

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 15, 2000
(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: James E. 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
Judy Hamilton, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(08/15/2000 - 1 - 9:04 a.m.)
CALL TO ORDER

The meeting was called to order by Chair Bryant.

(08/15/2000 - 1 - 9:04 a.m.)
The Invocation was given by Pastor Mark Conrad, Calvary Baptist Church. The Pledge of Allegiance was led by Howell.

(08/15/2000 - 1 - 9:05 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(08/15/2000 - 1 - 9:29 a.m.)
PROCLAMATION RECOGNIZING ST. JOHNS COUNTY FIREFIGHTERS APPRECIATION WEEK

Carol Bradshaw and John Contestabile were present to receive the Proclamation, which was read by Jacalone, designating August 28 through September 4, 2000, as *St. Johns County Firefighters Appreciation Week*, commending the Firefighters for their efforts on behalf of the Muscular Dystrophy Association.

(08/15/2000 - 1 - 9:06 a.m.)
PUBLIC COMMENT

Roger Van Ghent, 4005 Moultrie Foreside Blvd., St. Augustine, representing Citizens for LAMP, addressed the Board, commenting on the County having inadequate information on critical habitats, water recharge areas, and wildlife at risk. He asked the Board to put the funds for the study of environmentally-sensitive lands back into the budget, and to do it now. (9:10 a.m.) Kohnke asked the Board to reconsider the study and asked Staff to look at it again. Jacalone stated he thought it should be included and it should go forward. Kohnke requested Staff, before a final decision is made, to look at it again and to look at the sector study and the relationship to it, and bring their findings back to the Board at a later date. Reardon stated if this was addressed again, he would support it, but commented that he thought it was

important that the work be done. When the Board is dealing with this at a later date, Reardon said he would like to have this study done, but to see how much of it could be done in-house using experts, with keeping the cost down. Howell agreed with Van Ghent, especially from greenway to greenway, and recommended, wherever possible, that animal walkovers could be utilized, crossing from one side to the other.

(9:14 a.m.) Robert Stoll, 19 Little Bay Harbor, Ponte Vedra Beach, addressed the Board, speaking on a letter he had sent to Adams last week, detailing the death of 88 sea turtle hatchlings, which occurred because the County failed to adequately enforce its own beachfront light management plan. Discussion followed on complaints, investigations, patrols, lights, citations, boundaries of the lighting ordinance, and marking of sea turtle nest locations. (9:28 a.m.) ***Bryant stated Adams and Shimer would get with Stoll and do a sweep and try to make everyone comply.***

(08/15/2000 - 2 - 9:32 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

Kohnke requested that Consent Agenda Item #3 be pulled and placed on the Regular Agenda as Item #3a.

(08/15/2000 - 2 - 9:32 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
7/18/00 - BCC Regular
7/18/00 - BCC Workshop
7/19/00 - Joint BCC/School Board Meeting
2. Approval of a motion to adopt Resolution authorizing Chairman to sign Project Cooperation Agreement with Army Corps for 2.5 mile Shore Projection Project.

RESOLUTION NO. 2000-113

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF THE PROJECT COOPERATION AGREEMENT BETWEEN THE COUNTY AND THE DEPARTMENT OF THE ARMY FOR THE ST. JOHNS COUNTY SHORE PROTECTION PROJECT WHEREBY THE DEPARTMENT OF THE ARMY AGREES TO RESTORE A PORTION OF THE ATLANTIC OCEAN BEACH IN ST. JOHNS COUNTY AND TO PROVIDE PERIODIC NOURISHMENT FOR 50 YEARS THEREAFTER AND THE COUNTY AGREES TO PAY A PORTION OF THE COSTS THEREOF AND TO MAINTAIN, OPERATE, REPAIR, REHABILITATE AND REPLACE THE PROJECT AFTER ITS INITIAL CONSTRUCTION AS NEEDED

3. Approval of a motion to adopt Resolution expressing the County's intentions to be reimbursed from the proceeds of the tax exempt bonds that will be issued for the purpose of purchasing water and sewer facilities from Intercoastal Utilities, Inc.

This item was pulled and placed on the Regular Agenda as Item #3a.

4. Approval of a motion to establish September 12, 2000 at 9:00 a.m. and October 10, 2000 at 5:30 p.m. as public hearing dates to consider amendments to the Land Development Code.
5. Motion to approve the appropriation of \$9,800 from the Court Facilities Trust Fund pursuant to Florida Statute Section 129.06(2)(a).
6. File:
 - a. Proof, Certificate of Insurance, Arwood, Inc.
 - b. Proof, Certificate of Insurance, Arwood, Inc.
 - c. Proof, Certificate of Liability Insurance, Arwood, Inc.
 - d. Proof, Certificate of Liability Insurance, ADP Total Source II, Inc.
 - e. Proof, Certificate of Liability Insurance, City Sanitation, LLC
 - f. Proof, Certificate of Liability Insurance, The Penar Group, Inc.
 - g. Proof, Certificate of Insurance, Waldemar Ruiz
 - h. Proof, Workers Compensation and Employers Liability Insurance, Waldemar Ruiz
 - i. Proof, Business Auto Declarations, The Penar Group, Inc.
 - j. Proof, Certificate of Liability Insurance, Allied Waste Industries, Inc.
 - k. Proof, Certificate of Insurance, Allied Waste Industries, Inc.
 - l. Proof, Certificate of Liability Insurance, Big Ben's Roll Offs, Inc.
 - m. Proof, Certificate of Liability Insurance, Vernon D. Keith, dba Constr Debris Removal, Inc.
 - n. Proof, Certificate of Liability Insurance, Vernon Keith Construction
 - o. Proof, Certificate of Liability Insurance, Vernon Keith Construction
 - p. Proof, Certificate of Liability Insurance, Collier Waste Containers, Inc.
 - q. Proof, Certificate of Liability Insurance, Collier's Waste Containers, Inc.
 - r. Proof, Certificate of Insurance, Alphastaff Group, Inc.
 - s. Proof, Certificate of Liability Insurance, CSI Waste Services, Inc.
 - t. Proof, Certificate of Liability Insurance, Omne Staff Leasing Services, Inc.
 - u. Proof, Certificate of Liability Insurance, Omne Staff Leasing Services, Inc.
 - v. Proof, Certificate of Liability Insurance, Dave Ryan, dba Dave Ryan Debris Clean-Up
 - w. Proof, Certificate of Liability Insurance, Econosweep, Inc./Econowaste Inc.
 - x. Proof, Certificate of Insurance, Econosweep, Inc./Econowaste, Inc.
 - y. Proof, Certificate of Liability Insurance, Herrington Industries, Inc.
 - z. Proof, Certificate of Insurance, Herrington Industries, Inc.
 - aa. Proof, Certificate of Liability Insurance, Madison Construction Services
 - bb. Proof, Certificate of Liability Insurance, Madison Construction Services
 - cc. Proof, Certificate of Liability Insurance, Seaboard Waste Systems, Inc.
 - dd. Proof, Certificate of Liability Insurance, Shapell's Inc.
 - ee. Proof, Certificate of Insurance, Alphastaff Group, Inc.
 - ff. Proof, Certificate of Liability Insurance, Southland Waste Systems of Jacksonville, Inc.
 - gg. Proof, Certificate of Liability Insurance, Tomoka Salvage, Inc.
 - hh. Proof, Certificate of Insurance, Waste Management of Putnam County
 - ii. Proof, Certificate of Liability Insurance, Environmental Services, Inc.

(08/15/2000 - 3 - 9:33 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions or deletions to the Regular Agenda.

(08/15/2000 - 4 - 9:33 a.m.)

APPROVAL OF REGULAR MEETING AGENDA

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

(08/15/2000 - 4 - 9:33 a.m.)

ADDITIONS/DELETIONS TO WORKSHOP AGENDA

There were no changes to the Workshop Agenda.

(08/15/2000 - 4 - 9:33 a.m.)

APPROVAL OF WORKSHOP AGENDA

Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the Workshop Agenda.

(08/15/2000 - 4 - 9:33 a.m.)

1. PUBLIC HEARING - MORATORIUM ON COMPREHENSIVE PLAN CHANGES AND REZONINGS. IN ORDER TO COMPLY WITH THE INTENT OF THE RULE VARIANCE AND IN ORDER TO PREVENT THE FURTHER ESTABLISHMENT OF VESTED RIGHTS FOR DEVELOPMENT AND LAND USES THAT WILL BE INCONSISTENT WITH THE GOALS AND INTENT OF THE NORTHWEST SECTOR PLAN AND NORTH/SOUTH ROAD CORRIDOR STUDY, THE COUNTY MAY IMPOSE THE FOLLOWING DESCRIBED MORATORIUM ON LAND USE AND ZONING CHANGES IN THE NORTHWEST SECTOR STUDY AREA. PROPOSED FOR THIS BOARD'S ENACTMENT IS: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPOSING A MORATORIUM ON COMPREHENSIVE PLAN AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA (I.E., THAT AREA IN ST. JOHNS COUNTY, FLORIDA, LYING SOUTH OF THE DUVAL COUNTY LINE, WEST OF I-95, EAST OF THE ST. JOHNS RIVER AND NORTH OF S.R. 16/C.R. 208); MAKING FINDINGS OF FACT; PROVIDING FOR EXCLUSIONS TO THE MORATORIUM; PROVIDING FOR VESTING; PROVIDING FOR VARIANCES; AND ESTABLISHING AN EFFECTIVE DATE AND AN EXPIRATION DATE

Proof of publication of the notice of public hearing on the Moratorium Ordinance, was received having been published in *The St. Augustine Record* on July 25, 2000 and August 4, 2000.

Scott Clem, Director of Growth Management Services, reviewed important changes to the proposed ordinance, with use of the video display. Discussion followed on the changes and Exhibit A.

(9:48 a.m.) Bosanko reported that a letter had been received from John D. Bailey, Jr., representing Allan Roberts, registering his opposition and objection to the moratorium. Bosanko advised the Board that he had received a letter from George McClure, asking that a change be made to allow a project to be vested and locked in if it had a DRI application. Clem did not make that recommendation to the Board. (9:49 a.m.) Clem stated that the moratorium would last until the transmittal of the Comprehensive Plan Amendment that would effectuate the sector plan, but no later than December 31, 2001. Further discussion followed on the proposed ordinance.

(10:00 a.m.) Lawrence A. Rathel, 194 Cathy Dr., De Ridder, LA 70634, addressed the Board, asking that they look at each case and treat it fairly.

(10:06 a.m.) Daniel MacDonald, 24501 Deer Trace Dr., Ponte Vedra Beach, spoke to the Board, asking them to consider extending the moratorium to the northeast sector.

(10:07 a.m.) Sarah Bailey, 2202 Bishop Estates Rd., stated she was happy to see the moratorium, even though she did not think it was strong enough, and that it was the right thing to do for the whole County.

(10:12 a.m.) Heather D. Michael, 981 Irma Way, St. Augustine, addressed the Board, speaking as an advocate of private property rights.

Further discussion ensued on the draft ordinance. Bosanko stated that they will ensure correct spellings and remove the underlining. (10:14 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to enact Ordinance No. 2000-47.**

ORDINANCE NO. 2000-47

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, IMPOSING A MORATORIUM ON COMPREHENSIVE PLAN AND ZONING CHANGES WITHIN THE NORTHWEST SECTOR STUDY AREA (I.E., THAT AREA IN ST. JOHNS COUNTY, FLORIDA, LYING SOUTH OF THE DUVAL COUNTY LINE, WEST OF I-95, EAST OF THE ST. JOHNS RIVER AND NORTH OF S.R. 16/C.R. 208); MAKING FINDINGS OF FACT; PROVIDING FOR EXCLUSIONS TO THE MORATORIUM; PROVIDING FOR VESTING; PROVIDING FOR VARIANCES; AND ESTABLISHING AN EFFECTIVE DATE AND AN EXPIRATION DATE

The meeting recessed at 10:19 a.m. and reconvened at 10:29 a.m.

(08/15/2000 - 5 - 10:30 a.m.)

2. CONSIDER RESOLUTION SUPPORTING THE 2000 URBAN AND COMMUNITY FORESTRY (U&CF) GRANT APPLICATION TO DEVELOP A TREE AND SHRUB PROGRAM ALONG THE WEST KING STREET CORRIDOR WITH MATCHING FUNDS OF \$10,000.00 FOR FY 2000/2001, AND AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN AND SUBMIT THE GRANT

John Schwab, Administration Office, presented this item to the Board and introduced Joe Swards and Walter Kelly, representing the Florida Yards & Neighborhoods Project. Swards and Kelly discussed the general proposal, which was development of a tree and shrub program along the West King Street corridor, protection of plantings with a curb system, and involved an enhancement area of 1,700 lineal feet. Swards and Kelly answered questions of the Board on the key objectives of the grant.

(10:54 a.m.) Harry Maxwell, P.O. Box 2213, St. Augustine, spoke in favor of removing dilapidated houses before proceeding with the proposed plantings.

(11:02 a.m.) Rev. Nathaniel Jackson, 582 Willow Walk Place, St. Augustine, spoke on churches being united in the effort to change the mind set of the neighborhood.

Further discussion was held on the grant and the project. (11:19 a.m.) Reardon stated there was a meeting scheduled on August 21 at Murray Middle School for CRA, which is part of master planning process for West Augustine. Adams left the meeting; David Halstead, Assistant County Administrator, entered the meeting. (11:22 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2000-114 and authorize the County Administrator to sign and submit the 2000 Urban & Community Forestry Grant.**

RESOLUTION NO. 2000-114

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

SUPPORTING THE APPLICATION BEING SUBMITTED BY ST. JOHNS COUNTY FOR A 2000 URBAN & COMMUNITY FORESTRY (U&CF) GRANT; PROVIDING THE APPROPRIATE MATCHING FUNDS (\$10,000); PROVIDING A BUDGET; PROVIDING ASSURANCES; AND AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE TO BE THE REPRESENTATIVE FOR THE ADMINISTRATION OF THE GRANT

(08/15/2000 - 6 - 11:25 a.m.)

3. CONSIDER A RESOLUTION REQUESTING DEP TO DESIGNATE "IDLE SPEED - NO WAKE" ZONES IN ACCORDANCE WITH STATE RULE 68D-24.155 AND AUTHORIZE ST. JOHNS COUNTY TO INSTALL APPROPRIATE SIGNAGE

Dan Weimer, Recreation and Parks Supervisor, presented the Resolution to the Board for their consideration. Discussion was held on placement of the "Idle Speed -- No Wake" regulatory markers. (11:28 a.m.) Isabelle Lopez, Assistant County Attorney, suggested the addition of "Section 6. This resolution shall take effect immediately upon its adoption. Passed and adopted by the Board of County Commissioners this date, August 15, 2000." (11:29 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to adopt Resolution No. 2000-115 to include the additional language that the County Attorney suggested.**

RESOLUTION NO. 2000-115

A RESOLUTION OF ST. JOHNS COUNTY REQUESTING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ESTABLISH RESTRICTED AREA DESIGNATIONS FOR SPECIFIC SECTIONS OF THE INTRACOASTAL WATERWAY LOCATED IN ST. JOHNS COUNTY AND FURTHER THAT THE DEPARTMENT AUTHORIZE THE COUNTY TO INSTALL "IDLE SPEED, NO WAKE" REGULATORY MARKERS WITHIN THE RESTRICTED AREAS

(08/15/2000 - 6 - 11:29 a.m.)

- 3a. APPROVAL OF A MOTION TO ADOPT RESOLUTION EXPRESSING THE COUNTY'S INTENTIONS TO BE REIMBURSED FROM THE PROCEEDS OF THE TAX EXEMPT BONDS THAT WILL BE ISSUED FOR THE PURPOSE OF PURCHASING WATER AND SEWER FACILITIES FROM INTERCOASTAL UTILITIES, INC.

This item was moved from the Consent Agenda (Item #3) to the Regular Agenda.

Discussion was held on the appropriateness of putting the cart before the horse. No action was taken on this item. Doug Burnett, Assistant County Attorney, was in attendance.

(08/15/2000 - 6 - 11:31 a.m.)

COMMISSIONERS' REPORTS

Commissioner Howell:

Howell reminded the Board of the grand opening on August 19, 2000, from 10:00 a.m. to 12:00 p.m. at the Orangedale Fire Station.

Commissioner Kohnke:

(11:31 a.m.) Kohnke stated she sent a letter to Dan MacDonald and read it into the record, regarding a town meeting requested by the Ponte Vedra Coalition, scheduled for Thursday, September 28, 2000, at 6:30 p.m. at Rawlings Elementary, and Commissioners not being able to respond on quasi judicial questions.

(11:36 a.m.) Kohnke commented that County staff would be trying to resolve some of the right-of-way problems with the Cummer property.

Commissioner Bryant:

(11:34 a.m.) Bryant stated he met yesterday with O.C. Hayes, Dr. Walker, Mike Hackney, and representatives from the Veterans Administration from Gainesville, along with Commissioner Reardon, and showed available space to them at Flagler West. They are excited about that space and it looked very positive that they will probably want to lease that space from the County to put their primary care unit for Veterans in St. Johns County.

Commissioner Jacalone:

No report.

Commissioner Reardon:

No report.

(08/15/2000 - 7 - 11:35 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Halstead reminded the Board that there was no meeting next week. The next regular meeting will be September 5, 2000.

(08/15/2000 - 7 - 11:35 a.m.)

COUNTY ATTORNEY'S REPORT

Burnett reported on the Mandarin Meadows well in Fruit Cove, located in the County right-of-way. The well is not owned by the County, because the County merely has an easement for use of the road. A memorandum will be forthcoming from the County Attorney's Office.

(08/15/2000 - 7 - 11:35 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:36 a.m. for lunch and reconvened at 1:30 p.m. with Bryant, Kohnke, Reardon, Jacalone, Halstead, Bosanko, and Deputy Clerk Yvonne King present. Howell was not yet present.

(08/15/2000 - 7 - 1:43 p.m.)

4. PUBLIC HEARING - MODIFICATION TO SAINT JOHNS WATER AND WASTEWATER SERVICE AGREEMENT. A MODIFICATION TO THE SAINT JOHNS WATER AND WASTEWATER UTILITY SERVICE AGREEMENT DATED JANUARY 24, 1995, AND IN ASSOCIATION THEREWITH THE TRANSFER AND USE RIGHTS INCIDENT TO DISPOSING OF WASTEWATER EFFLUENT AND DISTRIBUTION OF IRRIGATION WATER TO THE WORLD GOLF PROJECT ("INTERCHANGE PARCEL")

Proof of publication of the notice of public hearing to consider the purchase, sale, and privatization of water and wastewater utilities was received having been published in The St. Augustine Record on August 12, 2000.

William Young, Director of Utilities, summarized the benefits of the modification. Young explained that the Utility Department is proposing to revise the method that the County disposes of its wastewater effluent from the S.R. 16 and I-95 Wastewater Treatment Plant and

how the irrigation water is distributed. (1:45 p.m.) Mark Lawson, Bryant, Miller and Olive, further explained the modification to the agreement.

Howell entered the meeting at 1:49 p.m.

(1:54 p.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2000-116, as revised, which is a resolution to modify the agreement to allow the County to simplify the delivery of effluent to the on-site holding point, and the landowners associations would be responsible for the on-site delivery of irrigation water to their members.**

RESOLUTION NO. 2000-116

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, DIRECTING AND AUTHORIZING THE EXECUTION OF A MODIFICATION TO THE SAINT JOHNS WATER AND WASTEWATER UTILITY SERVICE AGREEMENT, DATED JANUARY 24, 1995, AND IN ASSOCIATION THEREWITH THE TRANSFER AND SALE OF CERTAIN PROPERTY AND USE RIGHTS INCIDENT TO DISPOSING OF WASTEWATER EFFLUENT AND DISTRIBUTION OF IRRIGATION WATER IN ST. JOHNS COUNTY, FLORIDA; PROVIDING FOR FINDING OF A PUBLIC PURPOSE AND NECESSITY; PROVIDING THAT SUCH TRANSFER AND SALE IS IN THE PUBLIC INTEREST AND, TO THE EXTENT APPLICABLE, IN CONFORMANCE WITH SECTIONS 125.3401 AND 125.35, FLORIDA STATUTES; PROVIDING DIRECTION AND AUTHORITY TO PERFORM UNDER SUCH MODIFICATION AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

(08/15/2000 - 8 - 1:55 p.m.)

5. PUBLIC HEARING - ADOPTION OF BUILDING ABATEMENT ORDINANCE - A PROPOSED ORDINANCE RELATED TO THE ABATEMENT OF UNSAFE STRUCTURES. THE SUBJECT ORDINANCE IS A REWORK OF CURRENT ST. JOHNS COUNTY BUILDING ABATEMENT REGULATIONS WHICH ARE SITUATED WITHIN TWO DOCUMENTS, AN ADOPTED CODE AND AN AMENDING ORDINANCE. THE PROPOSED ORDINANCE COMBINES THE TWO DOCUMENTS TO CREATE A SINGLE DOCUMENT THAT PROVIDES A MORE CONCISE UNDERSTANDING OF HOW THE ABATEMENT PROCESS IS EXECUTED. THE PROPOSED ORDINANCE PROVIDES A PROCESS WHEREBY A PROPERTY OWNER IS NOTIFIED TO ABATE AN UNSAFE SITUATION AND ALLOWS THE COUNTY TO TAKE APPROPRIATE ACTION IN CASES WHERE THE OWNER IS UNABLE OR FAILS TO ABATE THE CONDITION. THE PROPOSED ORDINANCE PERMITS LIEN ACTION AGAINST THE PROPERTY IN CASES WHERE THE PROPERTY OWNER FAILS TO REIMBURSE THE COUNTY FOR EXPENSES

Proof of publication of the notice of public hearing on the ordinance, which creates the St. Johns County Standard Unsafe Building Abatement Code, was received having been published in The St. Augustine Record on August 5, 2000.

Michael Griffin, Director of Development Services, gave a general overview of the ordinance. Discussion followed regarding the abatement of unsafe structures and the length of time to comply with a violation. (2:02 p.m.) **Motion by Reardon, seconded by Howell, carried 5/0, to approve adoption of the St. Johns County Building Abatement Code, Ordinance No. 2000-48.**

ORDINANCE NO. 2000-48

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, CREATING THE ST. JOHNS COUNTY STANDARD UNSAFE BUILDING ABATEMENT CODE THAT SHALL BE KNOWN AS "THE CODE." THE CODE PROVIDES FOR THE ELIMINATION OR REPAIR OF UNSAFE BUILDINGS IN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA, PROVIDES AND DESCRIBES THE POWERS AND DUTIES OF THE ENFORCEMENT OFFICIAL; PROHIBITS VIOLATIONS OF THE CODE AND PROVIDES PENALTIES; PROVIDES FOR A BOARD OF ADJUSTMENTS AND APPEALS; PROVIDES DEFINITIONS; PROVISIONS OF INSPECTIONS; NOTICES OF NON-COMPLIANCE AND APPEALS; PROVIDES FOR THE COMPULSORY REPAIR, VACATION OR DEMOLITION OF UNSAFE BUILDINGS BY THE OWNER OR BY THE COUNTY; PROVIDES FOR THE ESTABLISHMENT AND FORECLOSURE OF LIENS FOR NON-COMPLIANCE; REPEALS ORDINANCE NO. 97-38, ORDINANCE NO. 94-17, ORDINANCE NO. 79-59; AND PROVIDES AN EFFECTIVE DATE

(08/15/2000 - 9 - 2:03 p.m.)

6. PUBLIC HEARING - AMENDMENT TO INCREASE CODE ENFORCEMENT FINES - RECOMMENDATION TO AMEND ORDINANCE 82-59 WHICH ADOPTS FLORIDA STATUTE 162 PROVIDING FOR PENALTIES OF CODE VIOLATIONS. RECENTLY, F.S. CHAPTER 162.09(D) ADMINISTRATIVE FINES; COSTS REPAIRS; LIENS WAS AMENDED TO ALLOW FOR INCREASED PENALTIES. THE MOST IMPORTANT INCREASE SETS A MAXIMUM LIMIT OF \$15,000 FOR IRREPARABLE OR IRREVERSIBLE VIOLATIONS. OTHER MAXIMUM LIMITS ARE SET AT \$1,000 PER DAY FOR A FIRST VIOLATION AND \$5,000 PER DAY FOR A REPEAT VIOLATION. IF THE AMENDMENT IS PASSED, THE CODE ENFORCEMENT BOARD MAY FINE UP TO THESE MAXIMUM LIMITS. THE MAXIMUM FINE FOR AN IRREPARABLE OR IRREVERSIBLE VIOLATION IS CURRENTLY SET AT \$5,000; AN INCREASE TO \$15,000 WILL GREATLY DISCOURAGE VIOLATIONS. THE INTENT IS TO APPLY THE TERM IRREPARABLE OR IRREVERSIBLE TO SUCH VIOLATIONS AS UNPERMITTED REMOVAL OR DISTURBANCE OF A SPECIMEN OR HISTORIC TREE, HISTORIC RESOURCE OR LANDMARK, SCENIC ROADWAY BUFFER, UPLAND BUFFER, SIGNIFICANT NATURAL COMMUNITIES HABITAT OR OTHER ENVIRONMENTAL SENSITIVE AREAS

Proof of publication of the notice of public hearing on the ordinance, which is an amendment to increase code enforcement fines was received having been published in The St. Augustine Record on August 5, 2000.

Michael Griffin, Director of Development Services, gave a general overview of the ordinance. Discussion followed regarding the increase in code enforcement fines. (2:07 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the St. Johns County Audubon Society, commented in favor of the ordinance. (2:08 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the recommended increase in fines for code enforcement violations, and approving Ordinance No. 2000-49.**

ORDINANCE NO. 2000-49

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 82-59 WHICH IS THE ORDINANCE THAT CREATED THE ST. JOHNS CODE ENFORCEMENT BOARD. THIS AMENDMENT INCREASES THE MAXIMUM AMOUNT OF FINES THAT MAY BE IMPOSED BY THE CODE ENFORCEMENT BOARD

Motion by Jacalone, seconded by Reardon, carried 5/0, to adjourn the regular meeting. There being no further business to come before the Board, the regular meeting adjourned at 2:08 p.m.

REPORTS:

1. St. Johns County Check Register, Disbursement Fund, checks number 292452 through 292721 totaling \$2,215,212.24 (08/10/00)

CORRESPONDENCE:

1. Statement of acceptance of appointment of Billie F. Pruitt to the Library Advisory Board (07/11/00)
2. Statement of acceptance of appointment of John W. O'Rourke to the Planning and Zoning Agency (07/19/00)
3. Loyalty oath of John W. O'Rourke of the Planning and Zoning Agency (07/20/00)
4. Loyalty oath of Billie F. Pruitt of the Library Advisory Board (07/20/00)
5. Statement of acceptance of appointment of Catherine Brown to the Planning and Zoning Agency (08/01/00)
6. Loyalty oath of Catherine Brown of the Planning and Zoning Agency (08/02/00)
7. Card from the Municipal Code Corporation acknowledging receipt of Ordinances No. 2000-6, 2000-11, 2000-20, 2000-24, 2000-25, 2000-26, and 2000-27 (08/03/00)

Approved September 12, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk