

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 25, 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
 Daniel Bosanko, Deputy County Attorney
 Lenora Newsome, Deputy Clerk

Also present: Allen MacDonald, Finance Director

(09/25/01 - 1 - 9:00 a.m.)

The meeting was called to order by Chair Jacalone.

(09/25/01 - 1 - 9:00 a.m.)

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

(09/25/01 - 1 - 9:01 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(09/25/01 - 1 - 9:02 a.m.)

PROCLAMATION LANDRUM STUDENT RECOGNITION DAY

Kohnke read the proclamation. The student body, Children In Action Club (CIA), received the proclamation and explained that they collected new teddy bears to be delivered to children of emergency personnel who lost a parent as a result of the terrorist attack on the United States with a written message of sympathy and caring. Judy Ham, School Board, thanked everyone involved.

(09/25/01 - 1 - 9:12 a.m.)

PUBLIC COMMENT

George Ruotolo, 30 Valencia Street, Ponte Vedra Beach, spoke on the widening of Solano Road to four lane entry and paying the study bill in the amount of \$3,000. Bryant suggested preparing a resolution for this item and to direct the Attorney's Office to prepare the resolution to support the payment with Findings of Fact and bring back to the Board next week. Meiszer mentioned the Clerk's Office checking into the Attorney General Opinion. MacDonald spoke on the Attorney General Opinion and on other entities wanting to get reimbursed for costs also, if this is passed. Bosanko stated that a resolution had been prepared, was delayed because of other things going on in the County, was reviewed by the Attorney's Office, forwarded to the Clerk's Office for approval and the intention was for the Clerk to present it to the Board next week. Reardon remarked that his motion was just to approve paying the \$3,000, but leave it up to Staff to figure out the

appropriate way to get it on the agenda to be paid. Kohnke replied that she would like to see it done properly by resolution. Bryant concurred with Kohnke. **Motion by Reardon, seconded by Jacalone, carried 4/1 with Kohnke opposed, to pay the \$3,000 for the study that the Board received, that they would find which serves a valid public purpose in this situation and be brought back before the Board to authorize payment in the proper format.**

(09/25/01 - 2 - 9:27 a.m.)

DELETIONS TO CONSENT AGENDA

Kohnke requested to pull Consent item #7 and add it to the Regular Agenda as 6a, and pull Consent item #3 to reschedule for a later date.

(09/25/01 - 2 - 9:28 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of minutes:
09/11/01 - BCC Regular Meeting
3. Motion to direct the Chairman to execute the Agreement with the St. Johns County Horse Council to manage the Equestrian Center

This item was pulled and will be rescheduled to a later date.

4. Motion to approve the transfer of \$40,000.00 from 0083-59920 Reserves to 0032-54500 Insurance and 0032-54300 Utilities to cover the remaining expenses for the Judicial Maintenance Department for FY 2001
5. Motion to adopt **Resolution No. 2001-192** implementing new and/or revised fees for services provided by St. Johns County Departments

RESOLUTION NO. 2001 -192

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE SCHEDULE OF FEES FOR CERTAIN COUNTY DEPARTMENTS

6. Motion directing the County Administrator, or his designee, to enter into a contract with the low bidder F.G.I., Inc. for Bid No. 01-87 to construct the expansion of the Bartram Trail Branch Library Parking Lot (*See Attachment "A"*)
7. Motion to approve the transfer of \$341,265 from the Utility Reserve Fund to the appropriate accounts to cover end of year expenses and the expenses associated with the Intercoastal Acquisition and the Nocatee Plan of Service

This item was pulled from the Consent Agenda and placed on the Regular Agenda as 6a.

8. Motion to approve the Contract between the St. Johns County Board of County Commissioners and State of Florida Department of Health for Operation of the St. Johns County Health Department for Contract Year 2001-2002

9. Motion to adopt **Resolution No. 2001-193** authorizing the County Administrator to delegate authority to sign interrogatories

RESOLUTION NO. 2001-193

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR AND HIS OR HER DESIGNEES TO RESPOND TO AND EXECUTE INTERROGATORIES DIRECTED TO ST. JOHNS COUNTY AS PART OF ADMINISTRATIVE OR JUDICIAL LITIGATION. THIS RESOLUTION ALSO REPEALS RESOLUTION 96-32

10. Proofs:

- a. Proof, Notice of Public Hearing, Codification of Ordinances, September 25, 2001

(09/25/01 - 3 - 9:29 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to pull item #2, at the group's request and rescheduled it to October 9, 2001, at 1:30 p.m. and add as item 6b, *Solid Waste Fund Transfer*. Bosanko requested to add as item 6c, *Update on Redistricting*.

(09/25/01 - 3 - 9:30 a.m.)

APPROVAL OF REGULAR AGENDA

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

(09/25/01 - 3 - 9:30 a.m.)

1. CONSIDER A REQUEST BY THE NATIONAL AFRICAN AMERICAN ARCHIVES AND MUSEUM (NAAAM) TO DISCUSS THE TERMINATION OF THE TOURIST PROMOTION CONTRACT AND SUBLEASE AGREEMENT

Doug Burnett, Outside Counsel to the Board of County Commissioners, using visual display, reviewed the history of the NAAAM Contract and how the contract was not followed by NAAAM. He reviewed the contract, item by item, explaining what has not been followed, passed out information on what the Staff had attained from NAAAM and NAAAM representatives, and passed out a document addressed to Moses Floyd in 1999 and signed by Warren Parker. Burnett spoke on a letter that was supposed to be to Hastings from Parker, and Parker claims it is not his letter. He presented a letter addressed to Hastings dated March 29, 2000, 2 pages; letter dated April 4, 2000 on responsibility; invoice asking for \$17,000 and scratched out by Floyd and made it \$11,000; and a document that included 13 pages, but did not include the written description, drawings, specifications, or suggested budget. He spoke on a letter to Cheryl Strickland, Clerk of Court, from Floyd on a certificate of certification on services rendered. He briefly reviewed what the Five Year Financial Plan provides. He spoke on having permits, providing audits required by the County, not having all the records, no evidence of bids for purchasing contracts, on some of the exhibits in the museum, and providing at NAAAM's expense, advertising. The lease from the State requires that the facility is to be used for an African American Archives and Museum, no matter what action is taken by the Board.

(9:59 a.m.) Reverend David Eleby, President of NAAAM, presented a petition on behalf of the supporters of NAAAM with over 800 signatures. He stated that there is a need to appoint public relation officers and to finish this project because it is a good project.

(10:03 a.m.) Moses Floyd, spokesman for the group, passed out exhibits, using visual display, presented a document showing that he presented \$35,000 from his personal bank account so they could get the grant for NAAAM. He covered the following items; the reason he did not attend the July 24 BCC meeting, asking the Board to consider NAAAM's request for a two year extension, the reason the museum could not open because of the sprinkler system not being installed, accepting the State's requirements if NAAAM's terms are not acceptable, asking the Board to rescind their motion from July 24, NAAAM's Management Plan being given to the County on June 30, 1998, all \$625,000 Grant money being controlled and administered by St. Johns County, the African American Market Study, the Management Plan, construction proposal to Mike Rubin, and not receiving the approval to continue working, which was stopped February 2, 2001.

(10:52 a.m.) Ann Floyd, 890 King Street, touched briefly on the information submitted by Burnett. She spoke on the annual report not being 8 months overdue because it was in Tallahassee when it was due, a memo to Ben Adams dated December 22, from Glenn Hastings advising him of things that had not taken place with NAAAM, NAAAM appearing before the BCC on March 21, 2000 to explain the March 9 letter of NAAAM not taking care of things, NAAAM's Mission Statement, the letter dated January 5 regarding the County tagging NAAAM's property and according to the contract it is not County's property, sending letters letting the Commissioners know of all the problems that they have had, the Budget being shot because what was agreed upon had been altered, County taking over a lot of things that NAAAM knew nothing about, a meeting being set up on January 10, 2001 regarding January 5, 2001 letter, the January 19 letter asking for an audit of 25 items, and NAAAM responding to all demands by the County with a letter dated August 27, 2001. She also mentioned taking \$35,000 out of their personal account to get the grant.

(11:07 a.m.) Alicia Milton, 4919 Murray Street, Elkton, spoke on black history, and asked the Board to show them the same respect as they show them.

(11:08 a.m.) Rodney Gregory, P.A., representing NAAAM, spoke on the January 10, 2001 hearing that came before the Board, and NAAAM's request for continuation of its contract. They are requesting that everyone come together without further delay to open the museum and gave the original continuation request to Adams.

The meeting recessed at 11:26 a.m. and reconvened at 11:33 a.m.

(11:34 a.m.) Reverend Ronald Stafford, 655 Christopher Street, spoke in favor of continuing the NAAAM Contract and utilizing the building for the whole community.

(11:38 a.m.) David Nolan, 30 Park Terrace Drive, spoke in favor of continuing the NAAAM Contract.

(11:41 a.m.) Reverend Sidney Hardy, Sr., 222 Riberia Street, spoke in favor of continuing the NAAAM Contract and requested for the Board to let it stay in the hands of the Floyds because they have a vision for it.

(11:44 a.m.) Reverend Randy Hezekiah, 271 West King Street, spoke in favor of continuing the NAAAM Contract, stated that the Floyds have this NAAAM project at heart and asked the Board to rescind their action.

(11:47 a.m.) Gary Edinger, 305 NE 1st Street, Gainesville, will represent NAAAM in a lawsuit if need be, distributed a complaint where NAAAM will sue St. Johns County, if need be.

(11:50 a.m.) Jacalone asked Burnett to explain the claims on altering the documents. Jacalone stated that the bottom line is that the museum is still not open and won't be for a long time. He stated that they needed to get the museum open and honor the contract with the State. Burnett responded. Glenn Hastings, TDC, gave a background on how the documents got altered. He stated that he and Floyd created this outline together, went to the copy room to run a copy on Parker's letterhead, which Floyd ran the copy. Burnett spoke on the BCC July 24 meeting, Floyd getting bids for the sprinkler system, office improvements, tourism contracts, and a Memorandum drafted by Sisco. Bryant spoke on the proposed complaint against the County and what this item today is about. Burnett spoke on due process. Meiszer mentioned that it was time to start over and would like to expedite getting the museum open. Jacalone agreed with Meiszer. Kohnke stated that she thinks Floyd has been unfaithful to the community and the facts presented by the Attorney for the County, stands on their own. Reardon voiced concern on the transition from one group doing the project to another group doing the project. Hastings stated from the tourist development standpoint, it identified an opportunity for tourism development in St. Johns County and from a marketing prospective, the best opportunities are to stress the County's uniqueness of what is here as opposed to somewhere else. It is not a black and white issue, it is a green issue which stands for money. Reardon spoke on restructuring it and moving forward. Bryant spoke on the NAAAM issue being Floyd's dream and need to move forward with the museum. Kohnke disagreed with Bryant and stated that the whole building doesn't have to be just for the museum, it can meet many needs and multi cultural. She suggested that Adams meet with some of the leadership in the Black community and see what can be done with community effort to see that this goes for what it should go for and bring it back to the Board in a week or two. Jacalone stated that NAAAM has had an opportunity to make these doors open and it has not happened, and if this contract is terminated with NAAAM, it doesn't mean they can't come back and propose another arrangement. **Motion by Kohnke, seconded by Jacalone, carried 3/2 by roll call vote with Reardon and Bryant opposing, to terminate the Tourist Promotion Contract and Sublease Agreement.**

Roll Call Vote

Meiszer	yes
Reardon	no
Jacalone	yes
Kohnke	yes
Bryant	no

Motion passed.

(09/25/01 - 5 - 9:29 a.m.)

2. UPDATE ON THE VILANO BEACH WATERFRONTS COMMUNITY TOWN CENTER AND PAVILION DESIGN

This item was continued to October 9, 2001.

Motion by Kohnke, seconded by Reardon, carried 5/0, to reorder the agenda to the afternoon.

The meeting recessed at 12:26 p.m. and reconvened at 1:30 p.m. with Jacalone, Bryant, Kohnke, Reardon, Meiszer, Sisco, Adams, and Deputy Clerk Judy Hamilton present. *The Board acted on Items 7 through 10 before returning to the remainder of the morning agenda, Items 3-6c.*

The meeting recessed at 3:29 p.m. and reconvened at 3:40 p.m. Bosanko left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting.

(09/25/01 - 6 - 3:40 p.m.)

3. CONSIDER AUTHORIZATION OF BID #01-81 FOR THE CONSTRUCTION OF THE NEW NORTHWEST ANNEX

Mike Rubin, Construction Manager, made a presentation to the Board, with visual display. Discussion followed on keeping the mezzanine, wiring, finishing the community space, and storage space. Allen MacDonald entered the meeting at 3:53 p.m. It was suggested that storage space be built now and the meeting room be finished now, and that those items be reincorporated in this budget. Joe Vonasek, Director of Management and Budget, spoke on provision of various options. **Motion by Meiszer, seconded by Reardon, carried 5/0, to approve authorization of the bid, with the mezzanine and finish the meeting room, and to authorize an additional \$45,000, approximately, from General Fund Reserve or other appropriate source, all to be accomplished after October 1, 2001.**

(09/25/01 - 6 - 4:01 p.m.)

4. CONSIDER AN ADDENDUM TO FLORIDA MEMORIAL COLLEGE LEASE FOR CALVIN PEETE PARK

Tom Crawford, Director of Housing and Community Services, presented this item. Discussion was held on the various aspects of the proposed Addenda to the 1996 and 1999 Leases. Lopez distributed copies of the proposed documents. **Motion by Kohnke, seconded by Bryant, carried 5/0, to approve the two addenda for the two different properties.**

(09/25/01 - 6 - 4:07 p.m.)

5. CONSIDER AUTHORIZATION TO WRITE-OFF UNCOLLECTIBLE EMS AND UTILITY SERVICE ACCOUNTS

Doug Timms Budget Analyst, Office of Management and Budget, made a presentation and answered questions from the Board. Margo Stevens, Fire/Rescue, spoke on uncollectible accounts. Discussion ensued on denials, Medicare, commonalities, rentals, liens, and various other items. **Motion by Reardon, seconded by Bryant, carried 5/0, to approve the write-off of 1,615 EMS accounts, totaling \$446,711.48 and 273 Utility Service accounts, totaling \$28,076.99 from the appropriate accounts receivable effective for September 30, 2001.**

(09/25/01 - 6 - 4:28 p.m.)

6. CONSIDER AUTHORIZATION TO SUBMIT A STATE OF FLORIDA ECONOMIC DEVELOPMENT FUND GRANT

John Schwab, Special Project Manager, explained the grant to the Board. Brief discussion followed. **Motion by Reardon, seconded by Bryant, carried 5/0, to authorize the Chairman to sign the State of Florida Economic Development Transportation Fund Grant and accompanying letter, the company's name to be disclosed at a later date.**

(09/25/01 - 6 - 4:32 p.m.)

- 6a. CONSENT #7 - MOTION TO APPROVE THE TRANSFER OF \$341,265 FROM THE UTILITY RESERVE FUND TO THE APPROPRIATE ACCOUNTS TO COVER END OF YEAR EXPENSES AND THE EXPENSES ASSOCIATED WITH THE INTERCOASTAL ACQUISITION AND THE NOCATEE PLAN OF SERVICE

Bill Young, Utility Director, made a presentation to the Board. Discussion was held on concerns of CDM figures and paying for poor work. **Motion by Kohnke, seconded by Bryant, carried 4/1 with Meiszer dissenting, to direct Administration to go back and re-examine and decide what the County should be paying for versus what they are asking for, and to renegotiate CDM's fee.** Vonasek asked the Board to consider payment to Nabors, Gibin, & Nickerson, P.A. **Motion by Kohnke, seconded by Bryant, carried 5/0, to authorize all the payments, except for \$45,548.**

(09/25/01 - 7 - 4:40 p.m.)

6b. SOLID WASTE FUND END OF YEAR TRANSFER

Lopez left the meeting and Daniel Bosanko, Deputy County Attorney, entered the meeting. Joe Vonasek, Director of Management and Budget, made presentation to the Board of this item. Kohnke asked Adams to investigate any oversight and investigate how they got this way and how to prevent it from happening again. Brief discussion ensued and Staff answered questions from the Commission. **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the transfer of \$640,000 from 4400-59920 (Solid Waste Fund Reserve) to 4401-53120 (Refuse Disposal-Contractual Services).**

(09/25/01 - 7 - 4:47 p.m.)

6c. UPDATE ON REDISTRICTING

Bosanko spoke on a memorandum from Supervisor of Elections Halyburton, who met on September 18 with the School Board regarding the proposed technical changes to the Proposed Plan 2 map and agreed on the technical changes but did not want any further joint meetings. Discussion was held on redistricting lines. **Motion by Bryant, seconded by Reardon, carried 5/0, to cancel the joint meeting with the School Board.** The County Administrator was directed to schedule this item on the next agenda, October 9.

(09/25/01 - 7 - 4:53 p.m.)

COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke stated that she had received e-mails about trash not being all picked up by Seaboard. She asked Adams to investigate planning figures of 2.4 people per household and 1.6 kids in the Northwest and stated this was a low estimation of children in the area. She asked Adams to take these figures and take a look at what it might mean in way of projections.

Commissioner Reardon:

(4:54 p.m.) Reardon announced aerial spraying would be done from 7:00 p.m. to 5:00 a.m. for the next two weeks, and advised that half million dollars worth of spraying would be done by the State on areas not covered by Mosquito Control, having accepted the County's application.

Commissioner Bryant:

(4:56 p.m.) Bryant asked the County Administrator to have Glenn Hastings give an update on the Amphitheater. He stated that Health & Human Services was revising criteria for requests of funding and accountability of independent agencies.

Commissioner Meiszer:

(4:57 p.m.) Meiszer commented on the Florida Beach Renourishment Association, and discussion about St. Johns County Matanzas and St. Augustine Beach Project, and looking at what other coastal counties are doing.

Commissioner Jacalone:

Jacalone asked Adams to put on an upcoming agenda, a resolution for consideration to make Nocatee Service area exclusively County. Jacalone recommended it be the Attorney's chore to make sure documents get to where they need to go, specifically to the Clerk. With termination of the NAAAM contract, Jacalone asked that they do everything possible to pursue getting the doors open of that facility and have it be a place that would benefit the museum and exhibits for African-American Artifacts and Exhibits, and pursuit of a non-profit agency to run it.

(09/25/01 - 8 - 5:03 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams stated emergency federal funding in the amount of \$1,000,000 was expected as a result of Tropical Storm Gabrielle. For everyone's information, amidst terrorist threats, Adams advised securing of facilities and training of employees was being accomplished.

(09/25/01 - 8 - 5:05 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko stated the non-zoning variance for Vilano would be heard a week from today.

(09/25/01 - 8 - 1:33 p.m.)
7. PUBLIC HEARING - ORDINANCE PROVIDING FOR THE CODIFICATION OF ORDINANCES IN ACCORDANCE WITH FLORIDA STATUTE 125.68. THIS ORDINANCE WILL ESTABLISH THE CODIFICATION OF ORDINANCES FOR ST. JOHNS COUNTY. THE CLERK OF COURTS OFFICE WILL ESTABLISH THE ST. JOHNS COUNTY CODE AS PRIMA FACIE EVIDENCE OF COUNTY ORDINANCES. THE CLERK'S OFFICE HAS THE EQUIPMENT TO PERFORM THE CODIFICATION IN-HOUSE

Proof of publication for notice of public hearing in the matter of Codification of Ordinances was received, having been published in *The St. Augustine Record* on September 14, 2001.

George Lareau, Chief Deputy Clerk, and Pat DeGrande, Director of Minutes/Records, made the presentation to the Board of the proposed ordinance. Discussion was held on cross-referencing different categories in the Land Development Code as an ongoing process and continual update. There was no public comment. **Motion by Kohnke, seconded by Bryant, carried 4/0 with Reardon absent, to enact Ordinance No. 2001-56, providing for the codification of ordinances in accordance with Florida Statutes 125.68.**

ORDINANCE NO. 2001-56

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, PROVIDING FOR THE CODIFICATION OF ORDINANCES IN ACCORDANCE WITH SECTION 125.68, FLORIDA STATUTES; ESTABLISHING THE ST. JOHNS COUNTY CODE S PRIMA FACIE EVIDENCE OF COUNTY ORDINANCES; ESTABLISHING THE ST. JOHNS COUNTY CODE FORMATS AND PRECEDENCIES OF FORMATS; ESTABLISHING DUTIES OF THE CLERK OF COURT PERTAINING TO THE ST. JOHNS COUNTY CODE; PROVIDING FOR THE DISPOSITION OF CERTAIN LOCAL LAWS; PROVIDING FOR THE PRESERVATION OF CERTAIN ORDINANCES; PROVIDING FOR THE PRESERVATION OF CERTAIN ACTIONS;

REPEALING ST. JOHNS COUNTY ORDINANCE 75-20 (AS AMENDED BY ORDINANCE 89-22); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

(09/25/01 - 9 - 1:36 p.m.)

8. PUBLIC HEARING - PNZ-VAR-01-005-VILANO 19 LOTS. THE APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 6.04.10 (SPECIAL EXCEPTION) AND 6.04.07 (ROADWAY DESIGN) OF THE LAND DEVELOPMENT CODE TO ALLOW THE USE OF SWALED ROADWAY CROSS SECTION INSTEAD OF CURB AND GUTTER IN THE PUBLIC RIGHT-OF-WAY. THE APPLICANT WISHED TO OPEN APPROXIMATELY 300 LINEAR FEET OF SEVENTEENTH STREET (A 60' PUBLIC RIGHT-OF-WAY) IN THE NORTH BEACH SUBDIVISION FROM OAK STREET EASTWARD. OAK STREET IS A COUNTY MAINTAINED PAVED ROAD. OPENING SEVENTEENTH STREET WILL PROVIDE ACCESS TO 14 PLATTED LOTS. ALL OF THE EXISTING STREETS WITHIN THE NORTH BEACH SUBDIVISION, INCLUDING THE STREET IMMEDIATELY ADJACENT TO SEVENTEENTH STREET, ARE FUNCTIONING, SWALED SYSTEMS. HOWEVER, THE LAND DEVELOPMENT CODE DOES NOT ALLOW FOR SWALED DRAINAGE IN PUBLIC RIGHTS-OF-WAY; THEREFORE, STAFF CANNOT RECOMMEND APPROVAL OF THIS NON-ZONING VARIANCE

Proof of publication of notice of public hearing in the matter of Vilano PNZ VAR 01-0005 was received, having been published in *The St. Augustine Record* on September 14, 2001.

Presentation was made by Darrell M. Locklear, Development Review Engineering Manager. Reardon entered the meeting at 1:37 p.m. Blake Deal, representing the applicant, stated their case with visual display. *Motion by Kohnke, seconded by Jacalone, to approve PNZVAR 2001-005 based upon the evidence provided for all of the Five Findings of Fact per Staff Report.* Discussion was held by the Board, including drainage work; swaled areas; bringing this issue back with the rezoning issue; having Engineering assess the drainage problem and how it can be alleviated. Public Comment was received. (1:47 p.m.) Tammi Milliken, 215 16th St., voiced concerns about the effects to her property. (1:50 p.m.) Phillip Milliken, 215 16th St., voiced his concerns, with visual display of pictures, specifically on drainage. (2:02 p.m.) Tom Phillips, 308 17th Street, voiced his concerns on drainage problems. (2:04 p.m.) Gerald Roche, 609 17th St., spoke on not being able to handle any more water in their area. Deal stated they did not have a problem with waiting until the rezoning was heard. Further discussion ensued. (2:12 p.m.) **Motion by Meiszer, seconded by Reardon, carried 5/0, to call the question.** The question was called on **motion by Kohnke, seconded by Jacalone, failed 1/4, with Bryant, Jacalone, Meiszer, and Reardon dissenting.** After further discussion, *motion by Reardon to deny PNZVAR 2001-005, based upon Finding of Fact Number 3, stating that in their perception, more flooding would occur in the area which would be a hazard to the public; motion died for lack of a second.* **Motion by Bryant, seconded by Jacalone, carried 5/0, to reconsider the vote on this item.**

Motion by Bryant, seconded by Kohnke/Reardon, carried 5/0, to table this item until it comes back for the rezoning hearing at a future date.

(09/25/01 - 9 - 2:17 p.m.)

9. PUBLIC HEARING - PNZ-VAR-2001-000006 - BIRD NON-ZONING VARIANCE. THIS IS A REQUEST TO SEEK A NON-ZONING VARIANCE FROM THE 25' UPLAND BUFFER AS REQUIRED IN ARTICLE IV, SECTION 4.901.02.3, OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED AT 4460 SARTILLO ROAD AND LIES ON THE UPPER REACHES OF THE SAN SEBASTIAN RIVER

Proof of publication of notice of public hearing in the matter of 4460 Sartillo road PNZVAR 2001-06 Bird, was received, having been published in *The St. Augustine Record* on September 10, 2001.

Jan Brewer, Environmental Manager, made a presentation, with visual display. Kohnke disclosed ex-parte with Brewer as to any major problems with the shed and Brewer answered no. Discussion of the issue was held by the Board and Staff. The applicant, Muriel Bird, 4460 Sartillo Road, stated her reasons for the application to the Board and answered questions. (2:24 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/1, with Meiszer dissenting, to approve Non-Zoning Variance 2001-006 adopting Findings of Fact 1 through 6.**

(09/25/01 - 10 - 2:25 p.m.)

10. PUBLIC HEARING - PNZ-VAR - 2001-000002 - MORRELL AND DAUGHTRY. THIS IS A REQUEST TO SEEK A NON-ZONING VARIANCE FROM THE 25' UPLAND BUFFER AS REQUIRED IN ARTICLE IV, SECTION 4.01.02.E, OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED AT 117 PETTY ESTATES ROAD AND LIES ON THE ST. JOHNS RIVER

Proof of publication for a notice of hearing in the matter of 117 Petty Estates Road PNZVAR 2001-02 Morrell/Daughtry, was received, having been published in *The St. Augustine Record* on September 10, 2001.

Jan Brewer, Environmental Manager, made presentation, with visual display. Kohnke disclosed ex-parte with Brewer. (2:34 p.m.) George McClure, representing the applicant, made their presentation to the Board, with visual display. Marsha Peacock, 8711 Perimeter Park Blvd., Suite 11, Jacksonville, a botanist, and wetland scientist, spoke on protection of the tree canopy. Discussion ensued on uplands and buffers. (3:11 p.m.) **Motion by Kohnke, seconded by Reardon, carried 3/2 with Jacalone and Bryant dissenting, to deny PZV 2001-02, adopting Findings of Fact to support the motion 1, 2, and 6.**

The Board then returned to Items 3 through 6c, which were continued from the morning agenda.

Motion by Kohnke, seconded by Bryant, carried 5/0, to adjourn. There being no further business to come before the Board, the meeting adjourned at 5:06 p.m.

REPORTS:

1. Supervisor of Elections, Registered to Vote in St. Johns County, Mary Cornwell, Laura Storch, Jean Emery, Shirley Vellis, Cheryl Robitzsch, dated 09/13/01
2. St. Johns Board of County Commissioners Check Register, Check Numbers 308715 through 308937, totaling \$972,249.35, dated 09/11/01
3. St. Johns Board of County Commissioners Check Register, Check Numbers 309233 through 309257, totaling 4373,786.92, dated 09/20/01
4. Re Sampson Creek CDD, St. Joe Development and Impact Fee Agreement, effective 12/8/99
5. Re Sampson Creek CDD, Ordinance 98-7
6. Re Sampson Creek CDD, Notice of Local Public Hearing on Petition to Establish the Sampson Creek Community Development District, April 3, 2000
7. Re Sampson Creek CDD, Notice of Local Public Hearing on Petition to Establish the Sampson Creek Community Development District, dated March 27, 2000
8. Re Sampson Creek CDD, Notice of Local Public Hearing on Petition to Establish the Sampson Creek Community Development District, dated March 20, 2000
9. Re Sampson Creek CDD, Notice of Local Public Hearing on Petition to Establish the Sampson Creek Community Development District, dated March 13, 2000
10. Re Sampson Creek CDD, Agenda Packet Item #7, St. Johns County Board of County Commissioners, March 7, 2000
11. Re Sampson Creek CDD, Notice of Public Hearing of the St. Johns County CDD Processing Group, dated March 2, 2000 from Planning Dept.
12. Re Sampson Creek CDD, Petition to Establish the Sampson Creek Community Development District, before the Florida Land and Water Adjudicatory Commission, from Hopping Green Sams & Smith, P.A.

13. Re Sampson Creek CDD, Exhibit 5 (Excerpted from the Future Land Use Map, St. Johns County, Florida)
14. Re Sampson Creek CDD, St. Johns Golf & Country Club Pre-Development Drainage Map, from Hill, Boring, Dunn & Associates, Inc.
15. Re Sampson Creek CDD, Exhibit 7, Petitioner presently expects that the Sampson Creek Community Development District will undertake the following types of improvements with estimated costs as shown
16. Re Sampson Creek CDD, State of Estimated Regulatory Costs
17. Re Sampson Creek CDD, Exhibit 9, Authorization of Agenda, Douglas G. Maier as agent for The St. Joe Company, with regard to any and all matters pertaining to the petition to establish the Sampson Creek Community Development District, signed by John Baric, Vice President

Approved October 23, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk