

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 22, 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
 James G. Sisco, County Attorney
 Yvonne King, Deputy Clerk

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

(01/22/02 - 1 - 9:03 a.m.)

The meeting was called to order by Chair Jacalone.

(01/22/02 - 1 - 9:04 a.m.)

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

(01/22/02 - 1 - 9:04 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(01/22/02 - 1 - 9:05 a.m.)

PUBLIC COMMENTS

There were no public comments.

(01/22/02 - 1 - 9:05 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested that Item #5 be removed from the Consent Agenda and be rescheduled to a later date.

(01/22/02 - 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
2. Approval of Minutes:

01/08/01 – BCC Regular Meeting

3. Motion to approve the expenditure of \$14,060.00 from General Fund Reserves for the costs associated with tax deed sales for County held tax certificates of 1999 on parcels that are assessed at \$5,000.00 or more
4. Motion to adopt **Resolution No. 2002-6** establishing the carry forward of \$447,868 unspent monies in the E-911 Communications Fund for the purpose of funding allowable “E-911” Capital Expenditures pursuant to Florida Statute 365.171

RESOLUTION NO. 2002-6

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING THE CARRY FORWARD OF UNSPENT MONEYS IN THE “E-911 COMMUNICATIONS FUND” FOR PURPOSES OF FUNDING ALLOWABLE “E-911” CAPITAL EXPENDITURES PURSUANT TO FLORIDA STATUTE SECTION 365.171

5. Motion to approve transfer to the Sheriff of \$26,000 from the Law Enforcement Trust Fund Reserve (1194-59920) for the purchase of handguns (1194-56400, Law Enforcement Trust Fund Equipment) and \$22,950 of the State Gun Permit money from General Fund Reserves (0083-59920) for the purchase of handguns (0035-59101, Transfer to Officers) (*This item was removed from the Consent Agenda and will be rescheduled to a later date.*)
6. Motion to approve transfer to the Sheriff of \$10,480 from the Law Enforcement Trust Fund Reserve (1194-59920) for the purchase of a utility trailer (1194-56400, Law Enforcement Trust Fund Equipment), recognition awards (1194-55200, Law Enforcement Trust Fund Operating Supplies), special uniforms (1194-55200, Law Enforcement Trust Fund Operating Supplies), and to contribute to Take Stock in Children (1194-58200, Law Enforcement Fund Aid to Private Organizations)
7. Motion to adopt **Resolution No. 2002-7** approving a Final Plat for Marshall Creek DRI Unit SV-4

RESOLUTION NO. 2002-7

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT SV-4

8. Motion to adopt **Resolution No. 2002-8** approving a Final Plat for Marshall Creek DRI Unit C-One Replat

RESOLUTION NO. 2002-8

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT C-ONE REPLAT

9. Motion to adopt **Resolution No. 2002-9** approving a Final Plat for Julington Creek Plantation Parcel 86

RESOLUTION NO. 2002-9

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 86

10. Motion to adopt **Resolution No. 2002-10** approving a Final Plat for Julington Creek Plantation Parcel 83 Phase 2 and 66

RESOLUTION NO. 2002-10

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 83 PHASE 2 AND 66

11. Motion to adopt **Resolution No. 2002-11** approving a Final Plat for Julington Creek Plantation Parcel 68

RESOLUTION NO. 2002-11

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 68

12. Motion to adopt **Resolution No. 2002-12** approving a Final Plat for Julington Creek Plantation Parcel 81 Phase I

RESOLUTION NO. 2002-12

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR JULINGTON CREEK PLANTATION PARCEL 81 PHASE 1

13. Proofs:
- a. Proof, Certificate of Liability Insurance, Dimare Construction Company
 - b. Proof, Certificate of Insurance, Burns Int'l Security Services Corp.
 - c. Proof, Certificate of Liability Insurance, Thigpen Heating & Cooling, Inc.
 - d. Proof, Certificate of Liability Insurance, Ed Dupont & Associates, Inc.
 - e. Proof, Certificate of Liability Insurance, Abba Construction, Inc.
 - f. Proof, Certificate of Liability Insurance, Military Construction Corp.
 - g. Proof, Notice to Bidders, Bid No. 02-41
 - h. Proof, Notice of Public Hearing, Ordinances/Regulations Northwest Sector Study Area, December 21 & January 8, 2002
 - i. Proof, Notice of Meeting, SJC Economic Development Committee, January 10, 2002

(01/22/02 - 4 - 9:06 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Jacalone requested Item #2 be heard prior to Item #1.

(01/22/02 - 4 - 9:07 a.m.)

APPROVAL OF REGULAR AGENDA

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

(01/22/02 - 4 - 9:07 a.m.)

Lorenzo Laws, President of the Fort Mose Historical Society, shared some of the goals and objectives of the Fort Mose Historical Society. (9:09 a.m.) Paul Crawford commented on the Fort Mose site. (9:10 a.m.) Greg Moore commented on Fort Mose being America's First Free Black Settlement. (9:13 a.m.) David Nolan commented on the Fort Mose site. Discussion followed. Laws announced a fundraiser scheduled for February 9, 2002 at the Amphitheater. (9:16 a.m.) Adams informed the Board that he received a draft resolution to purchase some property contiguous to the site. It will be placed on the February 4, 2002 agenda.

(01/22/02 - 4 - 9:22 a.m.)

1. 9:30 A.M. - CLOSED SESSION - THIS MEETING HAS BEEN ADVERTISED FOR 9:30 A.M. THIS IS A PRIVATE ATTORNEY - CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE LAWSUIT BETWEEN ST. JOHNS COUNTY AND LEROY AND JOANN HARLEY, AS PARENTS AND LEGAL GUARDIANS, ON BEHALF OF J. H., THEIR MINOR CHILD. IN THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA. CASE NO.: 3:00 CV 1006-J-25A

Jacalone announced the Special Meeting. Jacalone announced the names of the persons who would attend the meeting: Marc A. Jacalone; John J. Reardon; James Bryant; Mary F. Kohnke; Nicholas Meiszer; Ben W. Adams, Jr.; James G. Sisco, Esquire; Damon Kitchen, Esquire, special counsel to the County; and Sherry Smith, the Court Reporter.

The regular meeting recessed at 9:24 a.m. and the Board convened in Conference Room "A" for the private meeting. At the 9:47 a.m., the private meeting was terminated and the regular meeting reconvened.

Daniel Bosanko, Deputy County Attorney, entered the meeting. (9:48 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, in regards to Case No. 3:00 CV 1006-J-25A, to accept the negotiated settlement agreement as discussed in the closed-door session.**

(01/22/02 - 4 - 9:17 a.m.)

2. CONSIDER GRANTING FREE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER TO THE EMMA GUILD ON THURSDAY, MARCH 21, 2002

Dena Masters, Office Manager for the Tourist Development Council, explained the request for the EMMA Guild to use the St. Johns County Convention Center on Thursday, March 21, 2002 to hold their fundraiser, a fashion show, to subsidize ticket sales for their annual concert. Jackie Lane, Vice President of the EMMA Guild, explained the event. (9:20 a.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0,**

to grant free use of the St. Johns County Convention Center to the EMMA Guild, a not-for-profit organization, to hold their fashion show on March 21, 2002.

(01/22/02 - 5 - 9:48 a.m.)

3. CONSIDER THE PURCHASE OF PROPERTIES ADJACENT TO THE CLOSED RAVENSWOOD LANDFILL

John Schwab, Special Projects Manager, explained the need to purchase properties adjacent to the closed Ravenswood Landfill. Discussion followed on the size of the lots and the improvements on the properties. (9:56 a.m.) **Motion by Bryant, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-13 authorizing the County Administrator, or his designee, to enter into the contract for the purchase of the stated three properties adjacent to the closed Ravenswood Landfill, and approve the transfer of the appropriate funding from the Solid Waste Enterprise Reserve Fund.**

RESOLUTION NO. 2002-13

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A CERTAIN PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY ADJACENT TO THE CLOSED RAVENSWOOD LANDFILL

(01/22/02 - 5 - 9:58 a.m.)

4. CONSIDER AN AMENDMENT TO THE TOWER ATTACHMENT COMMUNICATION SITE AGREEMENT (PONTE VEDRA)

John Schwab, Special Projects Manager, explained the amendment to the agreement. Discussion followed on the lease term. (10:07 a.m.) Sid Ansbacher, 780 N. Ponce de Leon Blvd., commented on the agreement. Discussion continued on the lease term and on subleasing. (10:14 a.m.) Darren Allen, Nextel Communications, commented on the carriers currently on the tower. (10:21 a.m.) *It was the consensus of the Board for this issue to be brought back before the Board at a later date.*

(01/22/02 - 5 - 10:21 a.m.)

5. REVIEW A PROPOSED RESOLUTION REGARDING THE WILLIAM BARTRAM SCENIC HIGHWAY

Donna Godfrey, Senior Planner, explained the proposed resolution regarding the William Bartram Scenic Highway. Discussion followed on the resolution. (10:32 a.m.) Mary Cornwell, 2652 SR 13, William Bartram Scenic Highway, requested the Board adopt the proposed resolution. (10:58 a.m.) *It was the consensus of the Board for this resolution to be brought back before the Board at a later date.*

(01/22/02 - 5 - 10:58 a.m.)

6. CONSIDER APPOINTMENTS TO THE LAMP CONSERVATION BOARD

Patsy Heiss, Assistant to the Administrator, informed the Board of two vacancies on the LAMP Board. (10:59 a.m.) **Motion by Meiszer, seconded by Bryant, carried 5/0, to appoint Brad A. Nelson to the LAMP Conservation Board to complete a term scheduled to expire April 24, 2005.**

(10:59 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to appoint Chuck Padera to the LAMP Conservation Board to complete a term scheduled to expire April 13, 2003.**

(01/22/02 - 6 - 11:01 a.m.)
COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke reported on the Golf Academy Opening she attended.

Kohnke requested the front entrance to the Judicial Center Complex be reopened. (11:03 a.m.) *It was the consensus of the Board that the front entrance to the Judicial Center Complex be reopened.*

(11:04 a.m.)

Commissioner Reardon:

No report.

(11:05 a.m.)

Commissioner Bryant:

Bryant reported that Clay County passed on the residential bond, which puts St. Johns County first in line to access that money.

(11:05 a.m.)

Commissioner Meiszer:

No report.

(11:05 a.m.)

Commissioner Jacalone:

Jacalone asked if receipt of the JEA funds requires a current year budget amendment to reflect receipt of those funds. Vonasek explained that they would be able to recognize these funds as unanticipated revenue to the extent that is appropriate according to accounting principles. The Board will then be able to appropriate it for use as allowable. (11:10 a.m.) *It was the consensus of the Board that these funds not be appropriated at this time.*

Jacalone requested an update on the state of the County Fire Service Department.

Jacalone requested a review of St. Johns County Day in Tallahassee. Adams explained.

Jacalone commented on the assembly of the agenda books.

(01/22/02 - 6 - 11:14 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced the joint meeting of the Board of County Commissioners and the School Board on Thursday, January 24, 2002.

(01/22/02 - 7 - 11:15 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(01/22/02 - 7 - 11:15 a.m.)
CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:15 a.m. and reconvened at 1:30 p.m. with Jacalone, Bryant, Reardon, Kohnke, Meiszer, Adams, Bosanko, and Deputy Clerk Judy Hamilton in attendance.

(01/22/02 - 7 - 1:30 p.m.)

7. PUBLIC HEARING - PROPOSED NORTHWEST SECTOR OVERLAY COMPREHENSIVE PLAN AMENDMENTS AND MAP. THIS IS THE SECOND REQUEST TO TRANSMIT THE PROPOSED NORTHWEST SECTOR OVERLAY COMPREHENSIVE PLAN AMENDMENTS AND MAP TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA). THESE PROPOSED AMENDMENTS INCLUDE ADDITIONAL GOALS, OBJECTIVES AND POLICIES TO THE COMPREHENSIVE PLAN AND A NORTHWEST SECTOR OVERLAY MAP. THE NEED TO ADDRESS THE REQUIREMENT OF THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF COMMUNITY AFFAIRS RELATED TO THE RULE VARIANCE FOR LEVEL OF SERVICE ON I-95. THE PLANNING AND ZONING AGENCY (PZA) RECOMMENDED DENIAL OF TRANSMITTAL OF THE FIRST REQUEST OF THE AMENDMENTS ON NOVEMBER 8, 2001. AT THE DECEMBER 11, 2001 BOARD'S FIRST TRANSMITTAL PUBLIC HEARING THE BOARD REQUESTED STAFF TO REVIEW WRITTEN COMMENTS AND HOLD ANOTHER PUBLIC WORKSHOP IN THE NORTHWEST AREA. STAFF HAS RECEIVED WRITTEN COMMENTS AND HELD ANOTHER PUBLIC WORKSHOP AT TROUT CREEK PARK ON JANUARY 7, 2002. THE PZA SECOND TRANSMITTAL HEARING IS SCHEDULED FOR JANUARY 17, 2002 AT 1:30 P.M. ATTACHED YOU WILL FIND THE JANUARY 7, 2002 PZA STAFF REPORT FOR THE NORTHWEST SECTOR OVERLAY COMPREHENSIVE PLAN AMENDMENTS THAT INCLUDES DRAFT 9. DRAFT 9 INCLUDES STAFF REVISIONS TO AMENDMENTS AND MAP BASED ON WRITTEN AND WORKSHOP COMMENTS

Proof of publication of notice of public hearing to consider transmittal of proposed amendments to the St. Johns County Comprehensive Plan to add the Northwest Sector Overlay Goals, Objectives and Policies and the Related Overlay Map was received, having been published in *The St. Augustine Record* on January 2, 2002.

Scott Clem, Growth Management Services Director, addressed the Board, advising them of occurring issues, with visual display, and reminding them that this was a transmittal hearing. Discussion was held and questions of the Board answered by Staff. Teresa Bishop, Planning Director, reviewed changes of Draft 9. Further discussion was held on financing, connections to Durbin Creek Blvd., corridors, affects on property value, Bishop Estates Road, 9A and I-95 Levels of Service, Palencia, transportation modeling, one or more workshops, *when deemed appropriate* versus *all*, park acreages, sustainability reports, water issues, and other various issues of Draft 9.

Public comments were then received. (3:05 p.m.) Frances Smith, 1341 Roberts Road, Fruit Cove, commented on road widening versus development of new roads, high traffic volume on Roberts Road, and the need to study, plan and implement north-south alternatives as soon as possible.

(3:07 p.m.) Don Robinson, 3800 Pacetti Rd., St. Augustine, stated he hoped that the moratorium would be lifted soon.

(3:08 p.m.) Don Beattie, 808 Mill Pond Ct., commented on the County's role and the LAMP Board's role in mitigation issues, his comments which he had submitted to the Board and Staff, water issues and working with the St. Johns River Water Management District in future planning.

(3:16 p.m.) Kim Woodbury, 255 Alhambra Circle, Suite 312, Coral Gables, with South Star Development Partners, spoke on the deletion of the north-south connector to Durbin Creek and that it was a requirement of the Julington Creek DRI, connectivity, buffer requirements, and park and civic space requirements.

(3:24 p.m.) Wayne Houston, 2591 Bishop Estates Rd., Fruit Cove, stated that the maps should be available to the public at no cost, 9A or 9B coming into Racetrack Road, a new bridge, Bishop Estates Road as a local road and closing of the east end, high traffic volumes at excessive speeds, Durbin Creek Boulevard already coming through, wetlands, no water no development, and keeping the moratorium open until the northwest sector plan was actually approved.

(3:28 p.m.) Richard Healer, 752 Nottingham Forest Cir., Switzerland, commented on minor changes to the plan, protection of rights-of-way, proposed mitigation for neighborhood incompatibility and meeting standards of the court, achievement of the northwest vision, buffers, roads in the neighborhoods, greenway system, incompatibilities, wetlands, and holding more workshops to tweak the plan.

(3:33 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. S., Fruit Cove, addressed the Board, stating she agreed there needed to be more tweaking of the northwest sector, and spoke on the requirement for a study of market economic and fiscal analysis to be done for any new development requiring a comprehensive plan amendment, but excluding small scale amendments and the studies shall be developer funded and conducted; she said the studies should not be conducted by the developers; ethical standards must be maintained for the safeguarding of the public interest and trust.

(3:35 p.m.) Denise Bash, 224 Crooked Ct., Jacksonville, asked for clarification on the north-south connector being taken off the map, and spoke on another east-west road for consideration.

(3:38 p.m.) Mary Cornwell, 2652 S.R. 13, Switzerland, voiced her concerns, specifically water and the north-south corridor.

(3:48 p.m.) Further discussion ensued. **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the transmittal of the Northwest Sector Overlay Comprehensive Plan Amendments to the Department of Community Affairs.** Kohnke stated when this came back to the Board she would like to have meetings on the final Comprehensive Plan to be held at a school of their choice, to have hard copies of it put in the Library as well as on the internet, and, to have a full-sized map, two maps of the Overlay as well as how it looks now, with an explanation that the map was not a comprehensive plan change, in the Library.

(01/22/02 - 9 - 3:53 p.m.)

8. DISCUSSION OF CHILDCARE LICENSING ISSUES IN ST. JOHNS COUNTY

Jessica Gardner, Director of Services - Child Care Resource Network, Inc., made a presentation to the Board of Childcare Licensing Issues. Discussion was held and it was

the consensus of the Board to have Legal prepare a resolution for presentation to the Board as soon as possible.

Motion by Kohnke, seconded by Reardon, carried 5/0, to adjourn. There being no further business to come before the Board, the meeting adjourned at 4:08 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, dated 01/15/02, Check #313876 through #314169, totaling \$1,134,079.64
2. St. Johns Board of County Commissioners Check Register, dated 01/16/02, Check #314171 through 314172, totaling \$25,000.00

CORRESPONDENCE:

1. Letter to Daniel Packard, from P.A. Heiss, regarding Industrial Development Authority, Financial Disclosure, dated January 15, 2002

Approved _____ February 5 _____, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalope
Marc A. Jacalope, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk