

Date filed with Clerk

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

RECEIVED
ST. JOHNS COUNTY, FLORIDA

'95 MAR -9 P2:39

In re:
Owner: Glenn A. Pitts
176 Vilano Road
St. Augustine, FL 32084

Carl Andrew Mackey
CLERK, COUNTY COMMISSIONER

Contractor: Robert Harry
First Coast Outdoor
1093 AlA Beach Blvd.
St. Augustine, FL 32084

ORDER DENYING APPEAL
OF STAFF REVOCATION OF A
BUILDING PERMIT FOR A SIGN

This cause came before the Board of County Commissioners of St. Johns County, Florida on February 14, 1995 for hearing of an appeal of the St. Johns County Building Official's determination that the above named owner, Glenn A. Pitts and contractor, Robert P. Harry, (hereinafter "Applicants") had misrepresented a material fact in their application to St. Johns County, Florida (hereinafter "County") for a building permit for a sign to be located on Lot 9, Block 2, Vilano Beach Subdivision, Unit A, St. Johns County, Florida.

Testimony and evidence was presented that, contrary to the Applicants' representations in their application that no other billboard existed within 1000 ft. distance, the proposed billboard sign would actually be located on Lot 9, Block 2, Vilano Beach Subdivision, Unit A, on the same side of Highway AlA, and within 500 feet of another previously established roadside billboard.

St. Johns County Ordinance 90-9 Section, IV, 5 (2) requires at least 500 feet between billboard structures on the same side of the highway having an advertising surface facing in the same direction. Applicants' argument that his proposed billboard should not be prohibited because it would not face the same direction as the nearest existing billboard sign was not accepted by the Board.

The "Standard Building Code, 1991" adopted by St. Johns County, Florida by Ordinance 92-9 provides, in relevant part, in Section 102.4, Revocation of Permits:

102.4.1 Misrepresentation of Application. The Building Official may revoke a permit or approval, issued under the provisions of this Code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

ORDER

The St. Johns County Building official's order revoking Applicants' application for a billboard building permit is hereby affirmed for reason that contrary to Applicants' representation, Applicants' proposed billboard would be in direct conflict with a previously established billboard due to the Ordinance 90-9 requirement that there be 500 ft. between such signs.

Any appeal of this decision may be made, in accordance with the Florida Rules of Civil Procedure, by filing a petition for writ of certiorari with the Clerk of the Circuit Court of St. Johns County within 30 days of the date this order is rendered.

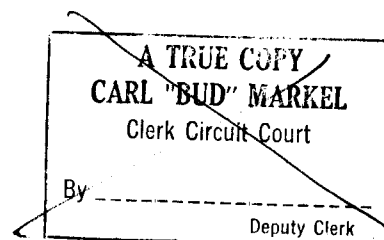
Date of Commission action: February 14, 1995

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Ima Racetti
Deputy Clerk



Laurencelle, 23 Versaggi Road, commented not in opposition to the interlocal agreement but to its timing. Discussion followed. Motion by Jordan, seconded by Cody, carried 6/0, to approve Resolution 95-29.

RESOLUTION NO. 95-29

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, CONCERNING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ST. AUGUSTINE BEACH (THE "CITY") AND ST. JOHNS COUNTY (THE "COUNTY") FOR THE INCLUSION OF ALL THE AREA WITHIN THE BOUNDARY OF THE CITY INTO THE ST. JOHNS COUNTY STORMWATER MANAGEMENT UTILITY.

(02/14/95 - 10 - 5.2380)

D) BID AWARD FOR THE RECONSTRUCTION OF COUNTY ROAD AIA

The Board had a brief discussion on the reconstruction of CR AIA. (5.2600) Dante Salamone, 5225 Datil Pepper Road, gave his view on the construction and the contract. Discussion continued. Motion by Maguire, seconded by Roberts, carried 6/0, that the County Administrator be authorized to enter into a contract with J.B. Coxwell Contracting, Inc. for the middle section of construction in the amount of \$2,503,024.00; a separate contract with Martin Paving Co. for the drainage improvements in the amount of \$820,000.00; authorization to use a 10% contingency for construction costs in the amount of \$332,302.00; in addition, if funding becomes available, the County Administrator also be authorized to exercise the optional South part with J.B. Coxwell Contracting, Inc. as per Exhibit "D" in the contract with Coxwell.

(02/14/95 - 10 - 5.2794)

E) CONSIDER RESOLUTION CREATING THE LOCAL SESQUICENTENNIAL COORDINATING COMMITTEE AND APPOINTING MEMBERS

Motion by Maguire, seconded by Jordan, carried 6/0, to approve the resolution and create the Local Sesquicentennial Coordinating Committee. Ward submitted the following names for the committee: Bill Adams, Betty Usina, Nettie Ruth Brown, Russ Thomas, and David Nolan. Motion by Maguire, seconded by Cody, carried 6/0, to appoint Bill Adams (Chair), Betty Usina, Nettie Ruth Brown, Russ Thomas, and David Nolan to serve on the Local Sesquicentennial Coordinating Committee.

RESOLUTION NO. 95-30

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, CREATING THE ST. JOHNS COUNTY SESQUICENTENNIAL COORDINATING COMMITTEE; ESTABLISHING AN EFFECTIVE DATE AND FINAL DATE AND APPOINTING MEMBERS ACCORDING TO FLORIDA STATUTE 94-152

(02/14/95 - 10 - 5.2921)

F) AWARD BID FOR ADVERTISEMENT OF DELINQUENT TAX NOTICES

Motion by Roberts, seconded by Jordan, carried 6/0, to award the bid to the low bidder, the Ponte Vedra Recorder, in the amount of \$1.11 per square inch or .28 cents per line for the publication of the 1994 Delinquent Tax List. (see attached Exhibit E)

(02/14/95 - 10 - 5.3075)

G) CONSIDER APPEAL OF DECISION CONCERNING THE SIGN ORDINANCE REQUESTED BY MR. ROBERT HARRY

Roland Holt, Director of Building & Codes, explained the appeal then explained the sign ordinance as it relates to billboards. (5.3319) Bob Harry, President of First Coast Outdoor Advertising,

1093 AlA Beach Blvd., Suite 190, presented the commissioners with a drawing and an excerpt from the Sign Ordinance relating to his billboard then gave an explanation. (5.3756) Keith Sebre, Anastasia Advertising, commented in opposition to the appeal. Discussion followed. Motion by Roberts, seconded by Cody, carried 5/1 with Maguire dissenting, to deny the request for an appeal of the staff decision concerning the Sign Ordinance, Sign A was there first and fully permitted, and it would be a direct conflict with Sign H, due to the limitation on the distance between.

(02/14/95 - 11 - 6.0475)

H) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA AS ITEM 8(E).
BID NO. 95-22 - PURCHASE OF COMPUTER HARDWARE FOR
ADMINISTRATION/MIS NETWORK

Bids were opened on February 8, 1995, at 3:00 p.m. by Sonia Wilson and tabulated by Purchasing Agent Don Hein; recommendation from Staff was received. Motion by Maguire, seconded by Jordan, carried 6/0, to award Bid No. 95-22 to Computer Depot in the amount of \$23,800. (see attached Exhibit F)

(02/14/95 - 11 - 6.0522)

I) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA AS ITEM #9.
AUTHORIZATION TO ACCEPT THE APPROVED COMMUNITY BASED PROGRAM
GRANT FROM "KEEP AMERICA BEAUTIFUL" IN THE AMOUNT OF \$9,275

Danielle Slaterpryce, Director of Solid Waste Management, explained the proposed use of the grant funds. Motion by Maguire, seconded by Jordan, carried 6/0, giving authorization to accept the Approved Community Based Program Grant from "Keep America Beautiful" in the amount of \$9,275.00.

RESOLUTION NO. 95-31

A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF
FLORIDA, AMENDING THE SOLID WASTE BUDGET TO
RECEIVE UNANTICIPATED REVENUE FOR FISCAL YEAR
1995

(02/14/95 - 11 - 6.0560)

J) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA AS ITEM #21.
AUTHORIZATION FOR THE COUNTY ADMINISTRATOR TO EXECUTE A
CONTRACT AMENDMENT WITH FRENZ ENTERPRISES, INC. FOR THE
DREDGING OF TREASURE BEACH CANALS

Mike Rubin, Construction Manager, explained the contract amendment. Motion by Rowe, seconded by Cody, carried 6/0, to authorize the County Administrator to execute a Contract Change Order with Frenz Enterprises, Inc., for \$157,500.

(02/14/95 - 11 - 6.00633)

K) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA AS ITEM #22.
APPROVAL TO WAIVE TIPPING FEES AT THE LANDFILL FOR THE ST.
JOHNS COUNTY FAIR ON FEBRUARY 14 THROUGH FEBRUARY 19, 1995

Meiszer explained that the fees could not be waived without amending the ordinance; informed that the County pays the fee from the General Fund. Discussion followed. Motion by Rowe, to deny waiving the tipping fees at the Landfill for the St. Johns County Fair; motion died for lack of a second. (6.0850) Dante Salamone commented in opposition to the fair being held at the Ag Center. Motion by Roberts, seconded by Cody, carried 6/0, for the County to pay the tipping fees for trash disposal from the St. Johns County Fair because it benefits the entire county.

(02/14/95 - 11 - 6.0865)

L) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA AS ITEM #6.
APPROVAL OF RESOLUTION FOR A FINAL DEVELOPMENT PLAN FOR
MCDONALDS AT FAIRFIELD