

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 19, 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
 Lenora Newsome, Deputy Clerk

Also present: Allen MacDonald, Finance Director

(02/19/02 - 1 - 9:02 a.m.)

The meeting was called to order by Chair Jacalone.

(02/19/02 - 1 - 9:02 a.m.)

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

(02/19/02 - 1 - 9:03 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(02/19/02 - 1 - 9:04 a.m.)

BRIEFING ON THE LEGENDS TOURNAMENT BY MR. JACK PETER, CHIEF OPERATING OFFICER OF THE WORLD GOLF VILLAGE HALL OF FAME

Jack Peter, Chief Operating Officer of the World Golf Village Hall of Fame, gave a briefing on the Legends Tournament schedule.

(02/19/02 - 1 - 9:12 a.m.)

PUBLIC COMMENT

There were no public comments.

(02/19/02 - 1 - 9:12 a.m.)

DELETIONS TO CONSENT AGENDA

Kohnke requested to pull item #7 and place it on the Regular Agenda as item 4a.

(02/19/02 - 1 - 9:13 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report.

2. Approval of Minutes:
02/05/02 – BCC Regular Meeting
3. Motion to adopt **Resolution No. 2002-23**, approving a Final Plat for Ponte Vedra by the Sea Estates.

RESOLUTION NO. 2002-23

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR PONTE VEDRA BY THE SEA ESTATES

4. Motion to adopt **Resolution No. 2002-24**, approving a Final Plat for Walden Chase Phase I Unit Two.

RESOLUTION NO. 2002-24

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WALDEN CHASE PHASE I UNIT TWO

5. Motion to adopt a Resolution approving a Final Plat for Wingfield Glen.

This item was pulled and placed on the Regular Agenda as item 6c.

6. Motion to direct the County Administrator to execute Coastal Impact Assistance Program Award NA170Z2137 and its associated documents and adopt **Resolution No. 2002-25**, recognizing as unanticipated revenue \$70,922 in NOAA Grant Funds and appropriating for use by the Planning Department.

RESOLUTION NO. 2002-25

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2002 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY PLANNING DEPARTMENT

7. Motion to approve the position of Hazardous Waste Technician and approve the transfer of \$41,193.00 for the remaining FY 2002 from Solid Waste Reserves Account 4407-59920 to cover salaries, vehicle purchase and related costs of the program.

This item was pulled and placed on the Regular Agenda as item #4a.

8. Motion to allow the County Administrator, or his designee to enter into a contract with the appropriate bidder under Bid Number 02-55, SR 312 Force Main Improvements and to transfer up to \$150,000 from the Utility Reserves Account (4426-59920) to fund the project costs.
9. Motion to authorize the Chairman to execute the Amendment to DEP Contract No. 00SJ1, Florida Beach Erosion Control Project, Project Amendment which will provide an additional \$100,000 from the State Ecosystem Management Trust Fund for design and monitoring, and also extending the completion date for one additional year.

10. Proofs:
 - a. Proof, Certificate of Liability Insurance, Professional Employer Plans
 - b. Proof, Request for Proposals, RFP No. 02-47
 - c. Proof, Request for Proposals, RFP No. 02-49

(02/19/02 - 3 - 9:13 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Meiszer requested to add two new items; Resolution supporting citizen's rights to participate in Administrative Process as Agenda item 4b, and Billboard and Sign Ordinance discussion as item 4c. Kohnke requested to add as an item, a revision of current county-wide TV Franchise as item 6a. Jacalone requested to add a Fertilizer Ordinance discussion as item 6b.

(02/19/02 - 3 - 9:15 a.m.)

APPROVAL OF REGULAR AGENDA

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

(9:15 a.m.) Bosanko stated that he was just informed that there was a problem with one of the plats and requested to reconsider the approval of the Consent Agenda. He requested to delete #5 from the Consent Agenda and place it at the end of the day. **Motion by Reardon, seconded by Jacalone, carried 5/0, to reconsider the Consent Agenda. Motion by Reardon, seconded by Jacalone, carried 5/0, to move item #5 from the Consent Agenda to item #6c on the Regular Agenda and to approve the rest of the Consent Agenda as amended.**

(02/19/02 - 3 - 9:16 a.m.)

1. PUBLIC HEARING - REPEAL OF COUNTY ORDINANCE 70-02 - COUNTY DAYCARE LICENSING. CHILD DAYCARE FACILITIES IN ST. JOHNS COUNTY ARE REGULATED BY ONE OF SEVERAL PROCESSES. THEY MAY BE EITHER (1) LICENSED BY THE COUNTY PURSUANT TO ORDINANCE 70-2 (THIS PROCESS IS OBSOLETE AND IS NOT BEING USED AT THIS TIME); (2) LICENSED BY THE STATE OF FLORIDA PURSUANT TO CHAPTER 402, FLORIDA STATUTES; OR (3) REGISTERED WITH THE STATE OF FLORIDA PURSUANT TO CHAPTER 402, FLORIDA STATUTES. CURRENTLY, ST. JOHNS COUNTY HAS 47 STATE LICENSED FACILITIES, 14 STATE REGISTERED FACILITIES AND NO COUNTY LICENSED FACILITIES. THE STANDARDS FOR STATE LICENSED FACILITIES AND OPERATIONS ARE SUBSTANTIALLY HIGHER THAN FOR STATE REGISTERED FACILITIES. EXHIBITS A, B AND C ATTACHED SUMMARIZE THESE DIFFERENCES WHICH ARE SET OUT MORE SPECIFICALLY IN CHAPTER 402 AND IN CHAPTER 65C-20 F.A.C. THE BOARD HAS THE OPTION OF REQUIRING ALL SUCH FACILITIES IN ST. JOHNS COUNTY TO BE STATE LICENSED RATHER THAN MERELY STATE REGISTERED. THE ATTACHED RESOLUTION, IF PASSED, WILL HAVE THAT EFFECT, BUT IT SHOULD NOT BE PASSED UNTIL ORDINANCE 70-2 IS REPEALED. EVEN IF THE COUNTY DOES NOT DECIDE TO REQUIRE STATE LICENSURE, THE COUNTY MAY WANT TO REPEAL ORDINANCE 70-2 BECAUSE STATE LICENSURE AND REGISTRATION MAY BE FOUND TO ADEQUATELY REGULATE THESE FACILITIES IF THE BOARD REQUIRES STATE LICENSING OF THESE FACILITIES. IT MAY HAVE THE EFFECT OF FORCING SOME OF THE CURRENTLY REGISTERED FACILITIES OUT OF BUSINESS BECAUSE OF AN INABILITY TO COMPLY WITH PHYSICAL FACILITIES OR OTHER REQUIREMENTS FOR LICENSURE

Proof of publication of notice of public hearing on Ordinance #70-2, Child Care Centers, was received having been published in The St. Augustine Record on February 7, 2002.

Bosanko reviewed this item, stating that he was asked to prepare a package and appropriate document to require county registered day care homes to become state licensed day care homes. He read for the public how child daycare facilities in St. Johns County are regulated. Jacalone spoke on rates and license for daycare. Kohnke gave her opinion on being licensed. Bryant spoke on if licensing would place an undue hardship on any that are registered.

Carmen Basalice, 373 Hickory Hollow Drive North, Jacksonville, stated that she has the responsibility for most of St. Johns County for licensing purposes, and spoke on what needed to be done to license registered homes. Reardon mentioned that he thought that this would bring safety for children in daycare centers up to 21st century standards. **Motion by Kohnke, seconded by Bryant, carried 5/0, to enact St. Johns County Ordinance No. 2002-06 repealing St. Johns County Ordinance No. 70-2.**

ORDINANCE NO. 2002-06

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 70-2, AS AMENDED, WHICH IS AN OUT OF DATE ORDINANCE PROVIDING FOR INSPECTION, APPROVAL AND LICENSING OF CHILD CARE CENTERS BY THE COUNTY HEALTH DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE

Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt St. Johns County Resolution No. 2002-26 requiring that family daycare homes within St. Johns County be licensed pursuant to Chapter 402, Florida Statutes. Reardon questioned how the registered homes would find out about the change in practice. Basalice questioned what the effective date would be. Discussion followed on the effective date. Bosanko stated that the effective date could be controlled by when the resolution goes into affect. Basalice recommended giving them four to five months to get ready. **Motion by Reardon, seconded by Bryant, carried 5/0, to revisit Resolution No. 2002-26.** Bosanko suggested to amend Section three to; this resolution shall become effective upon 120 days from today's date. **Motion by Reardon, seconded by Kohnke, carried 5/0, that this resolution becomes effective 120 days from adoption date.**

RESOLUTION NO. 2002-26

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REQUIRING THAT FAMILY DAY CARE HOMES WITHIN ST. JOHNS COUNTY, FLORIDA, BE LICENSED PURSUANT TO THE PROVISIONS OF CHAPTER 402, FLORIDA STATUTES

(02/19/02 - 4 - 9:36 a.m.)

2. CONSIDER A RESOLUTION FOR PONTE VEDRA POINTE FINAL PLAT

Kathy Nielsen reviewed this item stating that the subject of the resolution is approval for Ponte Vedra Pointe Final Plat. Meiszer questioned the water and sewer service being provided by Florida Water Service.

(9:37 a.m.) Gary Davenport, 3266 Pacetti Road, responded that they were using the franchise water and sewer provider for that area. Kohnke questioned why Florida Water was providing the water and if Intercoastal was providing the sewer. (9:39 a.m.) Susan Rudd, 512 Palm Tree Road, Jacksonville, stated that the Florida Water Service does provide the water, and Intercoastal Utilities does have connection for sewer for this project.

Discussion followed on whether this project was in Intercoastal's service area; and if so, not approving this plat until they have water and sewer, recommending tabling this item to the end of the day, and checking the rezoning conditions. **Motion by Kohnke, seconded by Reardon, carried 5/0, to continue this item to 6d in the afternoon.**

(9:48 a.m.) Cheryl Strickland, Clerk of Court, entered the meeting.

(02/19/02 - 5 - 9:48 a.m.)

3. DISCUSSION OF COUNTY OWNERSHIP & THE MAINTENANCE RESPONSIBILITY OF A PORTION OF LIGHTSEY ROAD AND THE LIGHTSEY ROAD BRIDGE/BOX CULVERT

Joe Stephenson, Director of Public Works, discussed County ownership and the maintenance responsibility of a portion of Lightsey Road and the Lightsey Road Bridge/box culvert. Reardon mentioned a connecting issue for Stephenson to add into his discussion. Stephenson stated that anything north of Lightsey Road, from the Lightsey Road extension west is probably impacted by this crossing. Reardon voiced concern on how the drainage was affecting that whole area. Stephenson gave alternatives and recommendations. Discussion followed.

(10:05 a.m.) Faith Akasheb, County Engineer, spoke on doing a study in the Lightsey Road area. Kohnke questioned if Lightsey Road is a county road. Stephenson replied that it is a county road east of the creek. Kohnke spoke on the County having a problem causing damage to county owned property, buying right-of-way to give people access to their property and questioned where the box culvert would go. Faith spoke on the box culvert, stating that they prefer the pre-cast culvert. She also mentioned that if they have a bridge, then they don't need a culvert.

(10:12 a.m.) Patrick Rockey, 2337 Plantation Lake Drive, spoke on the little bridge there now not handling any volume at all, and asked for help to fix this situation. Jacalone questioned if a condition could be included in the motion as a requirement that the needed right-of-way would be conveyed to the County at no cost by the adjacent property owner. Bosanko replied that you could put that condition in the motion. Stephenson asked if the Commissioners would include in it, mitigation land, if the Water Management District requires that they mitigate for impacts. Discussion followed on the donation of the right-of-way. **Motion by Reardon, seconded by Kohnke, carried 5/0, to direct Staff to take actions necessary to bring the described portion of Lightsey Road under County ownership and maintenance, and to institute a Capital Improvement Program Project, beginning in the 2003 budget, to design and construct an appropriate roadway and creek crossing and add the language; no additional costs for right-of-way.**

(02/19/02 - 5 - 10:19 a.m.)

4. CONSIDER AN APPOINTMENT TO THE HOUSING FINANCE AUTHORITY

Patsy Heiss, Assistant to the Administrator, stated there are two positions on the Housing Finance Authority that are vacant and all applications attached are qualified and available for the Board's review. *Reardon nominated Robert Murray to be the Labor representative, seconded by Bryant. Kohnke nominated Joann Ricci to the resident position, seconded by Bryant.* **Motion by Reardon, seconded by Bryant, carried 5/0, to appoint Robert Murray to be the Labor representative on the Housing Finance Authority serving an initial four year term scheduled to expire February 19, 2006. Motion by Reardon, seconded by Kohnke, carried 5/0, to appoint Jo Ann Ricci to the Housing Finance Authority to complete a term scheduled to expire March 10, 2005.**

(02/19/02 - 6 - 10:22 a.m.)

4a. MOTION TO APPROVE THE POSITION OF HAZARDOUS WASTE TECHNICIAN AND APPROVE THE TRANSFER OF \$41,193.00 FOR THE REMAINING FY 2002 FROM SOLID WASTE RESERVES ACCOUNT 4407-59920 TO COVER SALARIES,

VEHICLE PURCHASE AND RELATED COSTS OF THE PROGRAM. (Consent Item #7)

Kohnke requested for someone to explain in detail this item. Adams explained the proposed operating hours. Discussion followed. **Motion by Bryant, seconded by Kohnke, carried 5/0, to approve the position of Hazardous Waste Technician and approve the transfer of \$41,193.00 for the remaining FY 2002 from Solid Waste Reserves Account 4407-59920 to cover salaries, vehicle purchase and related costs of the program.**

(02/19/02 - 6 - 10:26 a.m.)

4b. RESOLUTION IN SUPPORT OF THE CITIZEN'S RIGHTS TO PARTICIPATE IN ADMINISTRATIVE PROCESSES

Meiszer reviewed this item requesting that the County Commission adopt this resolution and send it to Legislation. Reardon stated that he supported Meiszer's request. Kohnke asked if binding arbitration could be considered. Bosanko remarked that he had not read either bills and cannot commit now. Discussion followed on the bill and what it represents. Meiszer clarified that this does not affect citizen's rights to go to court, but it would increase court dockets and delays. Kohnke suggested having Bosanko look at it and come up with some suggestions.

(02/19/02 - 6 - 10:41 a.m.)

4c. BILLBOARD AND SIGN ORDINANCE - RESOLUTION REGARDING OUTDOOR ADVERTISING

Meiszer reviewed this item, stating that he had revised a sample resolution that came from Jacksonville. This resolution encourages the State Legislature to take no action that would interfere with County ordinances with respect to outdoor signs. Jacalone stated that he supported Meiszer. Bosanko mentioned that he already created a new resolution, if the Board was interested in using it. Jacalone mentioned, if this resolution passes, to forward a copy to the Delegation members and to the Governor. **Motion by Kohnke, seconded by Meiszer, carried 5/0, to approve Resolution No. 2002-27.**

RESOLUTION NO. 2002-27

A RESOLUTION REGARDING OUTDOOR ADVERTISING; URGING THE ST. JOHNS COUNTY LEGISLATIVE DELEGATION TO OPPOSE LEGISLATION THAT IMPAIRS OR REDUCES THE AUTHORITY OF LOCAL GOVERNMENTS TO REGULATE BILLBOARDS AND OTHER OUTDOOR ADVERTISING SIGNS WITHIN ITS GEOGRAPHICAL BOUNDARIES; URGING THE GOVERNOR TO OPPOSE AND, IF NECESSARY, VETO ANY SUCH LEGISLATION; PROVIDING FOR TRANSMITTAL OF COPIES OF THE RESOLUTION; PROVIDING AN EFFECTIVE DATE

(02/19/02 - 6 - 10:47 a.m.)

COMMISSIONERS' REPORTS

Commissioner Kohnke:

No report.

(10:47 a.m.)

Commissioner Reardon:

No report.

(10:47 a.m.)

Commissioner Jacalone:

No report.

(10:47 a.m.)

Commissioner Bryant:

Bryant spoke on the airport issue of which authorities are dependent and which authorities are not and stated that he placed information in everyone's box to read.

(10:48 a.m.)

Commissioner Meiszer:

Meiszer thanked Bryant for the information on the airport issue.

(02/19/02 - 7 - 10:48 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams mentioned that he was working on several stop sign requests and the railroad information for a streetlight.

Adams mentioned that Intercoastal Utilities advised the Utility Authority that it would seek expansion of the service territory.

(02/19/02 - 7 - 10:49 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(02/19/02 - 7 - 10:51 a.m.)

CLERK OF COURT'S REPORT

Allen MacDonald, Finance Director, spoke on the 2nd Quarter Investment Report and passed out information for the Board to review on draft financial statements. Kohnke asked Adams and MacDonald to look at the information in RFPs for the Financial Advisor and the conditions under which they charge and under which they are paid. Discussion followed on the contract between PFM and St. Johns County being annual and the Board directing County Staff to go out for an RFP for their services, how the Financial Advisor is compensated and how the Underwriter is compensated, the difference between a Financial Advisor and an Underwriter, and the current contract the Board has with PFM.

The meeting recessed at 10:59 a.m. and reconvened at 1:30 p.m. with Jacalone, Bryant, Meiszer, Reardon, Kohnke, Adams, Bosanko, and Deputy Clerk Yvonne King present. Also present was: Michael Hunt, Assistant County Attorney.

(02/19/02 - 8 - 1:33 p.m.)

5. PUBLIC HEARING - NZVAR 2002-000001 - NON-ZONING VARIANCE ROSS POOL & THERAPY SPA. THIS NON-ZONING VARIANCE IS TO SEC. 5.01.01 (SUBDIVISION) TO ALLOW THE DIVISION OF A PREVIOUSLY PLATTED F.P.L. EASEMENT FOR ADDING PROPERTY TO A LOT. THE APPLICANT HAS TWO LOTS AND AN ABUTTING TRACT IN ST. AUGUSTINE SOUTH IN JUNE 2001. THE ABUTTING TRACT IS TO THE REAR OF THE LOTS AND IS AN 80' X 100' PIECE OF WHAT IS SHOWN ON THE PLAT AS A FLORIDA POWER & LIGHT EASEMENT. THE APPLICANT WISHES TO CONSTRUCT A POOL LOCATED

OVER THE LOT LINE FOR THE 2 LOTS AS PLATTED AND INTO THE TRACT ADDED TO THE REAR OF THE LOTS, WHICH IS HOW THE DIVISION OF THE EASEMENT WAS DISCOVERED. THE EASEMENT ON THE ORIGINAL PLAT HAS BEEN DIVIDED AND SOLD TO THE ABUTTING LOT OWNERS IN THIS BLOCK OF ST. AUGUSTINE SOUTH, REQUIRING A REPLAT BY THE LAND DEVELOPMENT CODE. THE APPLICANT'S DESIRE IS TO HAVE A VARIANCE TO THAT REQUIREMENT GRANTED, SO THEY MAY OBTAIN A PERMIT TO CONSTRUCT A POOL. BASED ON THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, STAFF IS RECOMMENDING DENIAL

Proof of publication of the notice of public hearing on the non-zoning variance, 2002-000001, Ross Pool & Therapy Spa, was received having been published in The St. Augustine Record on February 8, 2002.

Kathy Neilson, Application Review Coordinator, explained the requested non-zoning variance to Section 5.01.01.C (Platting). Discussion followed on the variance request. (1:41 p.m.) Eleanor Ross, 118 Gentian Road, commented on the ownership of the property. (1:41 p.m.) **Motion by Reardon, seconded by Bryant, carried 5/0, to approve NZVAR 2002-000001 based upon the evidence provided for all the five findings of fact as listed on pages 2 and 3.**

(02/19/02 - 8 - 1:41 p.m.)

6. PUBLIC HEARING - CONSIDERATION OF AWARD OF CABLE TV FRANCHISE - LITESTREAM TECHNOLOGIES. ON JULY 19, 2002, FOLLOWING VERBAL DISCUSSION WITH BCC STAFF, AN APPLICATION FOR A CABLE TV (CATV) FRANCHISE WAS RECEIVED FROM LITESTREAM TECHNOLOGIES, LLC. THE COUNTY'S PROCESS FOR THE AWARD OF A CATV FRANCHISE IS GOVERNED BY THE REQUIREMENTS OF ORDINANCE 95-63, F.S. 166.046, AND THE FEDERAL CABLE ACT. ORDINANCE 95-63 REQUIRES THAT THE COUNTY AWARD A FRANCHISE ONLY AFTER HOLDING AT LEAST ONE PUBLIC HEARING. AT THE REQUIRED PUBLIC HEARING, ALL THE EXISTING FRANCHISE GRANTEEES ARE ALLOWED THE OPPORTUNITY TO SUBMIT OBJECTIONS TO OR REQUESTS FOR CLARIFICATION OF AN APPLICATION THAT AFFECTS THEM. THE SERVICE TERRITORY REQUESTED BY LITESTREAM, AS CAN BE SEEN BY THE MAP INCLUDED WITH THEIR APPLICATION, OVERLAYS AREAS OF THE SERVICE TERRITORIES GRANTED TO ALL THREE EXISTING GRANTEEES. AT THIS PUBLIC HEARING, THE BCC MAY MAKE ONE OF THREE DECISIONS. THE BCC MAY AWARD OR DENY THE AWARD OF A FRANCHISE TO LITESTREAM, OR THEY MAY CHOOSE TO HOLD ADDITIONAL PUBLIC HEARINGS PRIOR TO MAKING A DECISION CONCERNING AN AWARD

Proof of publication of the notice of public hearing on the ordinance regarding cable TV franchise, Litestream Technologies, was received having been published in The St. Augustine Record on February 9, 2002.

Joe Vonasek, Director of the Office of Management & Budget, gave an overview of the franchise application presentation by Litestream. Discussion followed on requiring existing cable providers to interconnect, service areas, construction schedule, additional access channels, and education and government access channels. (2:37 p.m.) George McClure, 170 Malaga Street, Suite A, representing Litestream Technologies, introduced the representatives accompanying him. McClure then made a presentation. (2:45 p.m.) Robert Rubin, Chairman of Heritage Technologies, Ltd., 1500 San Remo Avenue, Coral Gables, FL, commented on the proposal; then, shared some of his experience in providing cable television service. (2:50 p.m.) McClure addressed the installation of lines prior to the grant of a franchise; additional access channel for government TV; provide for St. Johns County

programming as well as school system programming; the evergreen language; modifications and clarifications to the cable TV ordinance; then, reviewed the financing. McClure said the financing provides for the payment by the grantee of \$15,000 spaced over a period of time; \$1,000 for the first three years; and once 3,000 subscribers have been reached, then \$4,000 per year for three years after that. Discussion followed on the franchise. (3:28 p.m.) Motion by Jacalone to enact Ordinance No. 2002-7, granting a cable TV franchise to Litestream Technologies, LLC. Motion died for lack of a second. (3:28 p.m.) Motion by Kohnke to continue the public hearing for two weeks to have the language cleared up by Michael Hunt and George McClure. Motion died for lack of a second.

The meeting recessed at 3:31 p.m. and reconvened at 3:45 p.m.

Hunt reviewed the language regarding the following issues that were discussed: implementation of a preventative maintenance program, emergency alert service, construction standards, continuity of service provisions, carrying additional governmental access channel, and carrying St. Johns County programming. McClure agreed to the changes. (3:57 p.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to continue the public hearing to Tuesday, February 26, 2002.**

(02/19/02 - 9 - 3:58 p.m.)

6a. REVISION OF COUNTYWIDE TV FRANCHISE

Kohnke requested the County Attorney's Office be authorized to bring the current TV franchise ordinance up to date and be brought back before the Commission. (4:00 p.m.) *It was the consensus of the Board that the County Attorney's Office be authorized to bring the current TV franchise ordinance up to date and be brought back before the Commission.*

(02/19/02 - 9 - 4:00 p.m.)

6b. DISCUSSION OF FERTILIZER ORDINANCE

Jacalone requested the Board authorize an update on the current litigation. (4:01 p.m.) *It was the consensus of the Board for an update to be provided by the County Attorney's Office in a private meeting.*

(02/19/02 - 9 - 4:01 p.m.)

6c. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR WINGFIELD GLEN (This item was removed from the Consent Agenda as Item #5.)

Kathy Nielsen, Applications Review Coordinator, requested the final plat be removed from the agenda due to some title opinion issues that have not been resolved. *This agenda item was removed from the agenda.*

(02/19/02 - 9 - 4:02 p.m.)

6d. CONSIDER A RESOLUTION FOR PONTE VEDRA POINTE FINAL PLAT (This item was originally #2 on the Regular Agenda.)

Kathy Nielsen, Applications Review Coordinator, requested the final plat be removed from the agenda due to some issues that have not been resolved. *This agenda item was removed from the agenda.*

Motion by Reardon, seconded by Bryant, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 4:03 p.m.

REPORTS:

1. St. Johns County Check Register approving checks 315073 through 315374 totalling \$1,149,730.01 (02/12/02)

2. St. Johns County Check Register approving check 315375 totalling \$203,212.45 (02/12/02)

Approved March 5, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Robert A. Platt
Deputy Clerk

