regarding charges presented by the County and asked Adams about the status of that. Adams responded that would be on the September 25, 2001 meeting. Jacalone spoke on a piece of property conveyed to the County some years ago, on Lewis Point Road, by the Moultrie Creek Homeowners Association, for community type uses. He stated that property was in a terrible state right now and wanted use of that site investigated. He requested that County Staff clean that site and look at it for possible renovation and use.

(09/04/01 - 6 - 11:47 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams stated that he would investigate the building site. Adams requested the Board's affirmation of January 31, 2002 for County Day in Tallahassee. No objections were voiced. The 9-hole expansion of the golf course opened and was received favorably. New chairs for the Board are coming; sample chairs will be available. Adams stated he met with Matt Carlucci, the chair of the Jacksonville City Council, last week and discussed CR 210.

(09/04/01 - 6 - 11:50 a.m.)
COUNTY ATTORNEY'S REPORT

No report.

(09/04/01 - 6 - 11:51 a.m.)
COUNTY CLERK'S REPORT

No report.

The meeting recessed at 11:51 a.m. and reconvened at 1:33 p.m. with Jacalone, Bryant, Kohnke, Reardon, Meiszer, Adams, Bosanko, and Deputy Clerk Lenora Newsome present.

(09/04/01 - 7 - 1:34 p.m.)

8. PUBLIC HEARING – REVISION TO ORDINANCE 99-68 – MOVING THE LOCATION OF THE ST. JOHNS COUNTY LAW LIBRARY FOR THE COUNTY'S COURTHOUSE TO THE COUNTY'S MAIN LIBRARY BUILDING. JUDGE ROBERT MATHIS HAS REQUESTED THAT THE COUNTY'S LAW LIBRARY BE MOVED FROM THE COURTHOUSE TO THE MAIN LIBRARY BUILDING. IN ORDER TO ACCOMPLISH THIS REQUEST, ORDINANCE 99-68 IS TO BE REPEALED AND REPLACED BY A SUCCEEDING ORDINANCE, WHICH ALLOWS CHANGING THE LOCATION OF THE LAW LIBRARY.

Proof of publication of notice of public hearing on Court Fees, was received having been published in The St. Augustine Record on August 20, 2001.

David Halstead, Assistant County Administrator, reviewed this item. Meiszer asked where the Law Library will be located in the Main Library. Halstead stated that they said that they would have the room for it. **Motion by Kohnke, seconded by Reardon, carried 5/0, to enact Ordinance No. 2001-51, to allow moving the Law Library from the Courthouse Building to the Main Library Building as requested by the Administrative Judge of St. Johns County.**

ORDINANCE NO. 2001-51

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, TO COLLECT A TEN DOLLAR ($10) FEE FOR ANY CIVIL SUIT, INCLUDING PROBATE, FILED IN THE CIRCUIT COURT AND ANY SUIT IN EXCESS OF FIVE THOUSAND DOLLARS ($5,000) IN THE COUNTY COURT OF ST. JOHNS COUNTY, FLORIDA, AND CONTINUOUSLY APPROPRIATING SAID FEES SO COLLECTED TO THE GENERAL REVENUE FUND OF THE COUNTY, AND PROVIDING THAT SUCH MONIES SHALL NOT REVERT AS AN UNEXPENDED BALANCE AT THE END OF ANY BUDGET, CALENDAR, OR FISCAL YEAR; REPEALING AND REPLACING 99-68; AND PROVIDING AN EFFECTIVE DATE

(09/04/01 - 7 - 1:38 p.m.)

9. PUBLIC HEARING – NZ-VAR- 01-0016 SARTILLO ROAD. THE SUBJECT PROPERTY IS LOCATED AT 4615 SARTILLO ROAD. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO SECTION 6.04.07 (ROADWAY DESIGN) AND 6.04.10 (SPECIAL EXCEPTION) OF THE LAND DEVELOPMENT CODE. THE OWNER (MARIA COLANGELO) OF A 4-ACRE PARCEL ON SARTILLO ROAD WISHES TO PLACE A SECOND RESIDENTIAL UNIT ON THE PROPERTY FOR HER MOTHER. SARTILLO ROAD IS A COUNTY MAINTAINED DIRT ROAD APPROXIMATELY 0.5 MILES LONG LOCATED BETWEEN LEWIS SPEEDWAY AND 4TH STREET. APPROXIMATELY 20-25 RESIDENTIAL LOTS EXIST ALONG THIS ROAD. SARTILLO ROAD IS INCLUDED ON THE COUNTY'S DIRT ROAD IMPROVEMENT PROGRAM FOR 2002 THAT WILL INVOLVE OVERLAYING THE ROAD WITH AN ASPHALTIC LAYER OF PAVEMENT. ANY ADDITIONAL RESIDENTIAL UNITS WILL REQUIRE THAT THE DIRT ROAD BE BROUGHT UP TO CURRENT COUNTY STANDARDS (I.E. PAVEMENT). THEREFORE, STAFF CANNOT RECOMMEND APPROVAL OF THIS NON-ZONING VARIANCE.

Proof of publication of notice of public hearing on NZVAR01-0016 Sartillo Road, was received having been published in The St. Augustine Record on August 23, 2001.

Darrell Locklear, Development Review Engineering Manager, reviewed this item. Kohnke questioned what the density is currently. Locklear responded, that the current zoning is OR, 1 per acre. Kohnke questioned if the right-of-way problems were taken care of and if it had anything to do with this property. Locklear responded, that he was not sure. (1:42 p.m.) Maria Colangelo, 4615 Sartillo Road, the applicant, stated that the application is for her mother to reside at the premises. Jacalone questioned if there was a problem with the right-of-way on Sartillo Road holding up the paving program and if it was a concern with her property. (1:44 p.m.) Tim McGovern, Watson Realty, the applicant's realtor responded to Jacalone's question, stating that it didn't concern his client's property. Kohnke suggested postponing moving this item until they find out whether they need right-of-way from these people. Colangelo stated that they are going to share the same driveway. Meiszer questioned the applicant about dividing the parcels and Colangelo stated that they have no plans for dividing it. Locklear stated that Joe Stephenson checked into it and stated that this parcel does not have any affect on the right-of-way issue. **Motion by Reardon, seconded by Bryant, carried 4/1, with Meiszer opposed, to approve NZVAR 2001-0016 based upon the evidence provided for all of the Five Findings of Fact as listed on the Staff Report.**

(09/04/01 - 8 - 1:49 p.m.)

10. PUBLIC HEARING – VARIANCE TO ORDINANCE 2000-47, IMPOSING A MORATORIUM ON COMPREHENSIVE PLAN AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA FOR THE OAK HARBOR PLANNED UNIT DEVELOPMENT (PUD 2001-07) LOCATED ON ROBERTS ROAD AND IVY LAKES DRIVE. THIS VARIANCE IS BEING REQUESTED PURSUANT TO SECTION 4 OF ORDINANCE NO. 2000-47. ON AUGUST 15, 2000, THE BOARD ADOPTED ORDINANCE NO. 2000-47 THAT IMPOSED A MORATORIUM ON COMPREHENSIVE PLAN AMENDMENTS AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA THAT INCREASE THE DENSITY OR INTENSITY OF THE FUTURE LAND USE. THIS AREA INCLUDES ALL THE LAND WEST OF I-95, EXTENDING TO THE ST. JOHNS RIVER AND ALL THE LAND NORTH OF SR16/CR208, EXTENDING TO THE DUVAL COUNTY LINE. SECTION 4 OF ORDINANCE 2000-47 PROVIDES THAT THE BOARD OF COUNTY COMMISSIONERS MAY GRANT SITE SPECIFIC VARIANCE TO ORDINANCE NO. 2000-47. THE PROPOSED OAK HARBOR PUD IS COMPRISED OF APPROXIMATELY 53 ACRES AND IS PROPOSED FOR A MAXIMUM OF 98 SINGLE-FAMILY RESIDENTIAL DWELLING UNITS. THE PATTERN OF DEVELOPMENT APPEARS SIMILAR TO THE EXISTING DEVELOPMENT PATTERN. IT DOES NOT APPEAR THAT THE PROPOSED PUD IS CONTRARY TO THE EXISTING DEVELOPMENT PATTERNS OF THIS AREA; HOWEVER, CERTAIN PROVISIONS OF THE NORTHWEST SECTOR PLAN COMMUNITY VISION MAY NOT BE ACHIEVED, SUCH AS, BUT NOT LIMITED TO, VEHICULAR INTERCONNECTIVITY, PROVISION OF GREENWAY CONNECTIVITY AND CONSISTENT OVERALL PLANNING OF THE COMMUNITY PLANNING AREA. STAFF IS OPPOSED TO THIS VARIANCE REQUEST.

Proof of publication of notice of public hearing on Oak Harbor PUD 01-07, was received having been published in The St. Augustine Record on August 20, 2001.

Teresa Bishop, AICP, Planning Director, reviewed this item, stating that it was a request to the moratorium ordinance, that is for a variance and that Staff has no objection. Discussion followed on what the compelling reason was for the request to come in, why

the moratorium was still in effect, the connectivity, the density and how many units per acre, only approving the variance request today, and the water and sewer that would be provided. Kohnke disclaimed having ex-parte with Bishop on questions about the property, and email from Donald Dunham objecting to it. Reardon stated that he had none. Jacalone disclaimed having ex-parte with Bishop on questions about the item and e-mail from Dunham objecting to it. Meiszer stated that he had none and Bryant stated that he had none.

(2:02 p.m.) Gary Davenport, 3266 Pacetti Road, representing the owner of the property, spoke on the history of the property, and presented an aerial showing of the property. Davenport spoke on the provision in the moratorium. *Motion by Reardon, seconded by Meiszer, to deny a variance to Ordinance No. 2000-47 for the Oak Harbor Planned Unit Development adopting Findings of Fact 1 and 2, and the reason is that the bases of providing a variance to Ordinance 2000-47 has not been met.* Kohnke stated that she did not hear that they have met any of the County's major criteria. Bosanko mentioned that the only criteria that they have applied under, that they believe that they have met is 4 c.

(2:11 p.m.) John Metcalf spoke on land owners rights. Kohnke questioned if there will be anything coming up in the amendments that will affect this place. Bishop spoke on the planning areas. Bosanko agreed with Metcalf, that there could be a temporary taking of property by an improper restriction of a land owners use of his property. It is the Board's duty to make a decision whether they have sufficient evidence to make a finding that the rezoning they want to pursue would not be contrary to the NW Sector Study Plan or the Corridor Plan. Meiszer stated that there is nothing improper in maintaining the moratorium. Bishop stated that the amendments will be coming to Planning and Zoning around the first of October. Discussion followed on disagreeing with the Planning Director to make a finding that the proposed rezoning will not be contrary to the purposes of the NW Sector Study or Corridor Plan. Meiszer called the question and it passed by unanimous vote. *Jacalone directed Reardon to restate the motion.* **Motion by Reardon, seconded by Meiszer, carried 4/1 by roll call vote with Bryant opposing, to deny a variance to Ordinance No. 2000-47 for the Oak Harbor Planned Unit Development, adopting Findings of Fact 1 and 2 to support the motion, this variance request does not meet the level of granting a variance to Ordinance No. 2000-47 to the limit of extent necessary to prevent a County taking of private property, there is no vesting that has been shown for this project, and based on insufficient evidence supporting a finding that the proposed rezoning will not be contrary to the purposes of the NW Sector Study or Corridor Plan.**

Roll Call Vote

Reardon	**yes**
Jacalone	**yes**
Kohnke	**yes**
Bryant	**no**
Meiszer	**yes**

Motion passed 4/1.

(09/04/01 - 9 - 2:25 p.m.)

11. PUBLIC HEARING – RECONSIDERATION OF A ST. JOHNS COUNTY BOARD OF COUNTY COMMISSION ORDER RENDERED ON MAY 3, 2001 FOR THE PROJECT KNOWN AS SEA PINES (COUNTY FILE R-00-43.) ON APRIL 3, 2001 THE BOARD DENIED A PROPOSED REZONING FOR SEA PINES. THE SEA PINES PROPERTY IS LOCATED OF STATE ROAD 206, ADJACENT TO THE HIDDEN CREEK SUBDIVISION. THE APPLICANT APPEALS THE DECISION. ON JULY 8, 2001, A SETTLEMENT AGREEMENT WAS EXECUTED BETWEEN

HIDDEN CREEK HOMEOWNERS ASSOCIATION & MR. ROBERT HAHNERMANN, THE APPLICANT FOR SEA PINES. BY ORDER OF CIRCUIT COURT JUDGE J. MICHAEL TRAYNOR DATED JULY 17, 2001 THE BOARD OF COUNTY COMMISSIONERS IS ASKED TO RECONSIDER ITS DENIAL OF SEA PINES.

Proof of publication of notice of public hearing on Sea Pines Rezoning, was published in The St. Augustine Record on August 20, 2001.

Bishop reviewed the item and stated that the Staff had no objections to approval. She stated that they have received four letters in opposition. Meiszer disclosed having ex-parte communication with the South Anastasia Civil Association, and a written communication from Mr. Pat Hamilton. Kohnke disclosed having ex-parte communication with Karen Taylor about this coming back and she gave Kohnke a partial run down on what the settlement agreement was, Nancy Lowe with the Hidden Creek Homeowners Association and she told Kohnke what they were working on, their progress and what she hoped would be in the settlement agreement and Pat Hamilton called and told her that he was against it. Reardon disclosed having ex-parte regarding a letter from the South Anastasia Homeowners Association. Bishop stated that the letter she received in opposition was from Arthur Tesko. Jacalone disclosed having ex-parte in the form of e-mails, and written documents on this request. Bosanko stated that McClure has not seen all the information handed out and he needs to see it.

(2:32 p.m.) George McClure, 170 Malaga Street, on behalf of the St. Augustine Development Corporation, reviewed the history of this item, stating that there were two main concerns; the impact on the environment and the impact on the immediate neighbors. He stated that the Proposed Settlement Agreement addressed the concerns in several ways.

(2:39 p.m.) Dennis Bayer, Hidden Creek Homeowners Association, spoke on negotiating on the agreement and being comfortable with it. Bosanko spoke on the changes made in the most recent draft. Bayer clarified the changes; on the second page under Section 2, added a couple of minor phrases to clarify where the improvements are going to be made; *The St. Augustine Development Corporation, its successors or assigns, shall obtain all necessary permits and approvals on the appropriate agencies for and to construct an eastbound stacking a left turn lane on SR 206 into Hidden Creek Estates* and the other change is; *This turn lane will be constructed concomitant with the installation of roads and water lines in Sea Pines*. Bosanko mentioned in closing, that there were several items in the settlement agreement that Mr. Hahnemann entered into at the Homeowners Association which are not included in this ordinance and explained that they are not included because they are not appropriate for an ordinance and that they could have them in a private restriction, which included mosquito control, pesticides and fertilizers. Bosanko stated that the settlement agreement is not the concern of the Board, just the ordinance. Discussion followed on a turn lane into Sea Pines and the compatibility and best interest.

(2:48 p.m.) Nancy Lowe, 929 Eagle Drive, spoke on reaching a settlement agreement that addressed all their concerns, and asked that deed restrictions for the development be recorded at the outset of the project. She asked to have the opportunity to address the Board again if needed and stated that the settlement agreement was a good agreement.

(2:51 p.m.) Bob Betts, 500 Old Beach Road, spoke on there being no prohibition spraying of mosquitos.

(2:53 p.m.) Sandra Tebo, 904 Eagle Drive, spoke in opposition of this item.

(2:53 p.m.) Gian Basili, 5385 Pelican Way, spoke in favor of this item, encouraging the Board to approve it.

(2:56 p.m.) Hamilton Nolan, 79 MLK Avenue, spoke in opposition of this item and read the reasons why it was turned down before.

(2:59 p.m.) Ed Lowe, 929 Eagle Drive, spoke in favor of this item and stated that this was a good agreement.

(3:02 p.m.) John Nock, 950 SR 206 E., spoke in opposition of this item.

(3:04 p.m.) Kitty Nock, 950 SR 206 E., spoke in opposition of this item.

(3:06 p.m.) Pat Hamilton, 201 Owens Ave., spoke in opposition of this item and on keeping it like it was.

(3:09 p.m.) Judy Ginn, 6784 Avenue A, spoke in opposition of this item and suggested leaving it the way it was.

(3:13 p.m.) George Jacunski, 5650 A1A South, #103, spoke in opposition of this item.

(3:16 p.m.) Doris Davis, 31 Orange Avenue, spoke in opposition of this item.

(3:16 p.m.) Bryant spoke on the Comp Plan. Bosanko explained that this is basically a rehearing. Discussion followed on the ordinance submitted, making a motion to reconsider this item, and the changes. (3:28 p.m.) **Motion by Reardon, seconded by Meiszer, failed by roll call vote 2/3, to deny rezoning application R-00-43, adopting Findings of Fact 1 through 4 to support the motion; the proposed rezoning is incompatible and non-complimentary to adjacent land uses and fails to protect and enhance existing communities and neighborhoods, the rezoning encourages an efficient and expansive land use pattern may cause unbalanced growth and over development, the rezoning is contrary to the health, safety, public welfare, due to the increase density, and the increase in density is not mandated as stated and supported by this case.** Discussion followed on the motion. Bosanko stated two legal points; didn't get a rebuttal from the applicant because he waived it and as for the Comp Plan issue, there are circumstances where someone can hold land to less than the Comp Plan allows in density, but have to have confidential substantial evidence to support it.

Roll Call Vote

Jacalone	**no**
Kohnke	**no**
Bryant	**no**
Meiszer	**yes**
Reardon	**yes**

Motion failed 2/3.

(3:38) Bosanko recommended to make a new motion to approve, so there will be Findings of Fact. Bosanko suggested that Bishop confirm whether it's in her opinion the rezoning application is consistent with the land development code. Bishop replied yes, it's consistent with the inapplicable portions of the Land Development Code at this point. Discussion followed on the ruling of the Judge. **Motion by Kohnke, seconded by Bryant, carried 3/2 with Reardon and Meiszer opposed, to enact Ordinance No. 2001-52, R-00-43 adopting Findings of Fact to support the motion, 1, 2, 2a, 2b, 2c, 3, 4, and the amendments suggested to the Ordinance by Mr. Bayer.**

ORDINANCE NO. 2001-52

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL, SINGLE-FAMILY (RS-2) WITH CONDITIONS TO RESIDENTIAL, SINGLE-FAMILY (RS-2) WITH CONDITION; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(3:43 p.m.) Bosanko introduced the new assistant attorney in their office, Mr. Gary Eckstine.

The meeting recessed at 3:44 p.m. and reconvened at 3:54 p.m.

(09/04/01 - 12 - 3:54 p.m.)

12. PUBLIC HEARING – REZ-2001-08 - MCCUMBER HOMES, INC. REZONING. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 0.77 ACRES LOCATED AT THE SW CORNER OF VENETIAN BLVD AND US 1 FROM COMMERCIAL GENERAL (CG) TO INDUSTRIAL WAREHOUSING (IW) FOR A COMBINATION OFFICE/WAREHOUSE SPACE OF APPROXIMATELY 6500 TO 7500 SQUARE FEET. A FINAL CERTIFICATE OF CONCURRENCY (CONMIN2001-10) HAS BEEN APPROVED FOR THE DEVELOPMENT OF 7,500 SQUARE FEET OF WAREHOUSING SPACE WITH ASSOCIATED OFFICE. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO INDUSTRIAL WAREHOUSING (IW) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. THUS, THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REZONING.

Proof of publication of notice of public hearing on McCumber Homes REZ01-08, was received having been published in The St. Augustine Record on August 20, 2001.

Bishop reviewed this item and stated that Staff has no objections. She stated that they received four letters in favor of this project. (3:56 p.m.) Blake Deal, 135 Professional Drive, Suite 101, Ponte Vedra, on behalf of the applicant, stated that Staff presented it well and he was there to entertain any questions the Board might have. **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance 2001-53, known as McCumber Homes, Inc. (REZ-2001-08), adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2001-53

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 INDUSTRIAL, WAREHOUSING (IW); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 3:57 p.m. and reconvened at 5:30 p.m.

(09/04/01 - 13 - 5:30 p.m.)

13. ADOPTION OF TENTATIVE MILLAGE RATE & BUDGET FOR FISCAL YEAR 2002

Proof of publication of notice of public hearing on Tentative Millage Rate FY 2002, was received having been published in The St. Augustine Record on Augustine 17, 2001.

Joe Vonasek, Director of Management and Budget, reviewed this item and announced, compared to the agenda package, the change in the millage rate for the St. Augustine South Lighting District from .271 to .270 millage rate. He stated that the FL Statute they must follow is 200.65 and in accordance with the Statute, the first substance of issue to be discussed during this hearing will be the percentage increase in the millage rate over the roll back rate. The percentage increase over the roll back rate is 11.30%, as calculated per FL Statute. He stated that there is an obligation to discuss the specific reasons for the increases in the operating budgets. He addressed the differences in the General Fund as being increased expenditures being reflected by the Constitutional Officers based on growth; Clerk of Courts there is an increase both for Finance and Courts of about $123,000; the Property Appraiser has an increase based on an increased number of parcels being appraised and the valuation of approximately $276,000; the Tax Collector's Office for the same reason of an increase number of parcels being collected and the valuation of those properties of $265,000; increase in the legal services from the County Attorney's Office; and the Supervisor of Elections also has a increase of about $93,000 that will reflect on elections equipment grant that she has obtained; and there is going to be increases in cost for the Judicial Center primarily in utilities and one new position that will total approximately $150,000; increase in Law Enforcement of about $2.4 million dollars; increases in Code Enforcement; Emergency Management; the Fair Grounds will have an additional capital improvements of about $108,000; the Economic Development Department will increase reflecting the Strategic Plan Funding by the Board; increase of approximately $245,000 in the hospital element of the Social Services Department reflecting an increase in hospital costs; and increases in the Health and Human Services Center Operation reflecting about $129,000; the operation cost for the recreation function within the County will increase by approximately a million dollars; new housing department to fund costing approximately $658,000 with $500,000 coming from Grant Funds; the Reserves for the County are proposed to increase approximately $2 million dollars; the General Funds carry forward of Capital Projects Funds of about $1.6 million dollars; Court Facility Trust Fund will increase about $137,000; Building Services $307,000; the Housing Trust Fund of about $225,000; Mental Health Trust Fund of about $163,000; Transportation Trust Fund of about $3.4 million dollars; the Beach Services Fund about $750,000; Fire Services Fund increasing about $1.6 million dollars; a substantial increase in the Commercial Paper Debt Service Fund reflecting in the amount of about $1.5 million dollars; Workers Comp Fund increases approximately $580,000; Group Insurance Fund increases about $625,000; and the Fleet Maintenance Fund will increase approximately $320,000. He paused for public comments. (5:38 p.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to adopt the Tentative Millage Rate, the Taxing Authority of St. Johns County, rolled back rate is 5.987, Percent increase over the roll-back rate is 11.30, the Tentative Millage Rate is 6.663, to adopt Resolution No. 2001-179.**

RESOLUTION NO. 2001 - 179

RESOLVED, that the following **TENTATIVE MILLAGE RATE** is hereby set by the Board of County Commissioners of St. Johns County, Florida, for all property in St. Johns County, as of January 1, 2001.

General Fund	5.012
County Transportation Trust Fund	.900
County Health Unit Trust Fund	.153
Fire District, County-wide Except Municipalities	.675
Vilano Street Lighting District	.140
St. Augustine South Street Lighting District	.270
Julington Creek Municipal Service District	.000
Jail Debt Service Refunding Fund	.160
AGGREGATE MILLAGE RATE	6.663
Rolled-back Rate	5.987
Percentage increase over rolled-back rate:	11.30%

Proof of publication of notice of public hearing on Tentative Budget FY 2002, was received having been published in The St. Augustine Record on Augustine 17, 2001.

Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2001-180.

RESOLUTION NO. 2001 - 180

RESOLVED, that the following **FISCAL YEAR 2002 TENTATIVE BUDGET** of the Board of County Commissioners of St. Johns County, Florida, developed using the certified taxable value of $9,547,475,047, generating an estimated $65,147,108 in taxes, is hereby adopted, resulting in a total budget of $248,508,863 as follows:

General Fund	$76,301,513
Special Revenue Funds	
County Health Unit Trust Fund	1,423,526
Court Facilities Trust Fund	179,874
Building Services Fund	3,534,817
Law Enforcement Trust Fund	11,109
State Housing Int. Part Program (SHIP)	2,861,194
Mental Health Unit trust Fund	3,120,380
Utility Regulation Fund	288,416
County Transportation Trust Fund	22,799,770
Additional Court Cost Trust Fund	287,339
Beach Fund	1,471,093
Pier Operations Fund	246,319
Tourist Development Fund	5,716,767
Tree Bank Fund	55,903
Galimore Center Fund	127,371
Alcohol & Drug Abuse Trust Fund	10,271
Communications Surcharge Fund	700,412
FL Boating Improvement Trust Fund	345,344
Impact Fee Funds	12,757,583
FL Arts License Plate Fund	16,245
E-911 Communications	913,311
Fire District Fund	8,264,152
Vilano Street Lighting District	17,267
Elkton Drainage District	27,021
Executive Cove M.S.B.U.	11,696
St. Augustine South Lighting District	40,975
Julington Creek M.S.D.	1,514
Treasure Beach M.S.B.U.	98,150

Thompson Bailey Road M.S.B.U.	19,374
Private Roads M.S.B.U.	24,458
Northwest Tower Fund	52,523
Debt Service Funds	
Jail Refunding Debt Service	1,601,869
$12,185,000 Refunding Debt Service	1,205,165
$21,095,000 Refunding Debt Service	1,605,117
Commercial Paper	1,594,056
Capital Project Funds	
Racetrack Road Project Fund	1,762,557
Library Building Fund	5,862,410
Palm Valley Bridge Fund	2,065,788
Park Projects Fund	1,311,425
Master Plan Building	133,500
Recreation Projects	3,026,385
NW Gov't. Services Center	1,179,572
N. Holmes Blvd. Fund	3,413,334
Enterprise Funds	
Solid Waste Fund	24,626,649
St. Johns County Utility Fund	40,050,261
Convention Center Fund	3,482,700
Golf Course Fund	2,742,641
Amphitheater Fund	611,532
Internal Service Funds	
Workers Compensation Fund	2,075,206
Group Health Insurance Fund	6,427,689
Fleet Maintenance Fund	2,005,320

(5:43 p.m.) Vonasek asked that the Board address the establishment of the date, time, and place for the final hearing for the budget and millage rate for FY 2002 and recommend that the Board establish September 11, 2001 at 5:30 p.m. in the County Auditorium. **Motion by Reardon, seconded by Kohnke, carried 5/0, to set the public hearing for September 11, 2001 at 5:30 p.m. to adopt the final millage rate and budget.**

Motion by Kohnke, seconded by Reardon, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 5:44 p.m.

CORRESPONDENCE:

1. Letter dated August 9, 2001 to Shirley A. Taylor, Financial Disclosure Coordinator, regarding removing Mr. David Clark from the Adjustment and Appeals Board List.
2. Letter dated August 21, 2001, to Liz Cloud, Chief of Bureau of Administrative Code, regarding filing St. Johns County Ordinance No. 2001-50.
3. Letter dated August 22, 2001, to Darlene A. Schnittker informing her of reappointment to the Recreation Advisory Board as representative to the Amphitheater Board of Directors.
4. Invoice dated August 17, 2001, to Hilde Howell requesting payment for 84 copies of resolutions for Julington Creek Plantation in the amount of $12.60.
5. Letter dated August 14, 2001, to Joseph Foltz, Esquire, regarding the original executed Exhibit "A" as identified in the Declaration of Covenants and Restrictions as to Development and Use of Land.
6. Letter dated August 14, 2001, to Liz Cloud, Chief of Bureau of Administration Code, filing St. Johns County Ordinance Nos. 2001-48 and 2001-49.

REPORTS:

1. St. Johns Board of County Commissioners Check Register Check No. 307998 through 308020 dated August 23, 2001.
2. St. Johns Board of County Commissioners Check Register Check No. 308524 dated August 27, 2001.
3. St. Johns Board of County Commissioners Check Register Check No. 308523 dated August 24, 2001.
4. St. Johns Board of County Commissioners Check Register Check No. 308021 through 308522 dated August 24, 2001.

Approved: September 18, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:_____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:_____
Deputy Clerk