

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 25, 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: 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
Yvonne King, Deputy Clerk

Also present were: Cheryl Strickland, Clerk of Courts; Joe Vonasek, Senior Budget Analyst; Michael Givens, Chief Deputy-Finance.

Commissioner James Bryant, Chair, arrived later in the meeting.

(07/25/2000 - 1 - 9:05 a.m.)
CALL TO ORDER

The meeting was called to order by Vice Chair Kohnke.

(07/25/2000 - 1 - 9:05 a.m.)
The Invocation was given by Jacalone. The Pledge of Allegiance was led by Howell.

(07/25/2000 - 1 - 9:06 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(07/25/2000 - 1 - 9:06 a.m.)
PUBLIC COMMENT

Dr. Maria Colavito, St. Johns County Mental Health Department, Children Services, displayed a board of examples of artwork from children from around the world. Colavito then commented on the success of "Kids Week." (9:10 a.m.) Reardon made a presentation on what the kids (during Kids Week) in West Augustine said they wanted for their neighborhood. (9:13 a.m.) Joe Serra, 11 Everett Street, requested a vehicle ramp be installed at "A" Street on St. Augustine Beach, and also have one way vehicular traffic south on the Beach. (9:14 a.m.) Jack Morgan, 9737 Preston Trail, Ponte Vedra Beach, representing Sawgrass Association, addressed concerns with the impact the Nocatee Development will have on the County. (9:15 a.m.) Bryant entered the meeting. (9:18 a.m.) Marie Seifert, 109 Buck Island Court, Ponte Vedra Beach, representing Ponte Vedra Beaches Coalition, expressed concerns with the Nocatee Development. (9:24 a.m.) Seifert then read a letter from Tina McGough, 120 S. Bend Drive, Ponte Vedra Beach, regarding her concerns with the Nocatee Development. (9:29 a.m.) Marsha Sanks, 7130 2nd Street, expressed concerns with how the County Commission handles business in St. Johns County. (9:36 a.m.) Daniel MacDonald, 24501 Deer Trace Drive, Ponte Vedra Beach, relayed the request from the Sawgrass Players Club Association and Marsh Landing Homeowners Master Association for a town meeting to be held in the northern part of St. Johns County regarding Nocatee. (9:41 a.m.) Louise Thrower, 288 Orange Avenue, commented on the Nocatee Development.

(07/25/2000 - 2 - 9:50 a.m.)

ADDITIONS/DELETIONS TO CONSENT AGENDA

Kohnke requested Item #3 be removed from the Consent Agenda and added to the Regular Agenda as Item #3a.

(07/25/2000 - 2 - 9:51 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
7/11/00 – BCC Regular Meeting
2. Approval of a motion for a Temporary License Agreement to operate the farmers market at the County Pier Location
3. Approval of a motion accepting Consent Order and paying a fine of \$5,000 to FDEP for violation of construction without a permit (This item was removed from the Consent Agenda and added to the Regular Agenda as Item #3a; see page 5.)
4. Approval of a motion accepting the speed zones for Marsh Creek Country Club, as proposed by Transportation-Engineer's, Inc.
5. Approval of a motion for a contract with Division of Administrative Hearings (DOAH) for the provision of administrative hearing officer services and to appoint DOAH as Hearing Officer for Intercoastal Rate Case Proceeding
6. Approval of a motion adopting Resolution, continuing the question of the determination of the test year proposed by Intercoastal Utilities, Inc.

RESOLUTION NO. 2000-100

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, RELATING TO THE ST. JOHNS COUNTY WATER & SEWER AUTHORITY AND THE APPLICATION OF INTERCOASTAL UTILITIES, INC. FOR A RATE INCREASE; CONTAINING FINDINGS; CONTINUING THE QUESTION OF THE DETERMINATION OF THE TEST YEAR PROPOSED BY THE APPLICANT; AND PROVIDING FOR THE SETTING OF A TEST YEAR

7. Motion to adopt a Resolution approving the terms of a Purchase and Sale Agreement for the acquisition of property for the construction of the 4-laning of Race Track Road

RESOLUTION NO. 2000-101

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF THE 4-LANING OF RACE TRACK ROAD

8. Approval of a motion awarding the contract for Workers Compensation with Thompson Bailey Baker Agency/Hartford Insurance Company

9. Approval of a motion transferring \$20,936.00 from the General Fund Reserve to the County Attorney's budget
10. File:
 - a. Proof, Notice of Forfeiture for Unclaimed Monies, September 1, 2000
 - b. Proof, Notice to Bidders, Bid No. 00-60, Backwash Reclamation Tank
 - c. Proof, Notice of Meeting, St. Johns County Government Channel Citizen Advisory Committee, June 12, 2000
 - d. Proof, Notice of Meeting, Economic Development Committee, June 8, 2000
 - e. Proof, Notice of Meeting, Economic Development Committee, July 13, 2000
 - f. Proof, Notice of Joint Special Meeting, St. Johns County Board of Commissioners and St. Johns County School Board, July 19, 2000
 - g. Proof, Notice of Canceled Meeting, Special Board of County Commissioners, July 10, 2000

(07/25/2000 - 3 - 9:51 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to add Item #2a, a request by Flagler Hospital. Adams requested to add Item #3b, an appointment to the Planning and Zoning Agency.

(07/25/2000 - 3 - 9:52 a.m.)

APPROVAL OF REGULAR MEETING AGENDA

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

(07/25/2000 - 3 - 9:52 a.m.)

1. CONSIDER A BUDGET TRANSFER AND CONTRACT ASSOCIATED WITH AUDIT OF INTERCOASTAL UTILITIES, INC.

George Flint, Contractual Executive Director for the Water & Sewer Authority, requested the Board approve a budget transfer that would allow the funding of the contract; and formally approve the agreement between the County and Larkin & Associates to conduct the audit. Discussion followed regarding the audit. (9:59 a.m.) **Motion by Kohnke, seconded by Jacalone, carried 5/0, to approve the budget transfer so that Larkin & Associates may start the audit process, due to time constraints, from Reserves Account #103-59920 to Contractual Services Account #103-53120.** (10:00 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to approve the contract with Larkin & Associates so that they may start the audit process.**

(07/25/2000 - 3 - 10:00 a.m.)

2. PRESENTATION ON THE CURRENT MAINTENANCE PROCESS FOR ST. JOHNS COUNTY'S WEB SITE AND ONLINE TOUR

Wylie Thibault, Director of Management Information Services, introduced Shawn Frye. Shawn Frye, County Webmaster, made a presentation of St. John's County web site and gave an online tour. (10:10 a.m.) Lynn Ortagus, GIS Coordinator for the Property Appraiser's Office, made a presentation of the Property Appraiser's Web Page. (10:13 a.m.) Thibault informed the Board that the online permitting system query, the Clerk of Courts Official Indexing System, criminal case management, application submittal management, and the permit scheduling via web is being completed. (10:21 a.m.) Linda Follenweider, TEK Systems, Jacksonville, informed the Board of the services provided by TEK Systems; then, requested to be a partner with the County to save money by automating processes through technology and also working with any IT projects in the future.

(07/25/2000 - 4 - 10:24a.m.)

2a. PRESENTATION BY FLAGLER HOSPITAL

Jim Conzemius, 365 Marsh Point Circle, requested the Board to: 1) maintain the legislative priority to get the primary clinic operational; 2) waive the criteria for emergency patients, which requires a drug test, and the requirement to demonstrate that they are working or looking for work; and 3) increase indigent care funding. (10:35 a.m.) Dr. Miguel Machado, 1000 Whispering Pines Circle, addressed concerns with indigent care. Discussion followed on indigent care.

The meeting recessed at 10:43 a.m. and reconvened at 11:00 a.m.

(11:00 a.m.) Sisco entered the meeting.

(07/25/2000 - 4 - 11:00 a.m.)

3. CONSIDER THE RECOMMENDATIONS ESTABLISHED DURING THE "SALES TAX RETREAT" HELD ON JULY 24, 2000

Bryant suggested the sales tax not be placed on the upcoming election ballot. Kohnke suggested the sales tax be placed on the upcoming election ballot, with the following distribution: 50% for roads and bridges, 20% for environmental sensitive land acquisition and land preservation, 20% for recreation, and 10% for mitigation, archeology, and historic conservation. Jacalone suggested putting a non-binding referendum item on the ballot asking the public if they support a one cent sales tax. Howell commented in support of a straw ballot.

(11:31 a.m.) Heather Michael, 981 Irma Way, commented in opposition to the proposed sales tax. (11:34 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., representing the Citizens for LAMP, commented in favor of the sales tax. (11:38 a.m.) Carl "Bud" Markel, 801 Sugar Cane Avenue, commented in opposition to the proposed sales tax. (11:46 a.m.) Sue Mullins, The Nature Conservancy, 625 N. Adams Street, Tallahassee, shared the results of a poll that was done in the County by a professional pollster regarding the sales tax. (11:55 a.m.) Don Beattie, 808 Mill Pond Court, commented in support of the sales tax being placed on the upcoming ballot. (11:57 a.m.) Robin Nadeau, 26 Mickler Blvd., commented in favor of the sales tax. (11:59 a.m.) Sarah Bailey, 2202 Bishop Estates Road, commented in support of the sales tax. (12:03 p.m.) Harold Hines, 1541 Fruit Cove Woods Drive, Fruit Cove, asked the reassurance of the Board that regardless of the outcome of the sales tax, that the library will have full support and funding for the Southeast Branch Library. (12:04 p.m.) Louise Thrower, 288 Orange Avenue, Fruit Cove, commented in opposition to the proposed sales tax. Discussion followed on the sales tax issue.

(12:13 p.m.) Motion by Kohnke, seconded by Reardon, failed 2/3 by a roll call vote, to put the sales tax issue on the referendum with a 50/50 split, as follows: 50% for road and bridge, 5% for archeology, 5% for mitigation, 20% for recreation, and 20% for environmentally sensitive lands.

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| Jacalone | nay |
| Kohnke | aye |
| Bryant | nay |
| Howell | nay |
| Reardon | aye |

Motion failed 2/3 by a roll call vote.

(12:14 p.m.) Motion by Kohnke, seconded by Howell, to place the sales tax issue on the referendum in November with the following distribution: 50% for road and bridge, 20% for recreation, 20% for environmentally sensitive land acquisition, and 10% for capital improvements in the northwest part of the county for government purposes and in the

southeast part of the county for the library. Discussion continued regarding the sales tax. (12:20 p.m.) Howell withdrew his second to the motion; therefore, the motion died for lack of a second.

(07/25/2000 - 5 - 12:29 p.m.)

3b. APPOINTMENT TO THE PLANNING AND ZONING AGENCY

Motion by Reardon, seconded by Kohnke, carried 5/0, to appoint Cathy Brown to the Planning and Zoning Agency.

Patsy Heiss informed the Board that Bruce Lucker, who was appointed to the TDC, is also a member of the Amphitheater Board. (12:31 p.m.) Jacalone left the meeting. Discussion followed.

(07/25/2000 - 5 - 12:32 p.m.)

3a. APPROVAL OF A MOTION ACCEPTING CONSENT ORDER AND PAYING A FINE OF \$5,000 TO DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) FOR VIOLATION OF CONSTRUCTION WITHOUT A PERMIT (This item was removed from the Consent Agenda as Item #3, and was added to the Regular Agenda.)

Michael Rubin, Director of Construction Services, explained that the type of permit was a stormwater pollution prevention permit; it is a Federal permit, not a state permit. Rubin then explained the reason the permit was not obtained. (12:37 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/0 with Jacalone absent, to accept the Consent Order and pay a fine of \$5,000 to FDEP for violation of construction without a permit; the source of revenue is the Project Administration Budget #128-59907.**

(07/25/2000 - 5 - 12:38 p.m.)

COMMISSIONER'S REPORTS

Commissioner Howell:

No report.

(12:38 p.m.)

Commissioner Kohnke:

Kohnke said she received a request from the Chief of the Jacksonville Waterways Commission regarding the Manatee Plan. Bryant requested the County Attorney's Office review the letter.

(12:39 p.m.)

Commissioner Bryant:

No report.

(12:39 p.m.)

Commissioner Reardon:

No report.

(07/25/2000 - 5 - 12:40 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams requested the Board set a tentative date for a public hearing in the Ponte Vedra area for the Intercoastal Utility's possible purchase by the County. ***It was the consensus of the Board to set the date for August 15, 2000 at 6:30 p.m.***

(07/25/2000 - 6 - 12:41 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(07/25/2000 - 6 - 12:41 p.m.)
CLERK OF COURT'S REPORT

No report.

Motion by Reardon, seconded by Howell, carried 4/0 with Jacalone absent, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 12:41 p.m.

REPORTS:

1. St. Johns County Check Register, Disbursement Fund, checks number 291329 through 291616, totalling \$2,056,506.23
2. Town of Hastings Annexation Report (07/10/00)

CORRESPONDENCE:

1. Letter to John O'Rourke informing him of his appointment to the Planning and Zoning Agency (07/13/00)
2. Letter to Billie Pruitt informing him of his appointment to the Library Advisory Board (07/13/00)
3. Memo from the Supervisor of Elections indicating whether Billie Pruitt and John O'Rourke are registered to vote in St. Johns County

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