

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 15, 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: Mary Kohnke, District 4, Chair
Marc Jacalone, District 3, Vice Chair
Nicholas Meiszer, District 1
John Reardon, District 2
James E. Bryant, District 5
Ben W. Adams, Jr., County Administrator
Douglas Burnett, Assistant County Attorney
Isabelle Lopez, Assistant County Attorney
Yvonne King, Deputy Clerk

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

(05/15/01 - 1 - 9:01 a.m.)
CALL TO ORDER

The meeting was called to order by Kohnke.

(05/15/01 - 1 - 9:02 a.m.)
The Invocation was given by Lt. Eric Estrada, Salvation Army. The Pledge of Allegiance was led by Bryant.

(05/15/01 - 1 - 9:03 a.m.)
ROLL CALL

The roll was called by the Deputy Clerk.

(05/15/01 - 1 - 9:03 a.m.)
PROCLAMATION RECOGNIZING THE WEEK OF MAY 19 - 25, 2001 AS NATIONAL SAFE BOATING WEEK

On behalf of the Board of County Commissioners, Jacalone read and presented a proclamation recognizing the week of May 19 through May 25, 2001 as "National Safe Boating Week," to Commander Bratt.

(05/15/01 - 1 - 9:07 a.m.)
PUBLIC COMMENTS

Louise Thrower, 288 Orange Avenue, commented on a requested administrative hearing regarding Nocatee.

(05/15/01 - 1 - 9:10 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

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

1. Approval of minutes:
04/20/01 - BCC Special Meeting
05/01/01 - BCC Workshop
05/01/01 - BCC Special Meeting
2. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Applied Technology & Management, Inc. for RFP No. 01-45 (Water Dependent Uses and Marine Study/Consulting Services). 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 Exhibit A)
3. Motion authorizing the County Administrator to extend the SHIP Rehabilitation Inspection Contract with J.D. McIntire in the amount of \$15,000 for State FY 1999/2000 funds
4. Motion to adopt **Resolution No. 2001-98** approving the transfer of certain County owned rights-of-way to the State of Florida Department of Transportation for the improvement of State Road 207

RESOLUTION NO. 2001-98

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING TRANSFER OF CERTAIN COUNTY OWNED RIGHTS-OF-WAY TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO STATE ROAD NO. 207

5. Motion to adopt **Resolution No. 2001-99** authorizing the Clerk of the Courts to file the survey map of Cracker Swamp Road claiming a vested interest in St. Johns County in the right-of-way

RESOLUTION NO. 2001-99

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF CRACKER SWAMP ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW BURGER VS. CITY OF CORAL GABLES 101 SO. 2d 396 (FLA. DIST. CT. APP.-3d DIST. 1958)

6. Motion to adopt **Resolution No. 2001-100** accepting and authorizing the execution by the County Administrator of Beach Storm Damage Reduction Easements and authorizing the County Administrator and the County Attorney, or his designee to execute and deliver the certificates Numbered 001 and 002, respectively

RESOLUTION NO. 2001-100

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AND AUTHORIZING THE EXECUTION BY THE COUNTY ADMINISTRATOR OF BEACH STORM DAMAGE REDUCTION EASEMENTS AND AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY OR HIS DESIGNEE TO EXECUTE AND DELIVER THE ATTACHED CERTIFICATES NUMBERED 001 AND 002, RESPECTIVELY

(05/15/01 - 3 - 9:11 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions, nor deletions to the Regular Agenda.

(05/15/01 - 3 - 9:11 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/15/01 - 3 - 9:11 a.m.)

ADDITIONS/DELETIONS TO WORKSHOP AGENDA

There were no additions, nor deletions to the Workshop Agenda.

(05/15/01 - 3 - 9:11 a.m.)

APPROVAL OF WORKSHOP AGENDA

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

(05/15/01 - 3 - 9:12 a.m.)

1. SECOND PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENT - SIGN ORDINANCE. THIS IS THE SECOND PUBLIC HEARING FOR THIS ORDINANCE. THE SECOND PUBLIC HEARING IS ADVERTISED FOR MAY 15, 2001 AT 9:00 A.M. (FLORIDA STATUTES REQUIRES ONE HEARING TO BE HELD AFTER 5 P.M.) THE PROPOSED ORDINANCE AMENDS ARTICLE VII OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE IN THE FOLLOWING WAYS: (1) IT CLARIFIES WHAT IS REQUIRED FOR A SIGN PERMIT APPLICATION; (2) IT EXPANDS THE TIME PERIOD THE COUNTY ADMINISTRATOR HAS TO REVIEW A SIGN APPLICATION; (3) IT SPECIFIES WHAT HAPPENS IF THE COUNTY ADMINISTRATOR SHOULD FAIL TO APPROVE OR DENY A SIGN APPLICATION (E.G., FAILS TO ACT); (4) SPECIFIES WHAT HAPPENS IF THE BOARD OF COUNTY COMMISSIONERS SHOULD FAIL TO ISSUE A WRITTEN ORDER WITHIN THE REQUIRED 15 DAY TIME LIMIT; AND (5) REMOVES THE BURDEN FROM THE COUNTY FOR SAKE OF APPEAL TO THE CIRCUIT COURT

Proof of publication of the notice of public hearing of the Land Development Code Amendment regarding signs was received having been published in The St. Augustine Record on May 4, 2001.

Burnett gave a general overview of the ordinance amendment. Discussion followed on development signs. (9:14 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to approve Ordinance No. 2001-34.**

ORDINANCE NO. 2001-34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 99-51, AS PREVIOUSLY AMENDED, (THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE). THIS ORDINANCE AMENDS ARTICLE VII, REGULATING SIGNS; AND PROVIDES AN EFFECTIVE DATE

(05/15/01 - 4 - 9:16 a.m.)

2. FIRST PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENT TO ARTICLE IV TO INCLUDE HABITAT MANAGEMENT FOR THE BALD EAGLE. THE ENVIRONMENTAL SECTION OF THE PLANNING DIVISION HAS PREPARED A BALD EAGLE HABITAT MANAGEMENT PLAN, WHICH IS PROPOSED AS AN AMENDMENT TO ARTICLE IV OF THE LAND DEVELOPMENT CODE. ATTACHED ARE THE PLAN AND THE IMPLEMENTING ORDINANCE FOR CONSIDERATION AND ADOPTION. THE PROPOSED BALD EAGLE HABITAT MANAGEMENT PLAN IS BASED ON THE U.S. FISH AND WILDLIFE SERVICE'S, "HABITAT MANAGEMENT GUIDELINES FOR THE BALD EAGLE IN THE SOUTHEAST REGION". SOME OF THE COMPONENTS FROM THE REVISED PLAN INCLUDE: NESTING SEASON FROM OCTOBER 1 TO MAY 15; A PRIMARY ZONE AND SECONDARY ZONE EACH THAT IS 750 FEET - THE MINIMUM SIZE REQUIRED BY THE USFWS; AND PROHIBITION OF ACTIVITY IN THE PRIMARY ZONE. THE SECOND PUBLIC HEARING IS SCHEDULED FOR JUNE 12 AT 5:30 P.M.

Proof of publication of the notice of public hearing on the Land Development Code Amendment to Article IV to include Habitat Management for the Bald Eagle was received having been published in The St. Augustine Record on May 8, 2001.

Jan Brewer, Environmental Manager, gave a general overview of the ordinance amendment; then, reviewed the proposed changes. It allows limited platting into the primary zone; allows an exception for removal of trees on a damaged lot due to a natural disaster; addresses the issue of shining spot lights or bright lights into the primary zones; allows entry into the primary zone under certain circumstances; allows activities related to the removal of fuel buildup, which would reduce the potential or risk for fire; the lot size has been changed for single family dwellings; prohibits the use of chemicals which are toxic to wildlife in the secondary zone; the removal of tall trees being limited; specifies the allowable activities in the secondary zone during the nesting season; the decibel levels were removed since specific activities in the secondary zone have been defined; addresses the bright illumination of streets, which would have a disturbing effect in the primary zone; identifies the Florida Fish and Wildlife Conservation Commission as a participant in any of the processes; recognizes that a bald eagle nest may still be occupied past May 15; and allows the preexisting activities that were documented to be in effect at the time when some activity wants to occur around the nest. Discussion followed regarding the primary zone perimeter. (9:34 p.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., responded to questions of Meiszer regarding incubation and brooding. (9:42 a.m.) Van Ghent commented in favor of the ordinance with changes in Section 4.1.10. (9:50 a.m.) John Tiffany, 950 Davis Pond Blvd., Julington Creek, commented in favor of the ordinance with minor changes. (9:58 a.m.) *Brewer announced the second public hearing was scheduled for June 12, 2001 at 5:30 p.m.*

(05/15/01 - 5 - 9:59 a.m.)

3. UPDATE ON GOLF COURSE CONSTRUCTION AND APPROVAL OF FINAL PAYMENT REQUEST

Allen MacDonald, Finance Director, explained that there is a dispute between the Golf Course Contractor, G.C.R., Inc. and their bonding/surety company, Mountbatten Surety Company. During the course of the construction, the bonding company was called in to intervene due to problems with the contractor completing the project. The final payment is due and the BCC is being advised to approve the final payment in full to Mountbatten Surety Company, Inc. (10:17 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve final payment in the amount of \$105,062.20, which is the final amount owing on the project and required by the contract to the surety company for the construction of the St. Johns County Golf Course expansion to Mountbatten Surety Company, Inc.**

(05/15/01 - 5 - 10:17 a.m.)

4. CONSIDER A REQUEST ALLOWING THE FREE USE OF THE CONVENTION CENTER SPACE BY THE BETTY GRIFFIN HOUSE

Liana Chapman, Tourist Development Council, explained the request by the Betty Griffin House for free use of the County Convention Center to hold an Art Reception and Award Ceremony on Saturday, October 20, 2001. (10:18 a.m.) Beth Hughes, Executive Director of the Betty Griffin House, explained the activities that will be held during the "Day Without Violence" event. (10:20 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to grant the free use of the St. Johns County Convention Center to the Betty Griffin House, a not-for-profit organization, to hold a "Day Without Violence" Art Reception and Award Ceremony on October 20, 2001.**

(05/15/01 - 5 - 10:20 a.m.)

5. CONSIDER A REQUEST ALLOWING THE FREE USE OF THE CONVENTION CENTER SPACE BY THE ST. JOHNS COUNTY LIBRARY STAFF

Liana Chapman, Tourist Development Council, explained the request by the St. Johns County Library for free use of the County Convention Center for their Staff Development Day on December 6, 2001. (10:21 a.m.) Dan Marcus, Chairman of Staff Development Day, explained the activities to be held during Staff Development Day. (10:21 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to grant the free use of the St. Johns County Convention Center to the St. Johns County Library, a government organization, to hold a Staff Development Day.**

The meeting recessed at 10:22 a.m. and reconvened at 10:34 a.m.

(05/15/01 - 5 - 10:34 a.m.)

6. CONSIDER A BID FOR THE REPLACEMENT OF A 70' WEIGH SCALE AT TILLMAN RIDGE SOLID WASTE FACILITY USING THE EMERGENCY BID PROCESS

John Schwab, Special Projects Manager, requested authorization to use the emergency bid process for the replacement of a 70' weigh scale at Tillman Ridge Landfill. (10:38 a.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve the Emergency Bid Process for the replacement of a 70' weigh scale and ramps at the Tillman Ridge Solid Waste Facility and the transfer of \$65,000 from Account 4407-59920 to Account 4401-56301.**

(05/15/01 - 5 - 10:38 a.m.)

7. CONSIDER A REQUEST TO TERMINATE THE CURRENT SOLID WASTE DISPOSAL AGREEMENT BETWEEN SEABOARD SANITATION AND ST. JOHNS

COUNTY FOR THE PROCESSING OF OUT OF COUNTY (PUTNAM COUNTY)
SOLID WASTE

Schwab explained the request to terminate the out of county waste disposal agreement. (10:41 a.m.) Paul Harden, representing Waste Management, 1301 Riverplace Blvd., Jacksonville, addressed the termination of the agreement. Discussion followed on the agreement. (11:16 a.m.) *It was the consensus of the Board to delay action on this issue until a response is received from the Putnam County Board of Commissioners.*

(05/15/01 - 6 - 11:18 a.m.)

8. CONSIDER A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE SETTLEMENT AGREEMENT WITH THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF FLORIDA FOR MEDICAID OVERPAYMENT TO THE COUNTY EMS DIVISION AND APPROPRIATING \$19,265 FROM THE GENERAL FUND RESERVES

Joe Vonasek, Director of the Office of Management and Budget, explained the resolution. (11:20 a.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution No. 2001-101, authorizing the County Administrator to execute the Settlement Agreement with the Office of the Attorney General of the State of Florida for Medicaid Overpayment to the County EMS Division and appropriating \$19,265 from the General Fund Reserves.**

RESOLUTION NO. 2001-101

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SETTLEMENT AGREEMENT PERTAINING TO MEDICAID OVERPAYMENTS AND PROVIDING AN APPROPRIATION TO FUND PAYMENT OF THE SETTLEMENT

(05/15/01 - 6 - 11:21 a.m.)

9. CONSIDER AN APPOINTMENT TO THE COSTAL CORRIDOR/PONTE VEDRA OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE

Patsy Heiss, Assistant to the County Administrator, informed the Board of the vacancy on the Coastal Corridor/Ponte Vedra Overlay District ARC. (11:22 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to reappoint Sharon Warner, as a Coastal Corridor Overlay District representative on the Coastal Corridor/Ponte Vedra Overlay District ARC for a four-year term, scheduled to expire May 15, 2005.**

(05/15/01 - 6 - 11:22 a.m.)

10. CONSIDER AN APPOINTMENT TO THE MID-ANASTASIA OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE

Patsy Heiss, Assistant to the County Administrator, informed the Board of the vacancy on the Mid-Anastasia Island Overlay District ARC. (11:23 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to appoint Ruth Bloom as an Alternate representative to the Mid-Anastasia Island Overlay District ARC for a two-year term, scheduled to expire May 15, 2003.**

(05/15/01 - 6 - 11:23 a.m.)

11. CONSIDER APPOINTMENTS TO THE NORTH COASTAL CORRIDOR OVERLAY DISTRICT DESIGN REVIEW BOARD

Patsy Heiss, Assistant to the County Administrator, informed the Board of several vacancies on the North Coastal Corridor Overlay District Design Review Board. (11:24 a.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to appoint Jim Lucas, Vivian Browning, Ronald Horst, as members and Derick Woolverton and Scott McAskill as alternate members.** Heiss said the alternate positions will be for an initial 18-month term to maintain the staggering of the initial appointments.

(05/15/01 - 7 - 11:25 a.m.)
COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant reported that the St. Augustine Beach Commission had its dedication of the new City Hall located on SR A1A.

Bryant informed the Board that at the Airport Authority meeting, it was reported that the ILS Landing System is physically installed but is not up and running but will be soon.

(11:26 a.m.)
Commissioner Reardon:

Reardon said there is a project going on at the Ponce de Leon Resort regarding the annexation of some property. Reardon asked the Board if it will take a position on this issue. Lopez said she is currently working on this issue and the Cooksey Property annexation and will be making a report at the next meeting.

(11:31 a.m.)
Commissioner Kohnke:

Kohnke reported of a letter she received from the City of Cocoa regarding the rescheduling of the Amtrak/East Coast Task Force meeting to May 31, 2001. The letter invited a County Commissioner and the County Administrator to attend the meeting.

Kohnke introduced a new employee, Ethan Folger, who works in the St. Johns County Government T.V. Broadcast Department.

Kohnke said she received a complaint from a citizens in Ponte Vedra Lakes regarding a spill by St. Johns Service. Kohnke reported that this issue has been handled.

(11:37 a.m.)
Commissioner Jacalone:

Jacalone further addressed the Ponce de Leon Resort annexation request.

Jacalone suggested there be some supervision at Treaty Park since the Skate Park is now open. Discussion followed.

(11:49 a.m.)
Commissioner Meiszer:

Meiszer commented on the fencing of the Skate Park.

Meiszer commented on the annexation of the Ponce de Leon Resort.

Meiszer commented on the use of the County Seal.

(05/15/01 - 8 - 11:54 a.m.)
COUNTY ATTORNEY'S REPORT

Lopez reported that the County was dismissed from the condemnation suit.

(05/15/01 - 8 - 11:54 a.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams said the Board has been invited to the Health and Human Services Center dedication on Sunday, May 20, 2001 from 1:00 p.m. to 4:00 p.m.

(05/15/01 - 8 - 11:55 a.m.)
CLERK OF COURT'S REPORT: No report.

(11:55 a.m.)
Kohnke said mediation will be going on for the estuaries issue.

Kohnke addressed the issue of when Commissioners request the floor to make comments.

Kohnke commented further on the annexation of the Ponce de Leon Resort.

The meeting thereupon adjourned at 11:57 p.m.

REPORTS:

1. St. Johns County Check Register, Checks 303528 through 304125 totaling \$1,614,982.28 (05/10/01)
2. St. Johns County Check register, Checks 304126 through 304129 totaling \$52.00 (05/11/01)

CORRESPONDENCE:

1. Statement of Acceptance of Appointment of Thomas Peckenham to the Code Enforcement Board (04/16/01)
2. Loyalty Oath for Thomas Peckenham of the Code Enforcement Board (04/16/01)
3. Statement of Acceptance of Appointment of Floyd Phillips to the Housing Finance Authority (04/18/01)
4. Loyalty Oath for Floyd Phillips of the Housing Finance Authority (04/18/01)
5. Loyalty Oath for Wayne Flowers of the Housing Finance Authority (04/19/01)
6. Statement of Acceptance of Appointment of Wayne Flowers to the Housing Finance Authority (04/19/01)
7. Statement of Acceptance of Appointment of Lauren Abell to the Children's Commission (05/02/01)
8. Statement of Acceptance of Appointment of George Moon to the Children's Commission (05/02/01)
9. Statement of Acceptance of Appointment of William McQuilkin to the LAMP Conservation Board (05/03/01)
10. Loyalty Oath for George Moon of the Children's Commission (05/03/01)
11. Loyalty Oath for Patricia Pleasant of the Children's Commission (05/04/01)
12. Statement of Acceptance of Appointment of Patricia Pleasant to the Children's Commission (05/04/01)
13. Loyalty Oath for William McQuilkin, Jr. of the LAMP Conservation Board (05/07/01)
14. Loyalty Oath for Alfred Guido of the Recreation Advisory (05/07/01)
15. Statement of Acceptance of Appointment of Alfred Guido to the Recreation Advisory Board (05/07/01)

16. Letter to James Sheppard notifying him of his appointment to the Code Enforcement Board (05/10/01)
17. Letter to Thomas Peckenham notifying him of his appointment to the Code Enforcement Board (05/10/01)
18. Letter to Barbara Mehaffey informing her of her reappointment to the LAMP Conservation Board (05/11/01)
19. Letter to Robin Nadeau informing her of her reappointment to the LAMP Conservation Board (05/11/01)
20. Letter to William McQuilkin informing him of his reappointment to the LAMP Conservation Board (05/11/01)
21. Letter to Paul Nunchuck informing him of his appointment to the LAMP Conservation Board (05/11/01)
22. Letter to Alfred Guido informing him of his appointment to the Recreation Advisory Board (05/11/01)
23. Letter to Ella Simmons informing her of her reappointment to the Recreation Advisory Board (05/11/01)
24. Letter to Shelley Whitman informing her of her reappointment to the Children's Commission (05/11/01)
25. Letter to Lauren Abell informing her of her reappointment to the Children's Commission (05/11/01)
26. Letter to Tommy Bledsoe informing him of his reappointment to the Children's Commission (05/11/01)
27. Letter to George Moon informing him of his reappointment to the Children's Commission (05/11/01)
28. Letter to Patricia Pleasant informing her of her appointment to the Children's Commission (05/11/01)
29. Letter to Katy Arnold informing her of her appointment to the Children's Commission (05/11/01)

Approved June 12, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk