

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 17, 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

(10/17/2000 - 1 - 9:06 a.m.)

CALL TO ORDER

The meeting was called to order by Chair Bryant.

(10/17/2000 - 1 - 9:06 a.m.)

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

(10/17/2000 - 1 - 9:07 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(10/17/2000 - 1 - 9:07 a.m.)

PUBLIC COMMENT

There was no public comment.

(10/17/2000 - 1 - 9:07 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

Bosanko requested Item #5 of the Consent Agenda be pulled to be rescheduled at a later time.

(10/17/2000 - 1 - 9:08 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of Minutes:
S BCC Workshop October 3, 2000

2. Approval of a Resolution authorizing the County Administrator to execute a Contract for Provision of Financial Assistance with the St. Johns County Council on Aging, Inc.

RESOLUTION NO. 2000-158

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR PROVISION OF FINANCIAL ASSISTANCE WITH THE ST. JOHNS COUNTY COUNCIL ON AGING, INC.

3. Approval of authorization that allows the County Administrator to extend the contract (under Bid No. 98-67) for one year to Burns International Security Services for annual guard service at the Judicial Center.
4. Approval of a Resolution that sets a Public Hearing date on November 14, 2000 at 1:30 p.m. to consider a petition to vacate a portion of Alta Vista Road.

RESOLUTION NO. 2000-159

RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, IN THE COUNTY AUDITORIUM OF ST. JOHNS COUNTY ADMINISTRATION BUILDING, ON OCTOBER 17, 2000, AT 1:30 P.M. UPON PETITION OF QUALIFIED LAND OWNERS, WILL CONSIDER THE ADVISABILITY OF EXERCISING THE POWER GRANTED TO IT BY SECTION 336.09, FLORIDA STATUTES 1985, AND DETERMINE WHETHER IT WILL VACATE, ABANDON, DISCONTINUE AND CLOSE PORTIONS OF CERTAIN STREETS, ALLEYWAYS OR ROADS DESCRIBED AS PER THE ATTACHED "SCHEDULE A:" 3-69 BIERA MAR SUB-DIVISION, THAT PORTION OF ALTA VISTA BETWEEN PALMETTO AND ORANGE AVENUES, ST. AUGUSTINE, FL 32084, BORDERING THAT PARCEL NUMBER 177370-000

5. Authorization for the Office of the County Attorney to proceed with foreclosure proceedings on an assessment lien. *This item was removed from the Consent Agenda.*

(10/17/2000 - 2 - 9:08 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested the addition of Item A1 - Proclamation announcing St. Johns County's support of its employees being mentors in the community. Bosanko requested Items #1 and #2 be recessed to the 1:30 p.m. session. Adams requested the addition of Item #5a - Discussion on Closure of the Budget and Item #5b - Update on Towers.

(10/17/2000 - 2 - 9:11 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/17/2000 - 3 - 9:11 a.m.)
ADDITIONS TO WORKSHOP AGENDA

There were no additions to the Workshop Agenda.

(10/17/2000 - 3 - 9:12 a.m.)
APPROVAL OF WORKSHOP AGENDA

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

(10/17/2000 - 3 - 9:13 a.m.)

A1. PRESENTATION OF A PROCLAMATION ANNOUNCING ST. JOHNS COUNTY'S SUPPORT OF ITS EMPLOYEES BEING MENTORS IN THE COMMUNITY

Patsy Heiss, Assistant to the Administrator, spoke on the Governor's Mentoring Initiative, an effort to recruit 200,000 Floridians to become volunteer mentors. The Proclamation supported the policy by offering employees the opportunity to take one hour of Administrative leave weekly so that they might mentor St. Johns County youth. (9:19 a.m.) Jackie Allbritton, Program Coordinator for Take Stock in Children, 3715 Joe Ashton Road, St. Augustine, thanked the Board for taking this initiative. (9:19 a.m.) Teresa Andrews, 56 Dolphin Drive, expressed appreciation to the Board for their support in mentoring. (9:20 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to adopt the Proclamation.**

1. PUBLIC HEARING - APPEAL SUPIN 2000-004 APPLICANTS: DELORIS MORSCH, F.J. PAFJE, JR. AND JACK CONNEHEY (FILE NAME - STONEY POINT, INC./CAPS ON THE WATER) *This public hearing was moved to the Afternoon Session starting at 1:30 p.m.*
2. PUBLIC HEARING - NZV-00-005FLAGLER ESTATES CHRISTIAN DAY SCHOOL - NON-ZONING VARIANCE. THIS IS A REQUEST FOR A NON-ZONING VARIANCE TO ALLOW USE OF A ROADWAY NOT BUILT TO COUNTY STANDARD 6.04.10 AND TO GRANT ACCESS TO A LOCAL ROAD 6.08.10. THE LOCATION OF THE SUBJECT PROPERTY IS 4705 CEDAR FORD BLVD. FLAGLER ESTATES UNIT 3. SECTION 6.04.07 "ROADWAY DESIGN" OF THE LAND DEVELOPMENT CODE STATES THAT THERE IS NOT A PROVISION FOR ANY ROADWAY WITHOUT PAVEMENT. THE BOARD OF COUNTY COMMISSIONERS MAY WAIVE SUCH PROVISIONS OF THE CODE PURSUANT TO THE NON-ZONING VARIANCE SECTION. *This public hearing was moved to the Afternoon Session starting at 1:30 p.m.*

(10/17/2000 - 3 - 9:20 a.m.)

3. CONSIDER APPOINTMENTS TO THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL

Patsy Heiss, Assistant to the Administrator, addressed the Board, advising that terms of four members of the Health & Human Services Advisory Council had recently expired and all four were eligible for and sought reappointment. Discussion followed on the applicants. Distribution of appointments by districts were discussed.

(9:26 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to reappoint R. Tyrone Ramsey to the Human Services Professional position on the Health & Human Services Advisory Council for a four-year term scheduled to expire October 17, 2004.**

(9:26 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to reappoint Patrick Accardi to the Health Professional position on the Health & Human Services Advisory Council for a four-year term scheduled to expire October 17, 2004.**

(9:27 a.m.) Bryant stated that nominations were needed to be on the District 4 HHS State in Jacksonville, since Dr. Walker had to drop off as the current representative. Heiss will explore the possibilities.

(9:28 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to reappoint Peter J. Lardner to the At Large position on the Health & Human Services Advisory Council for a four-year term scheduled to expire October 17, 2004.**

(9:28 a.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to reappoint Ellen Walden to the Human Services Professional position on the Health & Human Services Advisory Council for a four-year term scheduled to expire October 17, 2004.**

(10/17/2000 - 4 - 9:29 a.m.)

4. CONSIDER AN APPOINTMENTS TO THE COASTAL CORRIDOR OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE

Patsy Heiss, Assistant to the Administrator, advised the Board of the vacancy. (9:30 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to appoint D. Cameron Lacy to the Coastal Overlay District Architectural Review Committee as the person from the Ponte Vedra area, to complete a term scheduled to expire December 8, 2001.**

(10/17/2000 - 4 - 9:30 a.m.)

5. CONSIDER AN APPOINTMENT TO THE LAMP (LAND ACQUISITION MANAGEMENT PLAN) CONSERVATION BOARD

Patsy Heiss, Assistant to the Administrator, addressed the Board, advising them of the resignation and the application received. (9:31 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to appoint Roger Van Ghent to the Conservation Representative position on the LAMP Conservation Board to complete a term scheduled to expire May 11, 2003.** Strickland left the meeting.

(10/17/2000 - 4 - 9:34 a.m.)

- 5a. CLOSURE ON THE BUDGET

Joe Vonasek, Management & Budget, gave the Board a presentation on the actual budget process and what is involved in that process. The Board commended Staff for doing an outstanding job.

(10/17/2000 - 4 - 9:46 a.m.)

- 5b. DISCUSSION ON TOWERS

Daniel Bosanko, Deputy County Attorney, gave a brief update on the issue of communication antenna towers on school properties and briefed the Board on the legalities of this issue in anticipation of a joint meeting with the School Board on October 18, 2000. Isabelle Lopez, Assistant County Attorney, entered the meeting.

(10/17/2000 - 4 - 10:10 a.m.)

COMMISSIONERS REPORTS

Commissioner Howell: - No report.

Commissioner Kohnke:

Kohnke spoke on the joint School Board meeting agenda for October 18, 2000.

Kohnke spoke on prolificness of political signs. Removal of signs was discussed. Enforcement of nonplacement of political signs in right-of-way will be addressed.

Commissioners Jacalone:

Jacalone stated signs in the right-of-way should be removed now and that decision was the County Administrator's.

Jacalone asked, and it was confirmed by the Board, that he will read and present the Proclamation on Mentoring to the Lieutenant Governor on October 19, 2000, said event to be held in the courtyard.

Commissioner Reardon:

Reardon reminded everyone of the joint County Commission and School Board meeting to be held October 18, beginning at 9:00 a.m. and asked that it be publicized on G-TV.

Reardon stated the Value Adjustment Board would be meeting on October 19, 2000.

(10/17/2000 - 5 - 10:17 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams distributed copies of the County's Agenda for the joint School Board meeting on October 18, 2000.

Adams stated hundreds of political signs had been picked up, but that they may not have gotten them all. Signs are obviously replaced.

(10/17/2000 - 5 - 10:19 a.m.)

COUNTY ATTORNEY'S REPORT - No report.

(10/17/2000 - 5 - 10:19 a.m.)

CLERK OF COURT'S REPORT - No report.

The meeting recessed at 10:19 a.m. and reconvened at 1:30 p.m. with Bryant, Kohnke, Howell, Jacalone, Reardon, Adams, Bosanko, and Deputy Clerk Lenora Newsome present.

(1:37 p.m.) James Acosta, Supervisor of Code Enforcement, addressed the issue of political signs on our roadways.

(10/17/2000 - 5 - 1:38 p.m.)

PUBLIC HEARING – APPEAL SUPIN 2000-004 APPLICANTS: DELORIS MORSCH, F.J. PAFFE, JR. AND JACK CONNEHEY (FILE NAME – STONEY POINT, INC/CAPS ON THE WATER) THE REQUEST IS AN APPEAL TO THE ORDER OF THE PLANNING AND ZONING AGENCY (PZA) APPROVED MAY 18, 2000. THE ORDER GRANTED SPECIAL USE PERMIT FOR THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A RESTAURANT, CAPS ON THE WATER. THE PZA CHAIRMAN SIGNED THE ORDER ON JUNE 15, 2000. ON JULY 12, 2000 DELORIS MORSCH, F.J. PAFFE, JR. AND JACK CONNAHEY FILED AN APPEAL ON BEHALF OF AFFECTED PARTIES. THE APPEAL WAS FILED IN ACCORDANCE WITH PART 9.07 OF THE LAND DEVELOPMENT CODE.

Proof of publication of notice of public hearing on Appeal Supin 2000-004 - Stoney Point, Inc/Caps on the Water, was received having been published in The St. Augustine Record on September 28, 2000.

Mary Stano, Court Reporter was present. Rosemary Yeoman, Zoning Manager, stated that this request is an appeal to the Order of the Planning and Zoning Agency's decision on the granting of a special use permit. She stated that the County's action should be followed either one of the following three ways; 1) is to grant the appeal denying the special use, 2) grant the appeal in part upholding the approval, but modifying the conditions, or 3) denying the appeal upholding the existing order of the Planning and Zoning Agency which granted a special use with conditions cited on page 2 of the report. She distributed the fax from Upchurch on the agreed to conditions.

(1:41 p.m.) Frank Upchurch, 780 North Ponce de Leon Blvd., representing Caps on the Water Inc., spoke on both parties getting together to compromise on some of the issues, the results being a set of revised conditions that would accompany the special use permit that are acceptable to both the applicants and appellants, and stated that he has a signed consent agreement by the appellants giving their consent to the set of conditions dated October 11, 2000. He reviewed the conditions, the first two provide that there will be no take out or package sales of alcoholic beverages, third through the seventh deal with the issue of music which the clients agreed to do away with the bandstand and enclose the area like a Florida room, live bands only on certain occasions, the restaurant would continue to be subjected to St. Johns County Noise Ordinance, put up an 8 foot stockade type fence along the northern and southern boundaries of the property, 4 foot high palisade fence along the street side, parking on site, uniform attendant parking, and the special use permit would be non-transferrable. Kohnke mentioned that she would like to keep it simple. Upchurch responded that his clients agreed with the opposition in good faith and he feels like he has an obligation to stand behind it.

(1:54 p.m.) Geoff Dobson, 66 Cuna Street, on behalf of the appellants, stated that they have negotiated the revised special use permit conditions dated October 11, 2000. He mentioned that it is their understanding after the construction of the Florida Room that there is no outside music. Discussion followed on the music being amplified or not amplified, the appellants living with the agreement, and having outside bands until the Florida Room is completed.

(2:00 p.m.) Deloris Morsch, 509 North Point Road, spoke on there being meetings to resolve the neighborhood problems and everyone acted in good faith. She explained why they agreed to bands outside during the five months prior to the completion of the Florida Room. Discussion followed on patrons of Caps parking on site, trusting that the agreement will be followed, problems with the building of the Florida Room, and set conditions being followed.

(2:06 p.m.) Clay Seay, 4904 Sandcastle Circle, mentioned that he worked very hard with the neighbors on this compromise, and doesn't want to loose the conditions that they have agreed to already. Bosanko stated that there is a defect in the exception rules in the Land Development Code. The conditions on an exception should be listed in the ordinance, one can't just make them up at the hearing. He mentioned that he is working with Scott Clem to resolve the defect issue and fix the ordinance, and until that is resolved in the Ordinance, he would encourage the County to try and use conditions that both sides agree to so that way it won't be an issue in court. Discussion followed on whether Caps can get everything done in 150 days.

(2:13 p.m.) F. J. Paffe, Jr., 545 2nd Street, asked the Board to approve the conditions and he thinks they have a good agreement with them. Kohnke questioned if the construction is not finished in 150 days, then he will lose his special use permit. Bosanko responded that the code enforcement process could fine them, if the construction is not done in time.

(2:15 p.m.) Burgess Autrey, 410 2nd Street, stated that he would like to see it resolved, and questioned what would happen if he couldn't get a permit for the Florida Room. Bosanko remarked that if they did not meet condition #3, then the County could start a code enforcement action which could result in a penalty, put a lien on the property and the County could take over the property. Discussion followed on not meeting the conditions, not getting the permit, construction on the Florida Room not being completed and no outside music at all.

The meeting recessed at 2:27 p.m. and reconvened at 2:34 p.m.

(2:34 p.m.) Bosanko suggested to add a phrase to paragraph 6; *If such Florida Room is not completed within 150 days after issuance of the special permit, outdoor music shall not be permitted.* Jacalone mentioned that it should be added to paragraph 3.

The meeting recessed at 2:36 p.m. and reconvened at 2:43 p.m.

Bosanko recommended placing the following two sentences at the end of paragraph # 3 instead of paragraph #6; *if such Florida Room is not completed within 150 days after issuance of these special use permits, outdoor music shall not be permitted. However failure to complete said Florida Room within 150 days shall not be a violation of this special use if no outdoor music occurs after the end of said 150 days.* Also in paragraph #6 add the phrase *within said 150 days,* after *Prior to completion of the Florida Room.* Discussion followed on what time and occasions the bands can be amplified.

(2:49 p.m.) Heidi Mosier, 3730 Bluff Lane, Apartment A, stated that all live bands are amplified and if the residents don't object, then what is the problem. **Motion by Reardon, seconded by Jacalone, carried 4/1 with Kohnke dissenting, to grant the appeal, granting a Special Use as defined in Order of PZA dated June 15, 2000 modifying the conditions given to the Board dated October 11, 2000, which is those conditions with said for the revised special use permit conditions, with the added sentences on paragraph #3; after issuance of the Special Use Permit, outdoor music shall not be permitted. However failure to complete said Florida Room within 150 days, shall not be a violation of this Special Use, if no outdoor music occurs after the end of said 150 days. Plus an addition to paragraph #6, at the end of the first phrase, after the words Florida Room add the words, within said 150 days. Add Findings of Fact 1-3; 1) the request is consistent with Article XII of the Land Development Code and Section 2.03.01 and 2.03.02 defining and allowing this request by Special Use and meets the requirements of Section 2.03.02, 2) the request is consistent with the Comprehensive Plan, and 3) the sale/consumption of alcoholic beverages, with conditions as allowed by the Land Development Code, in this location is compatible with the surrounding area and is not detrimental to the area with respect to health, safety and welfare of the residents of the area, again being protected by the Special Use Permit conditions which are legally binding.**

(10/17/2000 - 7 - 2:58 p.m.)

PUBLIC HEARING - NZV-00-005 FLAGLER ESTATES CHRISTIAN DAY SCHOOL - NON-ZONING VARIANCE. THIS IS A REQUEST FOR A NON-ZONING VARIANCE TO ALLOW USE OF A ROADWAY NOT BUILT TO COUNTY STANDARD 6.04.10 AND TO GRANT ACCESS TO A LOCAL ROAD 6.08.10. THE LOCATION OF THE SUBJECT PROPERTY IS 4705 CEDAR FORD BLVD. FLAGLER ESTATES UNIT 3. SECTION 6.04.07 "ROADWAY DESIGN" OF THE LAND DEVELOPMENT CODE STATES THAT THERE IS NOT A PROVISION FOR ANY ROADWAY WITHOUT PAVEMENT. THE BOARD OF

COUNTY COMMISSIONERS MAY WAIVE SUCH PROVISIONS OF THE CODE PURSUANT TO THE NON-ZONING VARIANCE SECTION.

Proof of publication of notice of public hearing on NZV-00-005 Flagler Estates Christian Day School - Non Zoning Variance, was received having been published in The St. Augustine Record on October 2, 2000.

Mary Stano, Court Reporter was present. Darrell Locklear explained this item with the use of a map and stated that Staff recommends denial. The roads are in Flagler Estates and are maintained by Flagler Estates Service Corps. He stated that the County had received four return mailings that were in favor of the non-zoning variance. Kohnke questioned if it was a dirt road and how wide it was. Locklear replied yes and stated that it was wider than 24 feet.

(3:03 p.m.) Sid Ansbacher, 780 North Ponce De Leon Blvd., representing the applicant, spoke in favor of this non-zoning variance. Every other road shown on the map are all dirt roads except for four of them. He reviewed the credentials of his applicants and stated that the children who would be attending this daycare need the assistance of quality daycare. He remarked that paving the road is not an option but is a need and mentioned that the nearest daycare is 16 miles away. The children in this area are from low income families. He stated that they do have a concurrency certificate.

(3:12 p.m.) Jacqueline Licata, 2800 CR 13A, spoke in favor of the daycare center.

(3:14 p.m.) Christine Croyle, 316 Boating Club Road, spoke in favor of the daycare center and stated that it would be a community based area.

(3:17 p.m.) James Neal, 4275 Flagler Estates Blvd., gave his and his wife's credentials and mentioned why they would be good at running the daycare center. He spoke on the average total household income for the area being \$24,000, the need for developmental learning, the need for childcare, the programs they will offer, and the need for a local facility the children can go to in the area. He stated there are no alternatives, if providing a service in the area, it will be on a dirt road. Discussion followed on the ages of the children in the daycare being 2 to 5 to start with, fire service not being a problem, the school bus stopping right at the front door of the daycare, the daycare being placed on the most fortified road in the area, and providing a much safer condition for the children in the area. Reardon commended Mr. Neal for what he was doing with the daycare. **Motion by Reardon, seconded by Bryant, carried 5/0, to approve NZV-00-005, a Non-Zoning Variance to allow use of a roadway not up to County standards and to grant access to a local road in Flagler Estates Unit 3, Findings of Fact 1-5, supporting letters of recommendation from; the Child Care Resource Network, the Mayor of Hastings, the President of the Flagler Estates Civic Association, and the Flagler Estates Road and Water Control District. Add the condition of the non-zoning variance being limited to this project and applicant only.**

(3:37 p.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to adjourn the meeting.** The meeting adjourned at 3:37 p.m.

REPORTS:

1. St. Johns County Board Database Check Register check #294903 through #295143 dated 10/13/2000

Approved: November 14, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk