

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 8, 2002
(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
 Yvonne King, Deputy Clerk

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

(01/08/02 - 1 - 9:03 a.m.)

The meeting was called to order by Chair Jacalone.

(01/08/02 - 1 - 9:03 a.m.)

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

(01/08/02 - 1 - 9:04 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(01/08/02 - 1 - 9:04 a.m.)

PUBLIC COMMENTS

There were no public comments.

(01/08/02 - 1 - 9:04 a.m.)

DELETIONS TO CONSENT AGENDA

Bryant requested Item #5 be removed from the Consent Agenda; it was added to the Regular Agenda as Item #2a. Adams requested Item #1 be removed from the Consent Agenda; it was added to the Regular Agenda as Item A.

(01/08/02 - 1 - 9:05 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 (*This item was removed from the Consent Agenda and added to the Regular Agenda as Item A.*)

2. Motion to adopt **Resolution No. 2002-1** recognizing unanticipated revenue in the amount of \$1,737.66 from a donation by the Belz Outlet Mall and its merchants and appropriating it to Fire Services Operating Supplies (1224-55200)

RESOLUTION NO. 2002-1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, RECOGNIZING AND APPROPRIATING UNANTICIPATED REVENUE FROM A DONATION BY BELZ OUTLET MALL TO ITS FY 2002 FIRE SERVICES BUDGET

3. Motion to adopt **Resolution No. 2002-2** recognizing unanticipated revenue in the amount of \$369,022.50 from FEMA as matching funds for the construction of the Summerhaven protective berm and appropriating those funds to the County Transportation Trust Fund for use in accomplishing the project and approving the transfer of \$12,197.00 from Transportation Trust Fund Reserves (1131-59920) to Capital Projects - Improvements other than Buildings (1114-56301)

RESOLUTION NO. 2002-2

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2002 TRANSPORTATION TRUST FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY ROAD & BRIDGE DEPARTMENT

4. Motion to adopt **Resolution No. 2002-3** recognizing unanticipated revenue in the amount of \$315,000.00 from the State of Florida as EDTF Grant funds for the construction of the St. Augustine Industrial Park road project and appropriating those funds to the County Transportation Trust Fund for use in accomplishing the project

RESOLUTION NO. 2002-3

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2002 TRANSPORTATION TRUST FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY ROAD & BRIDGE DEPARTMENT

5. Motion to direct the Chair to execute the submission of the FY2002/2003 United States Department of Justice, Office of Justice Programs, Drug Court Programs Office, Adult Drug Court Implementation Grant in the amount of \$500,000 (*This item was removed from the Consent Agenda and added to the Regular Agenda as Item #2a.*)
6. Proofs:
 - a. Proof, Certificate of Liability Insurance, William Detrick
 - b. Proof, Certificate of Insurance, Allied Universal Corporation
 - c. Proof, Certificate of Liability Insurance, Leahchem Industries, Inc.
 - d. Proof, Evidence of Property Insurance, O.R. Dicky Smith & Company, Inc.

- e. Proof, Certificate of Liability Insurance, Reynold, Smith and Hills, Inc.
- f. Proof, Certificate of Liability Insurance, Burns & McDonnell Engineering Co. Inc.
- g. Proof, Certificate of Liability Insurance, Coastal Mechanical Services, Inc.
- h. Proof, Certificate of Liability Insurance, Atlantic Marble Co., Inc.
- i. Proof, Certificate of Liability Insurance, Econowaste, Inc. & Econosweep, Inc.
- j. Proof, Certificate of Liability Insurance, Zev Cohen & Assoc. Inc.
- k. Proof, Certificate of Liability Insurance, Dave Turner, Inc.
- l. Proof, Notice of Meeting Rescheduling, SJC Intergovernmental Committee, January 9, 2002
- m. Proof, Notice of Public Hearings, Establishment of Ordinance/Regulations affecting the use of land, October 23 & November 13, 2001
- n. Proof, Notice of Meeting, St. Johns County Economic Development Committee, December 13, 2001
- o. Proof, Notice of Special Meeting, Northwest Sector Study Area, December 21, 2001
- p. Proof, Notice of Special Meeting, Ordinance/Moratorium Northwest Sector, December 28, 2001
- q. Proof, Notice of Public Hearing, Northwest Sector Study Area, December 28, 2001
- r. Proof, Notice of Public Hearings, Northwest Sector Ordinance/Regulations Affecting Land Use, December 21, 2001 & January 8, 2002
- s. Proof, Notice of Public Hearing, Ordinance Amusement Device Code, January 8, 2002
- t. Proof, Notice to Bidders, Bid. No 02-36
- u. Proof, Notice to Bidders, Bid No. 02-39
- v. Proof, Notice to Bidders, Bid No. 02-40
- w. Proof, Request for Qualifications, RFQ No. 02-35

(01/08/02 - 3 - 9:05 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

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

(01/08/02 - 3 - 9:05 a.m.)

APPROVAL OF REGULAR AGENDA

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

(01/08/02 - 3 - 9:06 a.m.)

- A. CASH REQUIREMENT REPORT (This item was removed from the Consent Agenda as Item #1.)

Vonasek aired that several weeks ago, an item was approved by the Board for payment this year out of the 2002 funds for the generator at the jail. The addition of this item will allow that bill to be paid as soon as possible. (9:06 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the Cash Requirement Report, as amended.**

(01/08/02 - 3 - 9:07 a.m.)

- 1. CONSIDER PROPOSED MODIFICATIONS TO ARTICLE IV: MEMBERSHIP OF THE RULES & BYLAWS OF THE CITIZENS ADVISORY COMMITTEE

Kohnke requested the Board to approve the modifications to the Rules of Procedures & Bylaws for the First Coast MPO. Discussion followed on the modifications. (9:11 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the proposed**

modifications to the Rules & Bylaws of the First Coast Metropolitan Citizens Advisory Committee.

(01/08/02 - 4 - 9:13 a.m.)

2. CONSIDER APPOINTMENT TO THE CATEGORY II ARTS/GRANTS FUNDING PANEL

Patsy Heiss, Assistant to the Administrator, informed the Board of an additional applicant for this appointment. (9:14 a.m.) Kohnke nominated Vic DiGenti. Bryant seconded the nomination. Discussion followed on the appointment. (9:17 a.m.) Reardon nominated Jo Ann Feder. Meiszer seconded the nomination. (9:23 p.m.) **Motion by Kohnke, seconded by Bryant, carried 3/2 by a roll call vote, to appoint Vic DiGenti to the Category II Arts/Grants Funding Panel to complete a term scheduled to expire September 30, 2002.**

Roll Call Vote:

Jacalone aye
Kohnke aye
Bryant aye
Meiszer nay
Reardon nay

Motion carried 3/2.

(9:24 a.m.) Heiss informed the Board that the LAMP Board appointments would be placed on the agenda on January 22, 2002.

(9:25 a.m.) Heiss reported that several members serving on county boards have not filed their Financial Disclosure Form with the Supervisor of Elections Office. Heiss informed that she was instructed by the Chairman to notify those persons that if they do not file the form they will be removed from the respective board.

(01/08/02 - 4 - 9:30 a.m.)

2a. MOTION TO DIRECT THE CHAIR TO EXECUTE THE SUBMISSION OF THE FY2002/2003 UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, DRUG COURT PROGRAMS OFFICE, ADULT DRUG COURT IMPLEMENTATION GRANT IN THE AMOUNT OF \$500,000 (This item was removed from the Consent Agenda as Item #5.)

Bryant commented on the Adult Drug Court Task Force. Discussion followed on the grant. (9:41 a.m.) Mary Bratos, Deputy Court Administrator, commented on the Mental Health Department being a part of the Task Force. (9:53 a.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to direct the Chair to execute the submission of the FY 2002/2003 United States Department of Justice, Office of Justice Programs, Drug Court Programs Office, Adult Drug Court Implementation Grant in the amount of \$500,000; and to direct the Task Force to add St. Johns County Mental Health Department with the person to be added to be Dr. Maria Colavito.**

(01/08/02 - 4 - 9:55 a.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

No report.

(9:55 a.m.)

Commissioner Meiszer:

Meiszer commented on a memo he received regarding the Choose Life license plate revenue and the disbursement of those funds. Discussion followed.

Meiszer reported of a letter he received from the General Service Administration regarding the disposal of the U.S. Coast Guard Property known as the St. Augustine Lighthouse. Discussion followed.

Meiszer informed the Board of him being contacted by two solid waste disposal companies who want the opportunity to bid on the services. Discussion followed on the bid process being competitive.

Meiszer commented on the Sunshine Bus System.

Meiszer reported on the neighborhood meeting regarding the Northwest Sector Plan that was held at Trout Creek Park.

(10:02 a.m.)

Commissioner Reardon:

Reardon suggested the Lighthouse issue be placed on a future agenda. Discussion followed on the Lighthouse. (10:07 a.m.) *It was the consensus of the Board to place this issue on a future agenda.*

(10:07 a.m.)

Commissioner Kohnke:

Kohnke addressed the Lighthouse issue, the Sunshine Bus System, and the Solid Waste Franchise issue.

(10:10 a.m.)

Commissioner Jacalone:

Jacalone asked the Board's opinion regarding him sending a letter to all committee members that if they do not comply with the financial disclosure requirements in a timely manner that they will be removed from their respective Board.

Jacalone commented on the Sunshine Bus System.

Jacalone informed the Board that he was contacted by agencies that do wildlife rehabilitation that are not sure how to access those funds. Vonasek said some criteria has been developed and will be sent out to those agencies that provide wildlife rehabilitation.

(01/08/02 - 5 - 10:15 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reported on the northern utility territory compensation. Adams said the JEA check for \$7.1 million has been received; \$3.5 million of that is available to the Board for use; \$3.6 million, which represents the upfront of the 10 years of the franchise fee payments, is also available for use. Discussion followed on the funds. (10:22 a.m.) *It was the consensus of the Board for this issue to be placed on a future agenda.*

Adams distributed the budget and brief that was completed by the Office of Management and Budget. Also distributed were the St. Johns County Capital Improvement Plan and the Financial Plan. Adams informed the Board that the Budget Brief has been placed on the web page.

(01/08/02 - 6 - 10:23 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(01/08/02 - 6 - 10:23 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 10:23 a.m. and reconvened at 1:32p.m., with Allen McDonald, Finance Director and Robin Platt, Deputy Clerk in attendance. Commissioner Bryant was not in attendance.

(01/08/02 - 6 - 1:33p.m.)

3. PUBLIC HEARING REPEALING ORDINANCE 95-69- THE STANDARD AMUSEMENT DEVICE CODE ORDINANCE.

Harold Law, Building Official, commented that leaving Ordinance 95-69 creates a liability for the County and duplicates a State law. **Motion by Reardon to adopt Ordinance No. 2002-01, seconded by Kohnke, carried 4/0, with Bryant not in attendance.**

ORDINANCE NO. 2002-01

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REPEALING ORDINANCE NO. 95-
69, THE STANDARD AMUSEMENT DEVICE CODE;
AND PROVIDING AN EFFECTIVE DATE**

(01/08/2002 - 6 - 1:34p.m.)

4. UPDATE ON THE HANDEX/ST. JOHNS COUNTY CONTRACT DISPUTE FOR THE PHYSICAL CLOSURE OF THE TILLMAN RIDGE LANDFILL PHASE II

Mike Rubin, Construction Manager, reviewed the details of the claim by Handex and advised the Board not to accept the settlement offer made by Handex and asked the Board to allow him to go back to Handex for additional negotiations. (1:41 p.m.) Carrie Lavargna, Associate General Council for Handex, 30941 Sun Eagle Dr., Mount Dora, reviewed the factual basis of the dispute and their claim and suggested hiring an independent engineer and that Handex and the County should split the cost. She proposed two things: 1) that Handex be paid \$124,000.00 which is being held in a punitive fashion and 2) mediation with an independent engineer. (1:49 p.m.) Bryant entered the meeting. Discussion followed by the Board as to why Handex did work beyond the scope of the contract and how the matter should be handled.

(1:59 p.m.) **Motion by Kohnke, seconded by Meiszer, carried 5/0 to adjourn until 5:30 p.m.**

The meeting reconvened at 5:30 p.m. with Meiszer, Bryant, Jacalone, Reardon, Kohnke, Adams, Bosanko and Deputy Clerk Judy Hamilton in attendance.

(01/08/02 - 7 - 5:30 p.m.)

5. 2nd PUBLIC HEARING - NORTHWEST SECTOR COMPREHENSIVE PLAN AMENDMENT AND REZONING MORATORIUM. ST. JOHNS COUNTY HAS COMPLETED A NORTHWEST SECTOR STUDY FOR A PORTION OF ST. JOHNS COUNTY. THIS STUDY IS BEING USED TO ESTABLISH A NORTHWEST SECTOR PLAN FOR THE AREA OF THE COUNTY LYING SOUTH OF THE DUVAL COUNTY LINE, WEST OF I-95, EAST OF THE ST. JOHNS RIVER AND NORTH OF SR16/CR 208 (THE "NW SECTOR STUDY AREA"). THE ORIGIN OF THIS STUDY WAS AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY FOR A VARIANCE FROM RULE 14-94, FAC THAT ALLOWED A CHANGE IN THE LEVEL OF SERVICE STANDARD ON I-95. THE COUNTY AGREED TO PERFORM SEVERAL TASKS AND UNDERTAKE SEVERAL STUDIES; ONE IS THE ESTABLISHMENT OF A NW SECTOR PLAN. THE RULE VARIANCE REQUIRES THAT THE NW SECTOR PLAN ADDRESS FUTURE LAND USE, PROTECTION OF NATURAL RESOURCES, PUBLIC FACILITIES, URBAN DESIGN AND OTHER MATTERS TO BE CONSISTENT WITH THE REQUIREMENTS OF CHAPTER 163, PART II, AND F.S. THE RULE VARIANCE ESTABLISHED REQUIREMENTS FOR OTHER COMPREHENSIVE PLAN AMENDMENTS TO INCORPORATE IN THE CAPITAL IMPROVEMENTS ELEMENT FUNDING FOR A FUTURE NORTH/SOUTH ARTERIAL ROAD. THE RULE VARIANCE REQUIRED THAT BY DEC. 31, 2001, THE COUNTY AMEND ITS COMPREHENSIVE PLAN TO ESTABLISH THE NW SECTOR PLAN. TO COMPLY WITH THE RULE VARIANCE AND TO PREVENT THE FURTHER ESTABLISHMENT OF VESTED RIGHTS FOR DEVELOPMENT AND LAND USES THAT WILL BE INCONSISTENT WITH THE GOALS AND INTENT OF THE NW SECTOR PLAN AND NORTH/SOUTH ROAD CORRIDOR STUDY, IT WAS NECESSARY THAT THE COUNTY IMPOSE THE FOLLOWING DESCRIBED MORATORIUM ON LAND USE AND ZONING CHANGES IN THE NW SECTOR STUDY AREA. THIS ORDINANCE IS PROPOSED FOR ADOPTION AS SET OUT IN SEC. 125.66(4), F.S., REQUIRING TWO PUBLIC HEARINGS. THE FIRST WAS HELD ON DEC. 21, 2001 AT 9:00 A.M. AND THE SECOND IS NOTICED FOR JAN. 8, 2002 AT 5:30 P.M. IF THIS ORDINANCE IS ADOPTED ON JAN. 8, 2002, IT IS EXPECTED TO BE EFFECTIVE JAN. 9, 2002 WHEN THE FLORIDA SECRETARY OF STATE RECEIVES IT. TO "CLOSE THE GAP" OF JAN. 1 TO JAN. 9, 2002 BETWEEN THE PRESENT MORATORIUM AND THIS MORATORIUM, ANOTHER MORATORIUM ORDINANCE WAS HEARD BY THE BOARD ON DEC. 28, 2001 AT 10:00 A.M. PURSUANT TO SECTION 125.66(1), F.S. THAT "CLOSE THE GAP" MORATORIUM BECAME EFFECTIVE ON DEC. 31, 2001, AFTER IT WAS ENACTED ON DEC. 28, 2001

Proof of publication of notice of public hearing of SJC Board of County Commissioners Ordinance/Regulations Affecting Land Use was received, having been published in *The St. Augustine Record* on December 14, 2001 and December 28, 2001.

Daniel Bosanko, Deputy County Attorney, addressed the Board, stating this was the second and last hearing for this item if the Board so approved. Bosanko explained the moratorium issue and explained the issues. Reardon announced Boy Scout Troop 274 was present, with 12 young people in the group, as part of the Communications Merit Badge. Bosanko resumed with his description and summarization of the proposed ordinance. Staff answered questions from the Board. Staff was directed to prepare a list of all the requirements and indicate the page, paragraph or section number of the plan that addresses that requirement in the variance. Meiszer would like to see a copy of the variance. Public comment was received. (5:46 p.m.) Don Robinson, 3800 Pacetti Rd., St. Augustine, with handout, spoke on growth in the County; being against the

Northwest Sector comprehensive plan; he was for removing the moratorium as soon as possible; said to put a tax increase for infrastructure on the ballot. (5:50 p.m.) Rich Balezentis, 1126 Wards Pl., Fruit Cove, spoke in support of the continuance of the moratorium; expanding transportation system and putting it in the price of homes. (5:56 p.m.) John Metcalf, 1104 Mill Creek Drive, spoke as a developer and on improvements paid for by CDD's and other developers and on transportation impact fees.

(5:58 p.m.) Meiszer stated he had received over 20 e-mails from people who live in the Northwest and who were opposed to any new north-south roadway connecting Greenbriar with Durbin Creek Blvd. along the general alignment of Flora Branch Blvd; tremendous opposition, got it from the map, map did show tentative connection between those two and scale of map was too small. Jacalone spoke on similar e-mails and depiction of the map. Staff responded they are aware of it and would present alternatives on January 22, 2002.

(6:00 p.m.) Kohnke asked Bosanko about his review for any loopholes. Bosanko responded, in his opinion, that the moratorium will offer as much protection as they can have under the law until February 8 and then there will be a gap. If some land use provision comes up during that gap period, after adoption of the Northwest Sector Plan, Bosanko opined they would be able to apply the plan to it. He stated the exception is common law vesting, which is always a possibility. (6:02 p.m.) Reardon stated that he had e-mails coming in throughout the week on this issue.

(6:02 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2002-02.**

ORDINANCE NO. 2002-02

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

Motion by Kohnke, seconded by Bryant, carried 5/0, to adjourn. There being no further business to come before the Board, the meeting adjourned at 6:03 p.m.

REPORTS:

1. Person(s) registered to vote in St. Johns County, Ronald Schumaker, Jane Lucker, dated December 14, 2001
2. St. Johns Board of County Commissioners Check Register, Check #313916 through Check #313254, totaling \$1,869,561.18, dated 12/18/01
3. St. Johns Board of County Commissioners Check Register, Check #313453 through Check #313626, totaling \$422,325.58, dated 12/28/01

CORRESPONDENCE:

1. Letter to Liz Cloud, Bureau of Administrative Code, re Ordinance Nos. 2001-73, 74, 75 and 76

Approved January 22, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia A. Strickland
Deputy Clerk

