

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 10, 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
Doug Burnett, Assistant County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, County Finance Director

(07/10/01 - 1 - 9:01 a.m.)
CALL TO ORDER

The meeting was called to order by Jacalone.

(07/10/01 - 1 - 9:01 a.m.)
The Invocation was given by Bryant. The Pledge of Allegiance was led by Reardon.

(07/10/01 - 1 - 9:02 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(07/10/01 - 1 - 9:03 a.m.)
PRESENTATION OF SPECIAL RECOGNITION TO MR. O.C. HAYES, VETERAN SERVICES OFFICER

Reardon read the special recognition award and presented it to Mr. O. C. Hayes. O. C. Hayes accepted the award. All the Commissioners relayed their feelings about Hayes. Hayes thanked everyone and stated that he would miss working with them.

(07/10/01 - 1 - 9:09 a.m.)
PUBLIC COMMENT

There were none.

(07/10/01 - 1 - 9:09 a.m.)
DELETIONS TO CONSENT AGENDA

Burnett requested to pull item 8 to reschedule at a later date and to pull item 9 to place on the Regular Agenda as item 4a.

(07/10/01 - 2 - 9:10 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
06/06/01 – BCC Special Meeting
06/19/01 – BCC Regular Meeting
3. Sheriff's Bonds:
Approve: James Acosta
Cancel: Henry J. Hughes
Cancel: Kimberly Stevenson
Cancel: Drusilla Weedon
Approve Bond Name Change: Ramona Helsel to Ramona Davis
Approve Bond Name Change: Suzanne Lagasse to Suzanne Dubose
4. Motion to adopt **Resolution No 2001-135** amending Resolution 95-212 to allow the City of St. Augustine to participate in the Intergovernmental Radio Communications Program and appointing the Chief of the St. Augustine Police Department to the IRC Committee

RESOLUTION NO. 2001-135

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AMENDING RESOLUTION NO. 95-212 TO ADD THE CITY OF ST. AUGUSTINE POLICE DEPARTMENT TO THE INTERGOVERNMENTAL RADIO COMMUNICATIONS PROGRAM ("PROGRAM") AND ADDING THE POLICE CHIEF OF THE CITY OF ST. AUGUSTINE TO THE INTERGOVERNMENTAL COMMUNICATIONS COMMITTEE

5. Motion to authorize the County Administrator to execute the Member Agreement Regarding Administration of Claims between St. Johns County and Liquidating Trust for Governmental Risk Insurance Trust, to utilize the existing service provider to administer the County's outstanding claims under the G.R.I.T. Bankruptcy Plan
6. Motion to approve the donation of surplus engines and transmissions from the Fleet Maintenance Department to the First Coast Technical Center for training purposes
7. Motion to accept the applications and award a Non-exclusive Franchise for the collection, transportation and disposal of Construction and Demolition Debris in the unincorporated portion of St. Johns County
8. Motion to adopt Resolution approving a Final Plat for Julington Creek Plantation Parcel 56 Phase I

This item was pulled to be rescheduled at a later date.

9. Motion to adopt Resolution approving a Final Plat for Meadows at St. Johns Phase One

This item was pulled and placed on the Regular Agenda as item 4a. (See Page 7)

10. Motion to adopt **Resolution No. 2001-136**, approving a Final Plat for Wahoo Winds

RESOLUTION NO. 2001-136

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR WAHOO WINDS**

11. Motion to adopt **Resolution No. 2001-137**, approving the naming of field facilities at Davis Park in accordance with Resolution No. 99-152, which established the County policy for naming public facilities

RESOLUTION NO. 2001-137

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
DECLARING THE NAMING OF THE NEW NORTHEAST
PARK TO BE IN CONFORMANCE WITH RESOLUTION
NO. 99-152 REGARDING POLICY FOR THE NAMING OF
PUBLIC FACILITIES ACCEPTING THE
RECOMMENDATION OF THE RECREATION ADVISORY
BOARD APPROVING VARIOUS FACILITY NAMES**

12. Motion to adopt **Resolution No. 2001-138**, accepting an easement for Utilities Water and Sewer service to Lake Sienna Subdivision

RESOLUTION NO. 2001-138

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AN EASEMENT FOR UTILITIES FOR
WATER AND SEWER SERVICE TO LAKE SIENNA
SUBDIVISION**

13. Motion to adopt **Resolution No. 2001-139**, accepting an Easement for utilities for water and sewer service to Ocean Trace, Unit II Subdivision

RESOLUTION NO. 2001-139

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AN EASEMENT FOR UTILITIES FOR
WATER AND SEWER SERVICE TO OCEAN TRACE, UNIT
II SUBDIVISION**

14. Motion to adopt **Resolution No. 2001-140**, accepting easements for utilities for water and sewer service to Royal St. Augustine Golf and Country Club

RESOLUTION NO. 2001-140

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING EASEMENTS FOR UTILITIES FOR WATER**

**AND SEWER SERVICE TO ROYAL ST. AUGUSTINE GOLF
AND COUNTRY CLUB**

15. Motion to adopt **Resolution No. 2001-141**, accepting easements for utilities for water and sewer service to subdivisions located within Royal St. Augustine Golf and Country Club

RESOLUTION NO. 2001-141

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING EASEMENT FOR UTILITIES FOR WATER
AND SEWER SERVICE TO SUBDIVISIONS LOCATED
WITHIN ROYAL ST. AUGUSTINE GOLF AND COUNTRY
CLUB**

16. Motion to adopt **Resolution No. 2001-142**, accepting easements for utilities for water and sewer service to Grand Oaks Estates

RESOLUTION NO. 2001-142

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AN EASEMENT FOR UTILITIES FOR
WATER AND SEWER SERVICE TO GRAND OAKS
ESTATES**

17. Motion to allow the County Administrator, or his designee, to negotiate with and enter into continuing contracts for RFP-01-65, Surveying and Mapping Professional Services (See Attachment "A.")
18. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract for RFP No. 01-66, Coastal Environmental Assessment and Habitat Conservation Plan with the No. 1 ranked firm, Ecological Associates, Inc. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm and continue until an agreement is reached (See Attachment "B.")
19. Motion to allow the County Administrator, or his designee, to negotiate with and enter into continuing contracts for RFP No. 01-64, Drafting/CADD Services for Public Works and Utility Engineering Departments (See Attachment "C.")
20. Proofs:
- a. Proof, Notice of Public Hearing, Ordinances/Regulations Affecting the Use of Land, May 22 and June 26, 2001
 - b. Proof, Notice of Public Hearing, Article X Land Development Code, June 26, 2001
 - c. Proof, Notice of Meeting Cancellation, Board of County Commissioners, July 3, 2001
 - d. Proof, Notice of Meeting Cancellation, Intergovernmental Committee, July 4, 2001
 - e. Proof, Notice to Bidders, Bid No. 01-74
 - f. Proof, Notice to Bidders, Bid No. 01-72
 - g. Proof, Notice to Bidders, Bid No. 01-71
 - h. Proof, Notice to Bidders, Bid No. 01-76
 - i. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
 - j. Proof, Certificate of Liability Insurance, Shapell's Inc.

- k. Proof, Certificate of Liability Insurance Econosweep, Inc.
- l. Proof, Certificate of Liability Insurance, Coastal Container Corporation
- m. Proof, Certificate of Liability Insurance, City Sanitation, LLC
- n. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
- o. Proof, Certificate of Liability Insurance, Ann's Site Cleaning, Inc.
- p. Proof, Certificate of Liability Insurance, Herrington Industries Inc.
- q. Proof, Certificate of Liability Insurance, Construction Debris Removal, Inc.
- r. Proof, Certificate of Liability Insurance, American Disposal Services LLC
- s. Proof, Certificate of Liability Insurance, Shapells, Inc.
- t. Proof, Certificate of Insurance, Madison Recycling & Construction

(07/10/01 - 5 - 9:10 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested to add the item, *Value Adjustment Board Nominations*, as item 4b. Burnett requested to pull item 11 to be rescheduled at a later date.

(07/10/01 - 5 - 9:12 a.m.)

APPROVAL OF REGULAR AGENDA

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

(9:12 a.m.) Burnett left the meeting.

(07/10/01 - 5 - 9:12 a.m.)

1. PRESENTATION BY THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION ON THE NEXT PHASE OF THE JACKSONVILLE URBAN AREA TRANSPORTATION STUDY 2025 LONG RANGE TRANSPORTATION PLAN

Kevin Feldt, Transportation, introduced Rob Schiffer, Transportation Manger for Post, Buckley & Schuh and Jernigan, who was contracted by the First Coast MPO to do the 2025 Long Range Transportation Plan Update. Schiffer gave a presentation, using visual display, on the next phase of the Jacksonville Urban Area Transportation Study 2025 Long Range Transportation Plan. Feldt stated that the County has been actively involved.

(07/10/01 - 5 - 9:26 a.m.)

2. CONSIDER **RESOLUTION NO. 2001-143**, SUPPORTING THE ESTABLISHMENT OF THE AMTRAK PASSENGER RAIL SERVICE BETWEEN JACKSONVILLE AND WEST PALM BEACH ALONG THE EAST COAST OF FLORIDA

Ed Wuellner, Executive Director, St. Augustine/St. Johns County Airport Authority, mentioned that he was asked to coordinate the development of resolutions in support of Amtrak Service within St. Johns County. He stated the resolution developed by the City of Cocoa by their legal staff and modified by St. Johns County's legal staff, generally provides generic support to the establishment of service along the east coast of Florida. Discussion followed on the coordination of the resolution in support of the Amtrak Service. Jacalone stated that he supported this item. Reardon echoed what Jacalone said. Kohnke mentioned that she supported this item. Meiszer stated that he would support the resolution, if he could add one whereas to it; *inasmuch as located within St. Augustine and St. Johns County, the Florida East Coast Railroad or its successor, has a railway station which could, with minor alterations and modifications, be used again, at least until such time as passenger traffic reaches a point where it requires a new or expanded terminal and at no cost to our taxpayers.* He stated that there could be a second whereas added. Jacalone replied that he would not like to get that specific in this resolution on the location of the station. Bryant stated that he supported this resolution as is. **Motion by Reardon, seconded by Kohnke, carried 4/1**

with Meiszer opposed, to adopt Resolution No. 2001-143 supporting the establishment of an Amtrak Passenger Rail Service between Jacksonville and West Palm Beach along the East Coast of Florida. (9:38 a.m.) Jim Sisco, County Attorney, entered the meeting and Bosanko left the meeting.

RESOLUTION NO. 2001-143

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING THE ESTABLISHMENT OF AMTRAK PASSENGER RAIL SERVICE BETWEEN JACKSONVILLE AND WEST PALM BEACH ALONG THE EAST COAST OF FLORIDA

(07/10/01 - 6 - 9:39 a.m.)

3. PRESENTATION BY THE JACKSONVILLE ELECTRIC AUTHORITY (JEA) REVIEWING A PROPOSAL TO SERVE THE NORTHERN PORTION OF ST. JOHNS COUNTY

John Schwab, Special Projects Manager, reviewed this item and introduced Scott Kelly from JEA. (9:40 a.m.) Scott Kelly, 2325 Emerson Street, Jacksonville, stated that they are proposing to assist St. Johns County by providing water and sewer service to the northern part of the County. He gave a brief overview of JEA, using visual display, spoke on JEA being one of the largest water and sewer providers in the State of Florida, water and sewer operating highlights, JEA having very competitive rates, their bond ratings being some of the highest in the country, the economies of electric/water/sewer integration, cutting sewer line cave-ins in half, public water supply used by County 1995 and the projected 2020, the priority water resource caution areas, major water supply issues, map showing levels of flourides in Duval and St. Johns County, the JEA water supply plan, the map showing raw water line, the map showing reclaim water system, and JEA's actual proposal (project overview). Kelly stated that JEA will provide up front payment that would include 5% of the net present value up to \$11,660,000. Lengthy discussion followed on 5% of the net present value, the arrangement with the City of Jacksonville compared to St. Johns County, JEA paying for the pump station, and the County Commission giving adequate consideration to JEA's proposal.

(10:28 a.m.) John Merino, 227 Birdstone Lane, Vermont, representing United Utilities, gave his credentials and spoke on selling United Utilities to JEA.

(10:34 a.m.) Ronnie Malin, 13 North Roscoe Blvd., spoke in opposition of JEA's proposal.

(10:38 a.m.) Michael Korn, 6620 Southpoint Drive South, Jacksonville, representing Sawgrass Association, spoke in favor of JEA's proposal. He left with the Clerk, a copy of the letters he presented.

(10:47 a.m.) Michael Twomey, P.O. Box 5256, Tallahassee, representing Sawgrass Association, spoke in favor of JEA's proposal. He reviewed the handout on Sawgrass Exhibits and the problems they had with the Intercoastal Utilities purchase. Discussion followed on the litigation with Intercoastal.

(11:00 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, spoke in favor of St. Johns County Utility being an entity and directing its own utility.

(11:04 a.m.) Henry Erisman, 116 South Nine Lake Circle, Ponte Vedra Beach, spoke in favor of JEA's proposal.

(11:05 a.m.) Al Le Beau, 188 Herons Nest Lane, spoke in opposition of purchasing Intercoastal Utilities.

(11:12 a.m.) Robert Kahler, 21 Sunfish Drive, spoke in favor of St. Johns County serving its own utility.

(11:14 a.m.) Louise Thrower, 288 Orange Avenue, stated the recent debates, conversation, and discussions regarding the JEA proposal to acquire the Northern St. Johns County water/sewer rights strengthen her conviction of home rule for utilities and reviewed questions she provided and distributed.

(11:19 a.m.) Bobby Jone, 5850 Capo Island Road, encouraged the Board to keep the utility operations within St. Johns County.

(07/10/01 - 7 - 11:20 a.m.)

4. CONSIDER A REQUEST BY JEA TO GIVE A PRESENTATION CLARIFYING THEIR OFFER TO PURCHASE INTERCOASTAL UTILITIES, INC.

Kelly stated that in light of St. Johns County proposed acquisition of Intercoastal Utilities, JEA will not make a presentation on the Intercoastal issue. Discussion followed on the presentation and the public comment regarding JEA's commitment and offer to serve in the north part of St. Johns County. (11:24 a.m.) Strickland left the meeting and Doug Burnett, Assistant County Attorney, entered the meeting. Kohnke left the meeting.

The meeting recessed at 11:26 a.m. and reconvened at 11:35 a.m.

(07/10/01 - 7 - 11:36 a.m.)

4a. MOTION TO ADOPT **RESOLUTION NO. 2001-144** APPROVING A FINAL PLAT FOR MEADOWS AT ST. JOHNS PHASE ONE (Consent Item #9)

Burnett stated that the plat was missing the seal and now they have it, so everything is fine. **Motion by Reardon, seconded by Bryant, carried 4/0 with Kohnke absent, to adopt Resolution No. 2001-144, approving a Final Plan for Meadows at St. Johns Phase One.**

RESOLUTION NO. 2001-144

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MEADOWS AT ST. JOHNS PHASE ONE

(07/10/01 - 7 - 11:37 a.m.)

4b. VALUE ADJUSTMENT BOARD NOMINATIONS

Kohnke entered the meeting. **Motion by Jacalone, seconded by Reardon, carried 5/0, to appoint Jacalone, Reardon and Bryant to the 2001 Value Adjustment Board, and Meiszer as an alternate member to the 2001 Value Adjustment Board.**

(07/10/01 - 7 - 11:38 a.m.)

COMMISSIONERS' REPORTS

Commissioner Kohnke:

No report.

(11:39 a.m.)

Commissioner Reardon:

Reardon spoke on a letter he received this morning regarding special items that some of the residents, who play the County Golf Course, would like to pursue; reduced rates for County residents and seniors. Discussion followed on having Dan Weimer come before the Board and discuss this issue and having Reardon talk with Weimer on some special incentive programs.

(11:42 a.m.)

Commissioner Jacalone:

Jacalone spoke on the Architectural Review Committee members being absent at the meetings where decisions are needing to be made. He stated that they needed to address how to correct it. Discussion followed.

(11:44 a.m.)

Commissioner Bryant:

Bryant spoke on, last Tuesday, going to Jacksonville to the Corps of Engineers' bid opening on the Beach Renourishment Project.

(11:45 a.m.)

Commissioner Meiszer:

Meiszer spoke on the language in the resolutions or proclamations that the Board adopts. Discussion followed.

Meiszer mentioned the redistricting that is in progress and stated the next meeting is scheduled for Thursday evening, at the Bartram Trail Library at 7:00 p.m.

Meiszer spoke on an employee sending them a letter dated July 6, 2001, concerning the operation of one of the Board's advisory committees and the Sunshine Law. Adams replied that all parties mentioned are being interviewed today by personnel and they will report back to the Board on the status of this issue.

(11:49 a.m.)

Jacalone stated that Adams received a letter from the Chamber to get clarification on what the Board decided to do with the strategic planning process. He suggested inviting Mr. Patrick back to hear the Boards desires and wishes before they commit to something the Board hasn't authorized. He suggested for Adams to schedule Mr. Patrick to come back before the Board.

(07/10/01 - 8 - 11:51 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board on the redistricting on Thursday night and also on Thursday, at the World Golf Village, is the Annual Regional Summit regarding water resources.

Adams mentioned the July 26 Joint School Board Meeting at the Health and Human Services Building at 9:00 a.m.

(07/10/01 - 8 - 11:52 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(07/10/01 - 9 - 11:52 a.m.)
CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:52 a.m. and the meeting reconvened at 1:30 p.m. with Bryant, Jacalone, Kohnke, Meiszer, Adams, Lopez and Deputy Clerk Judy Hamilton in attendance. Reardon entered the meeting at 1:35 p.m.

(07/10/01 - 9 - 1:34 p.m.)

5. PUBLIC HEARING - NZAR-01-0010 - CHARLENE'S WAREHOUSE. THE PROPOSED WAREHOUSE IS LOCATED ON A 2.3-ACRE SITE AT 270 BIG OAK ROAD. THE APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO SECTION 6.02.11. (FIRE PROTECTION) AND SECTION 6.04.05 (ACCESS MANAGEMENT) OF THE LAND DEVELOPMENT CODE TO ALLOW THE CONSTRUCTION OF A COMMERCIAL SITE WITH FIRE PROTECTION THAT DOES NOT MEET LAND DEVELOPMENT CODE STANDARDS AND WITH A DRIVEWAY THAT DOES NOT MEET LAND DEVELOPMENT CODE WIDTH STANDARDS. THE APPLICANT'S REQUEST IS TO PROVIDE ACCESS VIA A 15' WIDE DRIVEWAY AND TO PROVIDE FIRE PROTECTION VIA A 5' ARTESIAN WELL AND A DETENTION POND DRY HYDRANT. STAFF DOES NOT SUPPORT THE REQUESTED VARIANCES

Proof of publication of the public hearing for NZAR-01-0010 - Charlene's Warehouse was received, having been published in *The St. Augustine Record* on June 28, 2001.

Darrell Locklear, Development Review Engineer Manager, presented this item to the Board for its consideration. John Ruley, Fire Services, was present and answered questions from the Board, regarding adequate fire protection. Ruley advised the Board that the applicant had two options to get the adequate water supply as required by Code: (1) connect to the County utility system, if within a half mile, and have delivery to the facility by use of hydrant system; or, (2) use an automatic sprinkler system that would not require the hydrant system, thereby using the wells and standing ponds with the automatic fire protection. A third option would be a deep well system with a pump to bring the adequate water supply to the surface where it could be obtained to provide protection to the building. Discussion was held on the various options and road widths.

(1:41 p.m.) George Boatwright, 9915 Shands Pier Road, Orangedale, the applicant, addressed the Board, describing the proposed warehouse, requesting a 16-foot width drive and a five-inch artesian well, topped with a fireplug. Boatwright stated he was trying to obtain the building permit. Discussion ensued on sprinkler systems, wells, adequate pumping systems, retention ponds, hydrants, LDC regulations, adequate water supply, road widths, and tree cutting.

(2:14 p.m.) *Motion by Kohnke to deny the non-zoning variance to Section 6.02.11, Fire Protection, and to approve 6.04.05, Access Management, variance, with the condition of a 20-foot road.* Motion died for lack of a second.

(2:15 p.m.) *Motion by Meiszer to deny the variance.* Motion died for lack of a second.

Lopez recommended two separate motions be made for clarity.

(2:16 p.m.) William Rossignol, 230 Big Oak Rd., spoke in favor of the applicant. (2:20 p.m.) Dutch Lane, 211 Big Oak Rd., spoke in favor of the applicant.

(2:24 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/1 with Meiszer dissenting, to approve the variance (Section 6.04.05 [Access Management] of the Land Development Code) with the condition that the driveway be 20 feet, with Findings of Fact 1 through 5.**

Further discussion was held on the fire protection issue. (2:27 p.m.) *Motion by Kohnke to deny non-zoning variance to Section 6.02.11 (Fire Protection).* Motion died for lack of a second.

This item was deferred by the Board to later in the meeting for further discussion between Staff and the applicant. *(Item #6 was then heard by the Board before returning to this item.)*

(3:22 p.m.) After deferment, Locklear reported to the Board, that after meeting with the applicant, Boatwright requested to withdraw the portion of the non-zoning variance, dealing with fire protection, with the understanding that he can meet with Staff and come to a solution that will meet Code requirements and meet the applicant's needs as well. Boatwright expressed his acceptance, with the understanding that if things did not work out, he could come back to the Board.

(07/10/01 - 10 - 2:30 p.m.)

6. PUBLIC HEARING - DISON'S GOODYEAR - APPEAL TO THE COUNTY ADMINISTRATOR'S DECISION IN ENFORCING THE LAND DEVELOPMENT CODE BY DISON'S GOODYEAR TIRE STORE/JACK ARNOLD PSD. ON MAY 1, 2001, DISON'S GOODYEAR TIRE STORE REQUESTED AN INTERPRETATION OF THE ST. JOHNS COUNTY ZONING CODE AND THE JACK ARNOLD PSD. THE REQUEST PROVIDED THAT THE PROPOSED DISON'S GOODYEAR TIRE STORE WOULD ENGAGE IN SELLING TIRES AND ACCESSORIES AND PROVIDE INSTALLATION AND REPAIR SERVICES. SPECIFICALLY, DISON'S GOODYEAR TIRE STORE INTENDED TO ENGAGE IN THE SALE AND INSTALLATION OF THE FOLLOWING SERVICES AND PRODUCTS: TIRE, WHEEL COVERS, AND BRAKES; WHEEL BALANCING; TIRE ROTATION AND ALIGNMENT; SUSPENSION SYSTEMS, INCLUDING SHOCK ABSORBERS, STRUT AND SPRINGS; BATTERY, ELECTRICAL AND/OR CHARGING SYSTEM REPAIR AND MAINTENANCE; AUTOMOTIVE AIR CONDITIONING SYSTEMS; MINOR TUNE-UPS AND OIL CHANGES; REPLACEMENT OF TRANSMISSION FLUIDS; COOLING SYSTEMS (RADIATORS); LIGHT ENGINE WORK; RETAIL SALE OF CAR WASH PRODUCTS AND ACCESSORIES, SUCH AS (BUT NOT LIMITED TO) JUMPER CABLES, FLOOR MATS, AND OTHER INTERIOR CAR ACCESSORIES. IT IS THE INTERPRETATION OF THE PLANNING DIVISION THAT SECTION 3 OF THE JACK ARNOLD PSD DOES NOT SUPERSEDE THE APRIL 27, 1999 BCC ADMINISTRATIVE INTERPRETATION ON THE RETAIL SALE OF TIRES, BATTERIES, AND ACCESSORIES AND THE PSD IS SUBJECT TO THE BCC ADMINISTRATIVE INTERPRETATION. BASED ON THE BCC ADMINISTRATIVE INTERPRETATION, BATTERY, ELECTRICAL AND/OR CHARGING SYSTEM REPAIR AND MAINTENANCE, AUTOMOTIVE AIR CONDITIONING SYSTEMS, MINOR TUNE-UPS AND OIL CHANGES, REPLACEMENT OF TRANSMISSION FLUIDS, COOLING SYSTEMS (RADIATORS), AND LIGHT ENGINE WORK WOULD NOT BE ALLOWED WITHIN THE PSD

Proof of publication was received on public hearing for Dison's Goodyear - Appeal to the County Administrator's Decision in enforcing the LDC by Dison's Goodyear Tire Store/Jack Arnold PSD, having been published in *The St. Augustine Record* on June 21, 2001.

Theresa Taylor, Court Reporter, was in attendance. Allen MacDonald, Finance Director, entered the meeting.

Isabelle Lopez, Assistant County Attorney, presented this appeal to the Board for consideration, reviewing allowable uses, specifically tire, battery and accessories (TBA) issue.

Reardon and Kohnke stated they had no ex-parte disclosures. Discussion ensued on permitted uses. George McClure, 170 Malaga Street, Suite "A," representing Dison's Goodyear along with Regency Realty, addressed the Board, asking them to grant the appeal, as interpreted in the PUD that was prepared in 1998 which specifically allowed repairs as an approved activity on this parcel. Meiszer disclosed ex-parte communication with McClure some weeks ago, discussing a buffer between the shopping center and the adjoining property on Fruit Cove Road in that area. Kohnke stated she asked Louise Thrower if she was aware this item was on the agenda. Further discussion was held on buffering, screening, and lighting. Meiszer disclosed discussion of this issue with the County Attorney and McClure.

(2:58 p.m.) Louise Thrower, 288 Orange Avenue, spoke in opposition to this appeal.

(3:02 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, spoke in opposition to the requested variance.

(3:08 p.m.) After further discussion, **motion by Bryant, seconded by Meiszer, carried 4/1 with Kohnke dissenting, to approve the repeal reversing the County Administrator's interpretation of the allowable TBA uses within the Jack Arnold PSD.**

The meeting recessed at 3:10 p.m. and reconvened at 3:21 p.m.

(07/10/01 - 11 -3:23 p.m.)

7. UPDATE ON THE PONCE DE LEON ANNEXATION BY THE CITY OF ST. AUGUSTINE

Isabelle Lopez, Assistant County Attorney, gave an update to the Board, after their direction to pursue the possibility of a site specific interlocal agreement which would address specific concerns of the Commission. After meeting with George McClure and John Bailey, regarding the proposed site specific interlocal, Lopez stated no issues were resolved at that meeting. Lopez presented a proposed resolution to the Board if they chose to pursue litigation. Georgia Katz, Principal Planner, and Teresa Bishop, Planning Director, answered questions from the Board. Discussion was held on the annexation, number of units, commercial square footage, buffers, Kurth Island, building heights, recreational uses, jurisdictional lines, DRI thresholds, impact fees, taxes, enclaves, county services, among other items. Jacalone read a letter he had received, from the Mayor of the City of St. Augustine, into the record, which addressed the County Commissioners' concerns.

(3:46 p.m.) Gary Carter, 41 Hybiscus Ave. North, St. Augustine, spoke of his concerns about the annexation. (3:48 p.m.) George McClure, 170 Malaga Street, St. Augustine, representing the City of St. Augustine City Commission, spoke on the City's standings on various issues. Further discussion was held on the enclave, accessibility to the "enclave," environmental assessments, commercial construction, planning review by DCA versus legal review by DCA, impact fees, taxation, among other various items of discussion. *It was the determination of the Board to let the other reviewing agencies [Department of Community Affairs, Regional Planning Council] continue their processes of review [do their duty].*

Lopez left the meeting and Doug Burnett, Assistant County Attorney, entered the meeting.

(07/10/01 - 12 - 4:11 p.m.)

8. INFORMATIONAL UPDATE ON MEDIA ONE/ AT&T BROADBAND SERVICES
BY ANN MURPHY, GOVERNMENTAL AFFAIR MANAGER

Joe Vonasek, Director of Management and Budget, introduced this item. Ann Murphy, 5934 Richards Street, Jacksonville, Governmental Affairs Director for AT&T Broadband, spoke on the escalated complaints and the company not meeting customer service standards. David Popp, Director of the AT&T/Broadband call center in Jacksonville which supports St. Johns County, explained that in the standardization of their digital platform in Northeast Florida with other parts of the country and the merger with MediaOne which demanded the same billing platform across the nation be incorporated, and retraining of 300 reps, had exacerbated the volume in customer response and handling of complaints. Errors in billing and delays in billing were discussed. Murphy stated a letter would be going out to customers who had not received a bill, explaining the forthcoming double billing. Discussion on connection to Hastings was discussed along with the prohibitive cost of such connection. No action was required from the Board.

(07/10/01 - 13 - 4:24 p.m.)

9. CONSIDER A RESOLUTION ESTABLISHING A UNIFORM COMMUNICATIONS
TAX RATE REPLACING THE SEVEN DIFFERENT TYPES OF TAXES IMPOSED
ON COMMUNICATIONS IN FLORIDA

Joe Vonasek, Director of Management and Budget, introduced this item, using visual display, giving background information on the tax. The Legislature and Governor of Florida have established as law, the Communications Services Tax Simplification Law (CST), effective October 1, 2001, which establishes a uniform tax rate as a replacement for the seven different types of taxes imposed on communications services in the state. This tax would apply to the gross amounts of all communications services and would replace the franchise fees currently collected by the County from Cable TV providers. The CST also provided a local option to implement a tax to replace right-of-way permit fees charged communications service provider and required that an implementing resolution be adopted by the Board and sent via certified mail to the Department of Revenue by July 16, 2001. Vonasek stated the tax rates established for this purpose by CST have the intent of being revenue neutral to local governments. Preliminary calculations by Staff indicated that adopting tax rates per the proposed resolution would deliver the current level of revenue being received for Cable TV franchise fees, or greater. Under the terms effected by the CST, the estimated revenue attributable to the implementation of the Add-on Tax replacing right-of-way permit fees charged communications service providers are advantageous to the County. Discussion ensued on the proposed resolution.

Motion by Kohnke, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2001-145, implementing a Communications Services Tax and Add-on Right-of-Way Permit Tax with an aggregate first year Communications Service Tax Rate of 1.94 percent, effective October 1, 2001, and an aggregate Annualized Communications Service Tax Rate of 1.84 percent, effective October 1, 2002. Vonasek reiterated that this implemented the .24 right-of-way tax, as well as replace the current permit fee that the County has for telecommunications services providers only.

RESOLUTION NO. 2001-145

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ELECTING TO INCREASE THE LOCAL
COMMUNICATIONS SERVICES TAX CONVERSION
RATE TO MINIMIZE FISCAL IMPACT TO THE COUNTY
DUE TO PASSAGE OF COMMUNICATIONS SERVICES**

TAX SIMPLIFICATION LAW; ELECTING TO INCREASE THE TOTAL RATE FOR THE LOCAL COMMUNICATIONS SERVICES TAX BY 0.24 PERCENT IN LIEU OF IMPOSING PERMIT FEES ON COMMUNICATIONS SERVICES PROVIDERS DESIRING TO OCCUPY COUNTY RIGHTS-OF-WAY; DIRECTING THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

(07/10/01 - 13 - 4:42 p.m.)

10. CONSIDER AN APPOINTMENT TO THE AMERICAN HERITAGE RIVER STEERING COMMITTEE

Vickie Renna, Principal Planner, presented this item to the Board for their consideration. After discussion, **motion by Reardon, seconded by Kohnke, to recommend the appointment of Don Beattie to the St. Johns American Heritage River Steering Committee and direct the Chair to sign the attached letter, showing the current date.**

(07/10/01 - 13 - 4:50 p.m.)

11. CONSIDER A RESOLUTION APPROVING A FINAL PLAT FOR JULINGTON CREEK PLANTATION PARCEL 83 PHASE I

This item was pulled from the agenda for lack of a title opinion.

(07/10/01 - 13 - 4:50 p.m.)

12. CONSIDER A DEVELOPMENT AGREEMENT REGARDING JULINGTON CREEK PLANTATION PARCEL 83

Kathy Nielsen, Application Review Coordinator, presented the agreement to the Board for consideration. **Motion by Kohnke, seconded by Bryant, carried 5/0, to approve the Development Agreement, regarding limited access from Bishop Estate Road for Julington Creek Plantation Parcel 83.**

(07/10/01 - 13 - 4:52 p.m.)

13. CONSIDER A BUDGET AMENDMENT TO REALLOCATE TRANSPORTATION TRUST FUNDS FOR FISCAL YEAR 2001

Joe Stephenson, Director of Public Works, asked the Board to consider this budget amendment, using visual display. Based on the Board's previous direction on the phases of the Holmes Boulevard project, Stephenson presented a revised plan that more effectively utilized available budgeted financial resources. The County has a substantial list of needed current transportation infrastructure projects which are identified in the five-year Capital Improvement Program. Approval of the revised plan would allow Staff to immediately address several critically needed projects. Without approval of the revised CIP, these projects would have to compete for Transportation Trust Fund revenues in the FY 2002 Budget and, if funded, could not be started until later in FY 2002. Stephenson advised that the phasing and implementation of the Holmes Boulevard project was commencing per Board direction, that the transfer of funds would not impact the phasing and implementation and that the Holmes Boulevard project would proceed without delay. Stephenson presented Exhibit "A" which detailed the old and new budget impacts of the Holmes Boulevard project, as well as the application of the redirected dollars. Brief discussion ensued. **Motion by Reardon, seconded by Bryant, carried 5/0, to approve the rescheduling of Capital Projects as listed in Exhibit "A," to take advantage of the approved revised phase of the Holmes Boulevard project.**

(07/10/01 - 14 - 5:01 p.m.)

14. CONSIDER GRANTING AN EXTENSION OF WASTEWATER UTILITY LINES TO CALVIN PEETE PARK

Tom Crawford, Director of Housing and Community Services, presented this issue to the Board for review. Dan Weimer, Director of Recreation and Parks, spoke on existing and appropriated impact fees. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the use of \$70,000 from the Calvin Peete Park CIP Project to fund the extension of sanitary sewer to Calvin Peete Park on West King Street and to authorize the Chair to execute modifications to the Interlocal Agreement required to effect the sewer line's construction.**

(07/10/01 - 14 - 5:04 p.m.)

15. CONSIDER THE CONSTRUCTION OF A MODULAR BUILDING AT CALVIN PEETE PARK

Tom Crawford, Director of Housing and Community Services, made a presentation of this item for Board consideration, with visual display. Recreation and Parks Director Dan Weimer spoke on the location. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve Resolution 2001-146, approving the placement of a modular building on County leased property known as Calvin Peete Park.**

RESOLUTION NO. 2001-146

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING MAINTENANCE OF A MODULAR BUILDING TO BE LOCATED AT CALVIN PEETE RECREATIONAL COMPLEX

(07/10/01 - 14 - 5:09 p.m.)

16. PRESENTATION OF THE RECOMMENDED BUDGET FOR FISCAL YEAR 2002

Ben Adams, County Administrator, made a presentation of the recommended budget for FY 2002 to the Commissioners for their review and consideration. Adams cleared the possible dates for the first and second public hearings on the budget with the Board: first public hearing on September 4, and final public hearing on September 11. The total budget was \$235,279,730. The tentative aggregate millage rate was 6.663. August 2 and 3 were mentioned as possible workshop dates. **Motion by Kohnke, seconded by Reardon, carried 5/0, to accept the recommended budget for FY 2002.**

There being no further business to come before the Board, the meeting was adjourned at 5:25 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, dated 07/10/01, Check #305895 through #10101000, totaling \$1,215,552.20
2. St. Johns Board of County Commissioners Check Register, dated 06/29/01, Check #305876 through #305894, totaling \$330,749.45
3. St. Johns Board of County Commissioners Check Register, dated 06/26/01, Check #305554 through #305875, totaling \$3,841,862.15

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief, Bureau of Administrative Code, Department of State, regarding Ordinances 2001-42, 2001-43 and 2001-44, dated July 3, 2001
2. Letter to Liz Cloud, Chief, Bureau of Administrative Code, Department of State, regarding Ordinances 2001-40 and 2001-41, dated June 25, 2001
3. Letter from Rose, Sundstrom & Bentley, LLP, regarding document certification request, dated June 21, 2001
4. Letter from Bureau of Election Records, Department of State, regarding Chair's manual signature, dated June 19, 2001

Approved: August 7, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk