

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 2, 2000
(9:00 A.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: James Bryant, District 5, Chair
Mary Kohnke, District 4, Vice Chair
Pal Howell, District 1
John Reardon, District 2
Marc Jacalone, District 3
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Lenora Newsome, Deputy Clerk

(05/02/2000 - 1 - 9:05 a.m.)

The meeting was called to order by Chair Bryant.

(05/02/2000 - 1 - 9:05 a.m.)

The invocation was given by Jacalone. The Pledge of Allegiance was led by Bryant.

(05/02/2000 - 1 - 9:06 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(05/02/2000 - 1 - 9:06 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

There were no additions nor deletions to the Consent Agenda.

(05/02/2000 - 1 - 9:07 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of a Resolution changing a road name from Navarra Drive to Deportivo Drive.

RESOLUTION NO. 2000-55

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY,
FLORIDA, CHANGING A ROAD NAME FROM
NAVARRA DRIVE TO DEPORTIVO DRIVE.**

2. Approval of a Resolution changing a road name from Toledo Avenue to Galicia Avenue.

RESOLUTION NO. 2000-56

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CHANGING A ROAD NAME FROM TOLEDO AVENUE TO GALLICIA AVENUE.

3. Approval of a Resolution changing a portion of a road name (all of Rues Landing running southwesterly of Registry Blvd.) from Rues Landing Road to Oakridge Trail.

RESOLUTION NO. 2000-57

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CHANGING A PORTION OF A ROAD NAME (ALL OF RUES LANDING ROAD RUNNING SW'LY OF REGISTRY BOULEVARD) FROM RUES LANDING ROAD TO OAKRIDGE TRAIL.

4. Approval of a Resolution changing a road name from Columbine Court to Cloudberry Branch Way.

RESOLUTION NO. 2000-58

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CHANGING A ROAD NAME FROM COLUMBINE COURT TO CLOUDBERRY BRANCH WAY.

5. Approval of a motion appointing Joe Stephenson as Public Works Director.
6. Approval of a motion establishing May 16, 2000 at 1:30 p.m. and June 6, 2000 at 5:30 p.m. as public hearing dates to consider amendments to Article XII of the Land Development Code.
7. Approval of a motion establishing May 16, 2000 at 1:30 p.m. and June 6, 2000 at 5:30 p.m. as public hearing dates to consider amendments to Section I, Definitions and Section VIII.Q, Ponte Vedra Overlay District within the Ponte Vedra District Zoning Ordinance 99.43.

File:

- a. Proof, First Public Hearing Notice, Small Cities Community Development Block Grant, April 18, 2000.
- b. Proof, Public Disclosure Solid Waste Management Services.
- c. Proof, Certificate of Liability Insurance, Military Construction Corp.
- d. Proof, Evidence of Property Insurance, Military Construction Corp.
- e. Proof, Certificate of Liability Insurance, Military Construction Corp.
- f. Proof, St. Johns County Welfare Federation, Inc.
- g. Proof, St. Johns County Welfare Federation, Inc.
- h. Proof, BCI Engineers & Scientists, Inc.
- i. Proof, Certificate of Liability Insurance, McKenzie Service Company, Inc.
- j. Proof, Notice of Private Meeting, St. Johns County, Olsen Tire Total Care and Sleiman Enterprises, April 25, 2000.

- k. Proof, Notice of Canceled Meeting, SJC Board of County Commissioners, April 25, 2000.
- l. Proof, Notice to Bidders, Bid No. 00-42.
- m. Proof, Notice to Bidders, Bid No. 00-41.
- n. Proof, Notice of Special Meeting, Case # CA 00 679 Olsen Tire Company, April 25, 2000.
- o. Proof, Notice of Public Hearing, Proposed Amendments County Comprehensive Plan and Notice of Land Use Change, May 4, 2000.
- p. Proof, Notice of Public Hearing, Ordinance 97-34, Vehicular Access to Beaches of St. Johns County, April 25, 2000.
- q. Proof, Public Notice, Fact Finding Field Trip, April 24, 2000.
- r. Proof, Notice of Public Hearing, Ordinance 97-34, Vehicular Access to Beaches of St. Johns County, April 25, 2000.

(05/02/2000 - 3 - 9:07 a.m.)

ADDITIONS/DELETIONS TO THE SPECIAL MEETING AGENDA

Kohnke requested to add as item #7a an issue pertaining to the Government TV Channel. Bryant requested to add as item #7b a resolution in support of the Transit Greenway Application for the City of St. Augustine.

(05/02/2000 - 3 - 9:08 a.m.)

APPROVAL OF THE SPECIAL MEETING AGENDA

Motion by Reardon, seconded by Howell, carried 5/0, to approve the Special Meeting Agenda as amended.

(05/02/2000 - 3 - 9:08 a.m.)

ADDITIONS/DELETIONS TO THE WORKSHOP AGENDA

There were no additions nor deletions to the Workshop Agenda.

(05/02/2000 - 3 - 9:08 a.m.)

APPROVAL OF WORKSHOP AGENDA

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

(05/02/2000 - 3 - 9:08 a.m.)

PRESENTATION OF PROCLAMATION DECLARING MAY 13, 2000 AS LETTER CARRIER DRIVE DAY FOOD

Reardon read and presented the proclamation to Jim Bloom on behalf of the Post Office. He introduced the people present from the Post Office: Jim Bloom, Postmaster of St. Johns County; Nancy Burns, United Way; and Julie Gustafson, who headed the Letter Drive Project. Gustafson stated that the food drive is on May 13, 2000, and explained how it would be done.

(05/02/2000 - 3 - 9:17 a.m.)

PUBLIC COMMENT

Bill Jepson, 6336 Costanero Road, spoke on needing bike safety routes along A1A.

(9:23 a.m.) Sam Kamys, 1315 CR 13 South, spoke on replacing a 45 miles an hour speed sign, and lowering the speed limit on CR 13.

(9:25 a.m.) Gail Higgins, 252 Majorca Road, spoke on controlling the water flowing onto her land from the tidal waters. Discussion followed on the County's responsibility of doing something to prevent this problem. Bryant stated that he would have Adams get with Staff to see what the legalities are on this situation and get back with her on the decision.

(9:31 a.m.) Louise Thrower, 288 Orange Avenue, spoke on the communication tower at Mills Field and on Bell South co-locating the Powertel Tower. Using video-audio display, she gave a rundown of the problem with the Powertel Tower.

(9:45 a.m.) Franklin McMahan, 248 Majorca Road, spoke on Estuaries, sewer, and if Butler Park is a bird sanctuary. Bryant stated that he would get with Adams to get with Staff to respond to McMahan's concerns.

(05/02/2000 - 4 - 9:47 a.m.)

PUBLIC HEARING – R-PUD-00-014, WINN-DIXIE PUD. THIS REQUEST SEEKS TO REZONE THE EXISTING WINN-DIXIE PSD TO PUD TO ADD USES, RE-ADOPT THE APPROVED PLAN OF DEVELOPMENT AND BRING THE PROJECT INTO COMPLIANCE WITH THE LAND DEVELOPMENT CODE. THIS REQUEST INVOLVES NO ADDITIONAL DEVELOPMENT THAN THAT APPROVED IN THE ORIGINAL PSD, BUT ONLY THE ADDITION OF USES, WHICH REQUIRES THE MAJOR MOD AND REZONING. THE APPLICANT WISHES TO HAVE THE ABILITY TO ADD A BANK WITH UP TO TWO DRIVE-THROUGHS AND ALSO THE ABILITY TO HAVE PACKAGE LIQUOR SALES FOR OFF-SITE CONSUMPTION ONLY IN ASSOCIATION WITH WINN-DIXIE

Notice of publication of public hearing on R-PUD-00-014, Winn Dixie PUD, was received having been published in *The St. Augustine Record* on April 17, 2000.

Sonya Doerr, AICP Principal Planner, reviewed this item relating the changes made and stated that PZA recommended approval. Bryant questioned if there were any rules on landscaping the area. Doerr stated that the new Land Development Code does require landscaping to be maintained. Doerr stated that the drive through does not include the sale of alcohol. Discussion followed.

(9:53 a.m.) Kevin Davenport, 3545 US 1 South, representing the applicant, stated that the application was requesting to rezone the Winn Dixie Parcel from PSD to PUD. He explained the landscaping and drive through, and stated that Winn Dixie was responsible for the landscaping. Kohnke mentioned that the air conditioning unit outside needed screening to take care of the "tacky" look. (9:58 a.m.) Heather Sarra-Meyer, 2036 Sweet Briar Lane, representing Winn Dixie, stated that the landscaping will be taken care of and maintained. She stated that the screening of the air conditioning is no longer an issue because the plans to build the Winn Dixie were approved as submitted. Kohnke suggested for Winn Dixie to do something about the ugly outside air conditioning. Sarra-Meyer stated that she will check it out.

(10:03 a.m.) Esther Marshall, 329 Marshside Drive, spoke in favor of this project and on the exposed air conditioners.

(10:05 a.m.) Mary Saunders, 107 Clam Bake Court, spoke in favor of this project.

(10:06 a.m.) Reardon questioned affecting traffic circulation in the area. Doerr responded that the concurrency may need to be administratively modified to relieve some of the trips. Reardon strongly recommended that Winn Dixie look at screening the air conditioning unit. (10:07 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2000-28 adopting Findings of Fact 1-4 to support the motion.**

ORDINANCE NO 2000-28

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT (PUD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(05/02/2000 - 5 - 10:08 a.m.)

PUBLIC HEARING MJM-00-002, GOLFWAY CENTRE PUD MAJOR MODIFICATION. THIS REQUEST SEEKS TO MODIFY THE GOLFWAY CENTRE PUD, WHICH IS LOCATED AT THE NORTHEAST QUADRANT OF I-95 AND INTERNATIONAL GOLF PARKWAY. THE EXISTING 27.61 ACRE SITE PROVIDES FOR A MIX OF OFFICE, COMMERCIAL AND WAREHOUSE USE. THIS MODIFICATION PROVIDES A RESTATED TEXT AND A MASTER DEVELOPMENT PLAN CONSISTENT WITH ARTICLE 5.03 OF THE LAND DEVELOPMENT CODE

Notice of publication of public hearing on MJM-00-002, Golfway Centre - PUD Major Modification, was received having been published in *The St. Augustine Record* on April 6, 2000.

Doerr reviewed this item stating Staff recommended approval. Reardon voiced concern about raising the height from 60 feet to 100 feet, infrastructure of traffic and fire safety. Teresa Bishop, Planning Director, stated that she didn't see a provision that stated that the developer had to supply or build a fire station or supply that type of infrastructure. Kohnke stated that Frank McElroy stated that this building was built to standards for safety in itself. (10:17) John Constesible spoke on the height of buildings, stairwells, and emergency lighting. Jacalone questioned the main function of an aerial ladder truck. Constesible stated that the main function of an aerial ladder truck was for rescue and fire fighting. Discussion followed on aerial ladder trucks, stairwells having positive pressure within them to keep the smoke out, increase in square footage being 18% to 20% over more than what they were approved for, the additional parking plan, and a fire department location in reference to the project. Reardon voiced concern about fire safety measures being in place and requested that the County pursue looking at providing a fire station for that area. Bryant stated that his ex-parte communication was attending the PZA meeting. Reardon stated his ex-parte communication involved reading the minutes of the PZA meeting and talking to Tom Beal regarding approving developments upward of 100 feet.

(10:30 a.m.) Karen Taylor, 3070 Harbor Drive, clarified the increased percentage of footage, indicated the Golf Village had provisions for fire services to contribute towards a fire truck, all developments in the area contribute to the impact fees, and spoke on the height requested. (10:33 a.m.) **Motion by Kohnke, seconded by Howell, carried 4/1 with Reardon dissenting, to enact Ordinance 2000-29 adopting Findings of Fact 1-4 to support the motion.**

ORDINANCE NO 2000-29

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE PLANNED UNIT DEVELOPMENT FOR GOLFWAY CENTRE, ORDINANCE

NO. 97-67, MAKING FINDINGS OF FACT; REQUIRING AN EFFECTIVE DATE.

(05/02/2000 - 6 - 10:34 a.m.)

CONSIDER A REQUEST FOR A WAIVER OF FILING FEE FOR A ZONING VARIANCE BY DANIEL ROURKE

Rosemary Yeoman, Zoning Manager, Development Services, reviewed this item. Kohnke stated that Rourke called her on the waiver of filing fee for a zoning variance and she supported the waiving of all the fees except for the advertisement fee. Discussion followed on who is responsible for paying the \$75.00 advertisement fee, needing to process the application before knowing the amount to be taken from the General Fund if the County pays, waiving of the fee if the County is responsible, and waiving of the fee for a hardship.

(10:39 a.m.) Dan Rourke, 101 Azalea Point Drive North, spoke on seeking a variance for his setback and the waiver of a \$500 fee. He felt it was unfair to have to pay twice. Howell questioned if the overhang was causing the problem. Rourke responded yes it was. Bosanko stated that there are hardship waiver provisions, which he doesn't think is the issue here. He mentioned that the Board needed to find a public purpose to spend tax payers money to pay for the process a second time. Reardon questioned reducing the amount of the fee. Yeoman stated that the resolution does not adopt a reduced fee and if the problem is eaves, then the new Development Code allows it to be covered, so he may not even have a problem. She stated that she would like to talk to Mr. Rourke and maybe something could be resolved without an additional variance. Yeoman asked Rourke the size of his eaves. Rourke answered that they were 3 foot eaves. Yeoman stated that he possibly doesn't need a variance. (10:46 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to deny the request for waiver of filing fees being that there is not a general public purpose for the Board to waive these filing fees and hope that the variance is not needed and have a feeling that it is not.**

The meeting recessed at 10:47 a.m. and reconvened at 10:56 a.m.

(05/02/2000 - 6 - 10:56 a.m.)

CONSIDER A RESOLUTION AMENDING THE RULES AND POLICIES OF THE BOARD OF COUNTY COMMISSIONERS

Bryant reviewed this item and stated that he added to the Rules and Policies of the Board: *Rule 1.110, The Chair and Vice Chair serve at the pleasure of the majority of the Board of County Commissioners and may be removed and replaced at the pleasure of a majority of the Board members.* Discussion followed on the Legal Department preparing a very clear and short memo to the Committees, attaching this resolution to it, and on the Commissioners that aren't attending the liaison meetings. (11:01 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve Resolution No. 2000-59.**

RESOLUTION NO. 2000-59

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE RULES/POLICIES OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED MAY 12, 1998, AS PREVIOUSLY AMENDED; AND DIRECTING THAT A COPY OF THE RESOLUTION BE DELIVERED TO EACH MEMBER OF EACH COUNTY COMMISSION CREATED BOARD, AUTHORITY, COMMITTEE AND COUNCIL.

(05/02/2000 - 7 - 11:02 a.m.)

CONSIDER A RESOLUTION TO EXECUTE A FLORIDA COMMUNITIES TRUST GRANT APPLICATION FOR MOULTRIE CREEK/INTRACOASTAL TRACT IN SOUTHEAST ST. JOHNS COUNTY.

Mike Givens, Chief Deputy-Finance, entered the meeting. Dan Weimer, Recreation Department, reviewed this item. Jacalone expressed that the County should pursue this property for public use. (11:05 a.m.) Jim Sisco, County Attorney, entered the meeting. Reardon questioned purchasing another piece of property, St. Joe's 29 acres along the St. Johns River. Weimer stated that the L.A.M.P. Committee is already studying that piece of property as they are developing their matrix. Howell questioned the cost of the 23 acres of land. Wiemer stated that the broker dealing with the property has a price of \$2.7 million. (11:09 a.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to approve Resolution No. 2000-60.**

RESOLUTION NO. 2000-60

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A GRANT APPLICATION TO THE FLORIDA COMMUNITIES TRUST (A.K.A. FLORIDA FOREVER PROGRAM) FOR ACQUISITION OF APPROXIMATELY 23 ACRES OF LAND FOR PRESERVATION AND RECREATION PURPOSES PROVIDING FOR THE IDENTIFICATION OF THE KEY CONTACT PERSONS.

Bryant recessed the Special Meeting until 1:30 p.m. and reconvened at 1:37 p.m. with Bryant, Kohnke, Howell, Jacalone, Reardon, Bosanko, Adams, and Deputy Clerk Judy Hamilton in attendance.

(05/02/2000 - 7 - 1:37 p.m.)

PUBLIC HEARING - R-PSD-004 RING POWER CORPORATION. THIS REQUEST SEEKS TO REZONE 6.09 ACRES TO ALLOW THE DEVELOPMENT OF AN EQUIPMENT SALES AND RENTAL FACILITY. THE PROPERTY IS LOCATED AT 845 SR 207 WITHIN THE MIXED USE FUTURE LAND USE DESIGNATION. THE BCC FIRST HEARD THIS REQUEST IN MAY 1999, WHEN IT WAS DENIED DUE TO (1) THE PROJECT WOULD ADVERSELY AFFECT THE ORDERLY DEVELOPMENT OF THE COUNTY BECAUSE IT IS TOO CLOSE TO A RESIDENTIAL NEIGHBORHOOD; (2) THE PROJECT WOULD ADVERSELY AFFECT THE HEALTH, SAFETY AND WELFARE OF THE AREA'S RESIDENTS AND WORKERS BECAUSE OF NOISE, A NEGATIVE EFFECT ON LAND VALUES, FUMES AND INCREASED TRAFFIC; AND, (3) THE PROJECT WOULD NOT BE CONSISTENT WITH THE DEVELOPMENT OF THE AREA BECAUSE OF ITS EFFECT ON LAND VALUES, NOISE, AND FUMES. THE APPLICANTS APPEALED THIS DECISION AND THE JUDGE HAS ORDERED THAT THE BCC RE-HEAR THIS REQUEST.

Proof of publication of the notice of public hearing on the rezoning, R-PSD-004, Ring Power Corporation, was received having been published in The St. Augustine Record on April 17, 2000.

Court Reporter Janet Beason was in attendance.

Bosanko gave a brief overview of the situation, stating this was a rezoning issue that the Board denied. It was appealed to the Circuit Court (Case No. 99-1144). It was then appealed to the 5th District Court of Appeals (Case No. 5D99-3154), wherein Judge Weinberg's Circuit Court order had been upheld by the 5th DCA. The order of the 5th DCA provided, in part, that the case be sent back to the Board for action, and "for reconsideration of the evidence contained in the record of the proceedings below and entry of an order on petitioners PSD application consistent with the conclusions of law set forth in this order." Bosanko stated he did not believe they could take new evidence. In summary, the Board was given two options: (A) the original PSD, which provided a 10-foot buffer along the northern boundary with some natural vegetation and a chain link fence; or (B) an enhanced site plan that goes along with the PSD, which provided a 40-foot natural buffer with a 32-foot wide berm, which would be five feet in height and natural vegetation indigenous to Northeast Florida planted to supplement the berm, approximating a six-foot high opaque buffer between the northern boundary and the property itself, including a stockade privacy fence in this area to protect the adjacent residential property. Bosanko advised the Board that his written opinion about the legal status of the case was included in the packet, as well as Geoffrey Dobson's opinion, and Frank Upchurch's opinion.

(1:43 p.m.) Howell stated he had no ex-parte communication to disclose. Kohnke revealed ex-parte communication with Ms. Simanski. Bryant stated he had no ex-parte communication to disclose. Jacalone stated he had no ex-parte communication to disclose. Reardon revealed ex-parte communication with Ms. Simanski regarding the walls or berm which would be placed adjacent to this property.

(1:44 p.m.) Teresa Bishop, Planning Director, reviewed the options and stated Staff recommended Option B. (1:47 p.m.) Howell questioned Staff about resultant flooding of the neighboring trailer park. Bishop advised that issue would be reviewed in the DRC process and construction plan review. Discussion was held on this question and what could or could not be done.

The meeting recessed at 2:02 p.m. and reconvened at 2:05 p.m.

(2:06 p.m.) Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2000-30 that approves the rezoning, adopting Findings of Fact 1 through 6, in regards to R-PSD-99-004, Ring Power Corporation, that incorporates Option B as the preferred plan.

ORDINANCE NO. 2000-30

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM PRESENT
ZONING CLASSIFICATION OF OPEN RURAL (OR)
TO PLANNED SPECIAL DEVELOPMENT (PSD);
PROVIDING FOR SPECIAL CONDITIONS;
PROVIDING FINDINGS OF FACT; PROVIDING A
SAVINGS CLAUSE; REQUIRING RECORDATION;
AND PROVIDING AN EFFECTIVE DATE**

(05/02/2000 - 8 - 2:11 p.m.)

PROPOSED SHARING (7/24) OF GOVERNMENT TV CHANNEL WITH CITY OF ST. AUGUSTINE

Kohnke advised the Board that the City of St. Augustine had a much better franchise with Time Warner than the County had and asked permission, from the Board, to approach the City Commission the following Monday about sharing a government channel with the County, meaning seven days a week, 24 hours a day. **It was the consensus of the Board to have Kohnke approach the City Commission next Monday and bring a report back to the Board for its consideration.**

(05/02/2000 - 9 - 2:15 p.m.)

RESOLUTION SUPPORTING CITY OF ST. AUGUSTINE IN THEIR GRANT APPLICATION TO DOT FOR THE TRANSIT GREENWAY OR INTERMODAL TRANSPORTATION SYSTEM

Bryant presented the Resolution to the Board for its consideration. Jacalone explained that a transit greenway or intermodal transportation system would enable the City to accommodate an increased number of visitors to the City, while reducing impacts in and around the historic downtown portions of the City. It would also accommodate and alleviate traffic for residents in the City of St. Augustine. (2:16 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2000-61.**

RESOLUTION NO. 2000-61

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING THE CITY OF ST. AUGUSTINE IN ITS APPLICATION FOR STATE TRANSPORTATION FUNDING FOR A TRANSIT GREENWAY OR INTERMODAL TRANSPORTATION SYSTEM; AND PROVIDING AN EFFECTIVE DATE

(05/02/2000 - 9 - 2:44 p.m.)

COMMISSIONERS REPORTS

Commissioner Bryant:

No report.

Commissioner Kohnke:

Kohnke introduced Suzanne Brownless, attorney, who spoke on the issue of United Water and the \$5 million sewer transmission line in the Ponte Vedra MSD, which United Water has refused to pay for, and which has had discussion about the County paying for that line with property assessments in that area; then, after a period of years, contributing that line to United Water, and having United Water treat the effluent that would be generated by connecting the approximate 800 customers on that line. (2:44 p.m.) Brownless stated United Water is exclusively regulated by the Florida Public Service commission, because it is an inter-county water and sewer utility, and the type of proposal that has been made to date would be considered by PSC as a special service availability contract. As such, it would have to be pre-approved by the PSC. Other regulatory issues involve the fact that United Water does not currently have the capacity to treat this effluent and they would have to make expansions to their wastewater treatment plant. The cost of those expansions would have to be approved by the Florida Public Service Commission before United Water could put those in its rate base and earn a return on it. United Water is being required, on May 30 of this year, to file a

service availability docket. In other words, what does United Water have to pay for by way of transmission and distribution system and what do private developers have to pay in terms of transmission and distribution systems. This is a docket in which the County could raise this issue now. The reason that the PSC made United Water come back is because they believe that United Water has under reported the contributions which have been made by developers in the past. It is their belief that, because United Water is a series of systems that were put together “helter skelter”, that the accounting has not been the best. This docket would give the County the ability to raise the issue of Ponte Vedra to raise the appropriateness of United Water actually funding that line, and instead of having the funding come through the property assessment or private sources, with the PSC, who are the ultimate regulators of United Water and who would have the ability to actually force United Water to put this transmission lin in there. (2:48 p.m.) Kohnke requested they accept Brownless’ suggestion to intervene and ask the PSC to open the docket. Discussion ensued. (2:58 p.m.) **It was the consensus of the Board to authorize Brownless to pursue the intervention, to keep the Board informed of her activities, and to get with Staff regarding further issues.**

(2:58 p.m.) Kohnke read an article from the Office of the Mayor of Jacksonville, Duval County, regarding a reciprocal agreement for library services in St. Johns County and Duval, effective May 1, 2000, which trial agreement would last one year.

Commissioner Jacalone

No report.

Commissioner Howell:

(3:00 p.m.) Howell stated the historical marker on Nine Mile Road at U.S. 1 had been physically broken and Howell had reported it to the Sheriff’s Office.

Howell stated a citizen had called him last week about a problem in Cunningham Creek and jet skiers. Florida Fish and Wildlife patrol had been called, who advised the County should contemplate enacting an ordinance to patrol jet skiers. Howell requested Staff look into this.

Commissioner Reardon:

(3:03 p.m.) Reardon commended residents of St. Johns County for their responses to census information. Patsy Heiss, Assistant to the Administrator, reported on the census.

Reardon announced the Gamble Rogers Festival would be held this weekend.

Reardon stated they held a skateboard meeting earlier this week in regards to the skateboard park that will be built at Treaty Park. He stated it was very productive and there was a follow-up meeting scheduled on Monday at 6:00 p.m. at Treaty Park. He advised Kohnke there was a lot of interest in another park being possibly constructed at the Northeast Park.

(05/02/2000 - 10 - 3:08 p.m.)

COUNTY ADMINISTRATOR’S REPORT

Adams advised the Board of upcoming budget workshops, future Board meetings, Comp Plan amendments, Nocatee Land Use amendments, irrigation workshop, and code violation fees.

(05/02/2000 - 10 - 3:13 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko reported on the Olsen Tire mediation plan, which he does not have as yet, and possible mediation to resolve that litigation.

Bosanko stated the Concessions Incorporated lawsuit parties were possibly going to go into formal mediation.

(05/02/2000 - 10 - 3:16 p.m.)
CLERK OF COURT'S REPORT

No report.

(3:16 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/0, with Jacalone absent, to adjourn the meeting.** There being no further business to come before the Board, the meeting adjourned at 3:16 p.m.

Approved ____May 16____, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk