

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 11, 2003
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: James E. Bryant, District 5, Chair
Karen Stern, District 2, Vice Chair
Nicholas Meiszer, District 1
Marc Jacalone, District 3
Bruce Maguire, District 4
Ben W. Adams, Jr., County Administrator
Michael Hunt, County Attorney
Cecelia Aldrich, Deputy Clerk

Cheryl Strickland, Clerk of Courts, was also present.

(02/11/03 - 1 - 9:08 a.m.)

The meeting was called to order by Chair Bryant.

(02/11/03 - 1 - 9:08 a.m.)

The Invocation was given by Maguire. The Pledge of Allegiance was led by Stern.

(02/11/03 - 1 - 9:09 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were in attendance.

(02/11/03 - 1 - 9:10 a.m.)

PROCLAMATION RECOGNIZING VINCENT J. RUFFALO AS A SPECIAL COMMUNITY LEADER

Commissioner Maguire called upon Mr. Ruffalo to come forward and read the Proclamation, which was in his honor. Ruffalo expressed gratitude to the Commission and Staff for their cooperation over the years.

(02/11/03 - 1 - 9:13 a.m.)

APPROVAL OF TODAY'S PROCLAMATION

Motion by Jacalone, seconded by Maguire, carried 5/0, to adopt the Proclamation.

(02/11/03 - 1 - 9:13 a.m.)

PUBLIC COMMENT

Dante A. Salamone, 5225 Datil Pepper Road, St. Augustine, submitted a packet of information (Exhibit A) regarding the airport and public school planning and siting. Salamone asked the Commission to consider safety and impact on adjacent land when making decisions involving the airport. He also noted that the Commission has input in school site locations. (9:18 a.m.) Jacalone told Salamone his efforts were appreciated. He also stated that the Commission does not have authority over property located within the City of St. Augustine. (9:20 a.m.) Meiszer referred to information in Salamone's packet, and asked if some language regarding the airport was ever adopted. (9:22 a.m.) Jacalone clarified that the information in question was not the airport plan, but part of the County's

current Comprehensive Plan. (9:22 a.m.) Stern requested, and was given, a copy of the packet. (9:23 a.m.) Bryant commented that the noise over the Ponce de Leon golf course and hotel, could be lessened by changing air traffic patterns.

(02/11/03 - 2 - 9:24 a.m.)

DELETIONS TO CONSENT AGENDA

Hunt asked to have Consent Agenda Item 3 pulled for the afternoon session. Bryant stated it would be heard as Item 9A.

(02/11/03 - 2 - 9:25 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to adopt **Resolution No. 2003-21**, approving a Final Plat for St. Johns Commons

RESOLUTION NO. 2003-21

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST. JOHNS COMMONS

3. Motion to adopt a resolution to approve a Final Plat for St. Augustine Industrial Park, Phase 3 Re-plat

(This Item was pulled and moved to the afternoon as Item 9 A.)

4. Motion to adopt **Resolution No. 2003-22**, approving a Final Plat for Cherokee Crossing Two at Cimarrone Golf & Country Club

RESOLUTION NO. 2003-22

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR CHEROKEE CROSSING TWO AT CIMARRONE GOLF & COUNTRY CLUB

5. Motion to adopt **Resolution No. 2003-23**, approving the terms of a License Agreement authorizing the use of County Property for an office trailer for the Department of Transportation contractor working on the State Road 207 Widening Project

RESOLUTION NO. 2003-23

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING USE OF COUNTY PROPERTY FOR AN OFFICE TRAILER FOR THE DEPARTMENT OF TRANSPORTATION CONTRACTOR WORKING ON THE STATE ROAD 207 WIDENING PROJECT FOR A PERIOD OF APPROXIMATELY TWO YEARS

6. Motion to adopt the recommendation made by the Health and Human Services Advisory Council to equally distribute the "Choose Life Plate" funds between the Alpha Omega Miracle Home and the St. Gerard Campus, Inc. and direct the County Administrator to execute the contracts for said agencies for FY 2002-2003
7. Motion to adopt **Resolution No. 2003-24**, approving the terms of the Lease Agreement from Project Special Care for the rental space in the Health and Human Services Center

RESOLUTION NO. 2003-24

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF THE LEASE AGREEMENT FROM PROJECT SPECIAL CARE FOR THE RENTAL SPACE IN THE HEALTH AND HUMAN SERVICES CENTER

(02/11/03 - 3 - 9:25 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant stated there was a request by the Housing Department to consider a Resolution supporting the SHIP program, and it would be added as Item A 1.

Jacalone requested that discussion of the Airport/Ponce de Leon property be added to the Agenda. Adams concurred that it be added to the afternoon and it was decided to put it on as Item 9 B.

(02/11/03 - 3 - 9:26 a.m.)

APPROVAL OF REGULAR AGENDA

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

(02/11/03 - 3 - 9:27 a.m.)

A 1. CONSIDER A RESOLUTION ON STATE AND LOCAL GOVERNMENT HOUSING TRUST FUNDS

Tom Crawford, Director of Housing and Community Services, explained that the Governor's office is proposing to eliminate monies that could affect the SHIP program. He asked the Commission to support the Resolution which urges the Governor and State Legislators to retain related trust funds. (9:29 a.m.) Jacalone and Crawford discussed the monetary value involved, as well as, affordable housing. (9:31 a.m.) Crawford noted that the Senate Committee is scheduled to meet on Wednesday. (9:32 a.m.) Jacalone said he would support the Resolution because he feels the benefits of the program outweigh the savings that the State would realize. (9:32 a.m.) Stern stated that she fully supports the Resolution and the SHIP program, which allows the community to meet local needs. (9:34 a.m.) Maguire concurred with the other Commissioners in support of the Resolution. (9:35 a.m.) Meiszer explained the relationship between the SHIP program and the documentary tax and said the State must have another use in mind for that money. He summed up that the program has not been eliminated, but the source for funding has. Meiszer also stated that he supports the SHIP program. (9:37 a.m.) Bryant said the Resolution is a way to convey support for the SHIP program. **Motion by Jacalone, seconded by Stern, carried 5/0, to approve Resolution No. 2003-25.**

RESOLUTION NO. 2003-25

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

**REQUESTING THE GOVERNOR AND STATE
LEGISLATORS TO PRESERVE STATE FUNDING FOR THE
STATE AND LOCAL GOVERNMENT HOUSING TRUST
FUNDS**

(02/11/03 - 4 - 9:38 a.m.)

1. **CONSIDER A REQUEST FOR RESUBMISSION OF RING POWER'S INCENTIVE REQUEST**

Ted Zebrowsky, Director of Intergovernmental Relations, explained that Ring Power has submitted a second application for business incentives and reviewed the changes from the original application. He noted the three major changes: increase in the size of the proposed structure, number of new jobs decreased from 500 to 100; and, the tangible property value increase to 25 million dollars. (9:42 a.m.) Jacalone and Zebrowsky talked about whether the applicant could come back repeatedly to request changes. It was noted that any requests for changes, or recalculations, would necessitate review. (9:44 a.m.) Maguire queried if there was an avenue to reward overachievement of the initial contract. Zebrowsky said there is an opportunity to amend the contract. (9:45 a.m.) Maguire asked why an "average," instead of "mean" salary is used. (9:46 a.m.) Zebrowsky said the Ordinance requires that and it is used by the Department of Labor. (9:48 a.m.) Meiszer disagreed that incentives could be changed at an applicant's request. He said when the County grants incentives it's by means of an Ordinance, or contract, and that can't be changed unless both parties agree. (9:49 a.m.) Zebrowsky concurred. (9:50 a.m.) Meiszer received confirmation that the increase in square footage would not affect the height of the building. Meiszer added that he wished there was a better formula for arriving at a true average salary. (9:52 a.m.) Maguire read from the Economic Development Grant Agreement to clarify that Ring Power would have to submit a claim for approval before any payment could be made. (9:53 a.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to direct the County Attorney to write the same contract as before, the first Incentive Application, except reflecting the updated calculations that were presented today, as stated in the new application and then bring it back next week on the Consent Agenda.** (9:54 a.m.) Hunt left the meeting and Bosanko entered the meeting.

(02/11/03 - 4 - 9:54 a.m.)

2. **CONSIDER APPROVAL OF THE PROPOSED SPEED ZONES FOR CR-208, PALM VALLEY ROAD (CR-210 EAST), CR-214, MASTERS DRIVE AND MICKLER ROAD**

Greg Kennedy, Traffic and Transportation Manager, reviewed the goal of the study and noted that by the end of this fiscal year they would have speed-zoned 112 miles of the County's "major" roads. He said the information from this study is very valuable and used for more than just establishing speed limits. Kennedy introduced the consultant, Bernie O'Connor, from Prosser Hallock. O'Connor credited Barbara McInnis, also present, with doing most of the legwork. O'Connor gave a brief overview of the reasons for the speed zone studies, as well as the results. He used the overhead to identify the five study roadways. He reviewed the existing posted speeds, as well as the recommendations. O'Connor recommended that speeds stay as they are, except for a portion of CR 210 East, or Palm Valley Road. The recommendations for CR 208: no change, 55 mph and 45 mph zones to remain the same, remove extraneous speed reduction signs, and change signage for speed reduction at the zone ends. For CR 210 East, the study recommends: the 55 mph zone remains on the west portion, per design plans, 40 mph on the Intracoastal Water Way (ICWW) bridge, reduce to 40 mph on the east portion, and add 25 mph advisory speed near Canal Boulevard. (10:01 a.m.) Maguire asked how it is determined whether a zone will be 45 mph or 55 mph. (10:02 a.m.) O'Connor responded that the safe operating speed is arrived at by multiple factors, such as curves, intersecting roadways, streets and driveways. (10:02 a.m.) Discussion followed on the rationale for speed changes and that recommendations are based on a variety of conditions, as well as, roadway geometry and crash rates. (10:09 a.m.) Maguire asked about the advisory versus regulatory speeds. (10:10 a.m.) O'Connor said the goal is to post an advisory speed that embraces the School Zone. He added that the School Zone is only in effect during school times, and the advisory speed

is all the time. Recommendations for CR 214 are: no change, 55 mph, 45 mph, and 35 mph zones should remain, extend 35 mph zone to the west of Holmes Boulevard, and change signage for the speed reduction at the west end. There are numerous residential and commercial driveways on Masters Drive/Palmer Street and therefore no changes recommended. No changes are recommended for Mickler Road and the 35 mph speed limit should be retained. O'Connor commented that in most cases, given the studies completed, the County's Public Works Department and the Traffic Engineering Division have done a good job setting speed zones. (10:14 a.m.) Maguire commented about dropping the speed on CR 210. (10:15 a.m.) Kennedy reported that the County is paying \$71.00 less for spot studies than the State of Florida. (10:16 a.m.) Jacalone noted that he had been contacted about a couple of other roadway issues: the condition of Mizell Road and the speed on West 16th Street. (10:17 a.m.) Kennedy responded that Mizell is scheduled for resurfacing this Spring. Adams stated that the County Staff is going to conduct a speed zone study on 16th Street and will bring the findings to the Board before the end of this month. (10:18 a.m.) Bryant asked if all the speed limits across the County are certified. Kennedy responded in the negative but said it is in progress. (10:18 a.m.) Stern said, given the growth in the area, she was glad the Board would continue to look at speeds.

(10:20 a.m.) Dante A. Salamone, 5225 Datil Pepper Road, St. Augustine, expressed concern about ingress and egress from the Westgate Plaza on SR 16. He said there is no way to go into the plaza if you're traveling eastbound and no way to turn left, or west, when exiting. He also asked that something be done about the speed zones on US 1 South in the Moultrie area.

(10:22 a.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to approve the proposed speed zones per the study prepared by Prosser, Hallock, Inc. Consulting Engineers dated November 5, 2002 for: CR-208, Palm Valley Road (CR-210 East), CR-214, Masters Drive, and Mickler Road.**

(10:22 a.m.) Bosanko asked that the Board take a recess as he had several messages for Commissioners. (10:23 a.m.) Bryant concurred and called a five-minute recess.

(10:35 a.m.) Bosanko asked the Commissioners to appoint the Chairman, Mr. Bryant to represent the Board on Friday in a mediation on a lawsuit regarding Mental Health Services. He explained that a mediation has been set, changes have been made and Jacalone has been dismissed. (10:36 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to appoint the Chairman, James Bryant, as the Board's representative at Friday's mediation.** (10:36 a.m.) Bosanko stated that he received a phone message that all the Commissioners have been dismissed. (10:37 a.m.) Bosanko left and Hunt entered the meeting.

(02/11/03 - 5 - 10:37 a.m.)

3. CONSIDER A RECOMMENDATION TO ALLOW PARA-GLIDER OPERATION AT THE TILLMAN RIDGE LANDFILL WITH CERTAIN RESTRICTIONS AND CONDITIONS

Dan Weimer, Director of Recreation and Parks, reported that he met with Hunt and John Schwab to discuss paragliding at the landfill site and they concluded that it could be allowed through a Temporary Use Permit. (10:38 a.m.) Maguire asked how the County could prevent others from doing the same. (10:39 a.m.) Weimer suggested that they handle it like other "groups." He said they would require that a group is formed and that it be insured. (10:39 a.m.) Stern asked questions regarding the terrain being conducive to getting off the ground. She also expressed concern about the landfill being fragile and the venting system. (10:40 a.m.) With the consensus of the Board, Bryant asked Hunt to prepare a Temporary, Conditional Use Permit for operating a paraglider at the Tillman Ridge Landfill to include restrictions, conditions, and a Hold Harmless Agreement.

(02/11/03 - 6 - 10:41 a.m.)

4. CONSIDER A REQUEST TO AMEND THE EXISTING AGREEMENT FOR MANAGEMENT OF CONSTRUCTION AND DEMOLITION DEBRIS AND YARD WASTE

John Schwab, Special Projects Director, reviewed that in 1999 the County abolished the exclusivity of the C & D franchise, and turned it into a non-exclusive franchise, which allows waste haulers to take this material to any facility that is licensed and permitted. The Amended Agreement between St. Johns County and the Nine Mile Road facility allows only yard waste material to be dedicated to that facility from the County franchise operation. (10:43 a.m.) Jacalone and Schwab talked about terms of the current agreement and concurred that the change is, basically, removing the C & D element of this agreement. (10:44 a.m.) Schwab went on to explain the change in the fee schedule, and it was noted that if plastic is found in the yard debris there would be an additional charge of \$8.00 per ton. (10:45 a.m.) Meiszer queried about the County losing revenue from outside haulers coming in without licenses or permits. (10:47 a.m.) Schwab responded that the County has a 10% franchise fee and it is collected on a quarterly basis via an audit. (10:47 a.m.) Maguire recused himself from discussion and vote because his family sold the property back in the late 1980s to Nine Mile Landfill, Inc. and he owns land that surrounds the Landfill.

(10:48 a.m.) Mary M. O'Brien, 9995 Gate Parkway, Jacksonville, stated she represents Advanced Disposal. She expressed concern about the yard waste element of the contract being reviewed and its impact on the proposed Request for Proposals for the collection of solid waste, yard waste and recycling. O'Brien commented that she wanted to make sure there would be a fair playing field. She stated that the \$8.00 per ton fee currently in place for processing waste is above and beyond the \$22.00 per ton that the County currently pays. She explained that Southland, Seaboard, Nine Mile and Enviro-Comp are sister companies owned by Republic Services. She said Republic Services also provides the yard waste processing for the City of Jacksonville. O'Brien referred to a handout, Exhibit A, and noted that the currently negotiated rate with Jacksonville for yard debris is \$19.77, which includes the bag. She urged the Commissioners to consider the disparity between rates. O'Brien also asked the Board to remove the surcharge currently being paid by the haulers and just negotiate a rate with the current provider that's more in line with market pricing.

(10:50 a.m.) Meiszer asked about materials provided by O'Brien (not presented to the Clerk). Discussion followed about removing bags, or plastic, from the yard debris. (10:51 a.m.) Schwab explained that for many years, Nine Mile Road had charged a surcharge to the waste haulers for the process of debagging. He said the process did not occur, and when the new contract came up, he approached Nine Mile and asked about it. Schwab was told by Nine Mile that the \$8.00 charge should not be termed "debagging" but a "loss of value" for the commodity that is not marketable. Schwab commented that the haulers have said it isn't economically feasible for them to debag at the curb. He said he didn't think it was fair for the County to pay a \$30 per ton disposal rate of yard waste at Nine Mile Road when in Jacksonville they charge \$19.77 per ton and they do not have any debagging or loss of value fee. (10:54 a.m.) Jacalone asked what the agreement is with Nine Mile now. Schwab said it is \$22.00. Discussion followed about the current agreement and it was noted that it expires in 2011. There was debate about who pays the debagging, or loss of value, fee and the fact that debagging was not done. (10:56 a.m.) Jacalone commented that the debagging rate is between the haulers and Nine Mile. (10:58 a.m.) Bryant asked if Schwab could document that Republic is paying themselves the \$8.00. Schwab replied that would be very difficult to do.

(10:58 a.m.) Jim Arnold, Seaboard Waste Systems, 445 Nine Mile Road, St. Augustine, offered background on the \$8.00 charge. He said when Nine Mile began to receive yard waste, the franchise haulers collected unbagged trash, or they debagged trash at truck side for about a year and a half. He said it was impractical. Arnold said the haulers, the County and Nine Mile worked out an arrangement where Nine Mile would take the plastic material to enable the haulers to more efficiently collect the yard trash. He said the County wasn't charged, the two haulers were and everyone agreed. Arnold invited the Board to look at

his books and see that Seaboard has always paid Nine Mile and he told the Board they would have that right with any new hauler.

(11:05 a.m.) Janie Coleman, Waste Management, 6501 Greenland Road, Jacksonville, noted that the \$8.00 rate is part of the current agreement with the vendor. She said the rate that the County has been paying the current vendors is a set rate. Coleman suggested that vendors submitting new proposals would incorporate the cost associated with that surcharge, or debag and bring it to the facility without any bags in it, which would be costly. She suggests some clarification needs to be made in the document. (11:10 a.m.) Jacalone said he would like for the Board to take Arnold's offer and look at historical records and see where Seaboard has paid for that additional charge.

(11:10 a.m.) Sid Ansbacher, 780 N. Ponce de Leon Boulevard, St. Augustine, stated he was present on behalf of Republic. He said the agreement was drafted in 1991 and gave a synopsis of a 1994 decision that caused a substantial change in solid waste disposal across the country. Ansbacher noted that he was the attorney in the Federal lawsuit that got C & D exclusivity removed. He said C & D is a free market at this point, and outside of this agreement would be by County Commission determination. Ansbacher referred to a meeting held in the early 1990s, with the parties involved, to resolve the debagging issue. He indicated that costs are considerably more than anticipated due to the rapid growth in the community. (11:13 a.m.) Jacalone raised questions about the duration of debagging and whether there was anything to resolve now. (11:15 a.m.) Ansbacher said they could go either way, but would prefer to have debagging. He indicated that the lower cost at Bayard is due to the much larger capacity of that facility. He suggested formalizing what is already being done by Seaboard, Republic and BFI, or if a flat fee is desired, it would be in the range of \$22 and be debagged. (11:18 a.m.) Jacalone said the same company accepts it in Duval, and doesn't do that, for \$19.77 a ton. (11:18 a.m.) Ansbacher noted there is greater flexibility because they have 10 times the capacity. (11:19 a.m.) Stern queried about the costs involved. (11:19 a.m.) Ansbacher explained costs of disposing the waste with and without plastic and the recyclability of the material. (11:20 a.m.) Cheryl Strickland left the meeting. (11:21 a.m.) Stern asked for confirmation that the lower cost at Bayard is due to the volume. (11:22 a.m.) Ansbacher responded that for one, the agreement with the City of Jacksonville postdates the original agreement with St. Johns County, and secondly, the capacity.

(11:23 a.m.) Bill Brinkley, BFI Waste Systems, 7580 Philips Highway, Jacksonville, said he agrees that they're looking for a level playing field for the upcoming Request for Proposals.

(11:24 a.m.) Howard Burnett, 12818 Huntley Manor Drive, Jacksonville, reviewed that there was no cost incurred by the County when the haulers agreed to pay a fee so they didn't have to debag. He queried whether there was any amendment to the contract that empowered Nine Mile to charge anyone an extra \$8.00. In reference to the RFP, he said he would have to include an extra 20 cents for the extra \$8.00 that would go to Nine Mile. He said the increase would be passed on to the County and the rate would end up being \$30. (11:28 a.m.) Jacalone responded that the effective rate would not be determined until the RFP process. He asked Schwab about the agreement. (11:28 a.m.) Schwab agreed with Burnett. (11:29 a.m.) Jacalone stated that he understood the haulers need to recoup charges, but added that the RFP process would ultimately determine the rate. It was noted that there is nothing in the current agreement about this charge. (11:30 a.m.) Schwab summed up that the proposed agreement states the County would pay a base rate of \$22.00 per ton directly to Nine Mile Road. He said the vendor has the discretion of either de-bagging it, or bringing it bagged at a cost of \$22.00 from the County and \$8.00 from the Vendor. (11:31 a.m.) Jacalone determined that the County would not get involved in charges related to plastic infected loads of waste. (11:32 a.m.) Jacalone questioned why the language was included, asked that it be changed and then brought back to the Board. (11:33 a.m.) Schwab said the County doesn't pay \$30.00 to get rid of its' solid waste. (11:33 a.m.) Ansbacher suggested that the surcharge be removed. (11:34 a.m.) Schwab asked if the existing agreement allows for any additional charges to occur, with the exception of the verbal agreement that seems to have occurred previously. He said he didn't see that Nine Mile

Road would have any latitude to exercise a surcharge when the new proposals come out. (11:35 a.m.) Jacalone added that otherwise they would be violating this agreement. (11:36 a.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0, with Maguire recused, to support redrafting the Resolution to incorporate the changes regarding non-exclusivity of C & D material, but the other portion of it is not to be amended.**

(02/11/03 - 8 - 11:37 a.m.)

5. DISCUSSION OF STATE ROAD 13 LANDSCAPE MAINTENANCE AGREEMENT

Chuck Moore, Recreation Department, Landscape and Nursery Division, located the section of State Road 13 on the overhead and reviewed the Florida Department of Transportation (FDOT) landscaping standard. Moore reported that the subject project is nearing completion, but the landscaping has not been installed. (11:40 a.m.) Jacalone determined that there is a signed contract between the County and FDOT and said he thought the initial intent was that Julington Creek would perform the maintenance and the Board would sign to make it happen. (11:40 a.m.) Joe Stephenson, Public Works Director, stated that he was with the DOT when the project started and thought maybe assumptions were made that Julington Creek would support the maintenance cost of this landscaping. He said based on their Development Agreement they do maintain landscaping between Racetrack Road and Davis Pond Road, but their Development Agreement does not require them to do this. Stephenson said the CDD would have to vote to do this. He said they recently went to the CDD to ask them to maintain the landscaping that is going in on Racetrack Road when it's four-laned and they declined. Stephenson said they haven't asked them about SR 13 specifically, but assume they would decline. He asked if the Board would support the County paying, before asking the CDD. (11:41 a.m.) Jacalone said he couldn't support the County maintaining the landscaping on SR 13 as it sets a bad precedence. (11:42 a.m.) Stephenson said there is a precedence, as the County maintains the landscaping on SR A1A in Ponte Vedra and some on CR A1A south of the City of St. Augustine Beach. Stephenson said the difference is this is a very costly maintenance and alternatives would be to tell the DOT not to landscape it at all, or to landscape to a lower standard. (11:43 a.m.) Meiszer commented that if the County already does this in Ponte Vedra, it should be done in the northwest. (11:44 a.m.) There was discussion about which areas the Julington Creek CDD does maintain. Meiszer suggested doing an inexpensive-type of landscaping. (11:45 a.m.) Jacalone asked if the FDOT could do its' usual and the County could enhance it. Moore said that there are provisions in the Maintenance Agreement to allow for amendments or it could be dissolved. He said now is the time to make any changes. Moore referred to a breakdown of landscaping costs, Exhibit A. (11:46 a.m.) Jacalone said he would prefer to get out of it if it is an intricate and expensive design. (11:47 a.m.) Stephenson suggested telling the DOT exactly what the County wants and see if they will agree. (11:47 a.m.) Meiszer said he thinks what most of the residents want are trees and shrubs. There was discussion about how the plan might be changed. (11:49 a.m.) Adams noted that the section does have irrigation. Moore said the County will assume the electric cost for the pump. Maguire asked what the cost is to maintain A1A in Ponte Vedra. Moore said it was \$71,000 for last year. (11:50 a.m.) Bryant commented that with the A1A landscaping, he thought the DOT provided money to the County, which forwards it to the City of St. Augustine Beach and they provide the maintenance. (11:51 a.m.) Stephenson said he thinks the DOT would give the County some money. Stephenson said the DOT would pay to install it, but not to maintain it. (11:51 a.m.) Stern agreed with directing the FDOT to landscape with native plants in keeping with the natural environment, especially on SR 13, which is in application for a scenic highway designation.

(11:53 a.m.) Mary Cornwell, 2652 SR 13, Switzerland, representing the William Bartram Scenic Highway Group, said Julington Creek was going to help with the landscaping. She said that Resolution 2001-127 between the County and the State would be very beneficial to St. Johns County. She suggested that perhaps Julington Creek, the State DOT and the County work together to accomplish the landscaping. She noted that the group has been working hard on this scenic highway designation and pointed out that this is the entrance to the scenic highway. (11:57 a.m.) Meiszer said he thought it would be unfair to expect Julington Creek to maintain property that doesn't even abut theirs. He said it is a County

road and should be maintained by the County, though he agrees with the landscaping theme.

(11:59 a.m.) Louise Thrower, 288 Orange Avenue, stated that northwest residents have repeatedly specified a rural and natural atmosphere. She said they have never asked for an intensified, manicured, naturescape. Thrower said she would like to see the County get into an agreement with the JEA to screen the sewer treatment system. She suggested getting some help from commercial entities to support the median plantings and also said the County should support this.

(12:01 p.m.) Robert Mizell, 14775 St. Augustine Road, said he was representing the Julington Creek Plantation Community Development District. Mizell stated he has been with Julington Creek as district Engineer for the past several years and at no point has there been a formal discussion about an Interlocal Agreement for the CDD to maintain that landscaping.

(12:02 a.m.) The Commissioners concurred with Jacalone's recommendation that Staff go back to the DOT and revise the plan.

(02/11/03 - 9 - 12:02 a.m.)

6. CONSIDER A REQUEST BY A RESIDENT FOR PERMISSION TO CLEAN UP A COUNTY EASEMENT

Chuck Moore, Recreation Department, Landscape and Nursery Division, referred to a plot plan on the overhead and reviewed the request. (12:04 p.m.) Jacalone noted that he has worked on this with Bill Mitchell, the requestor, and sees no problem with the request. (12:05 p.m.) Maguire asked about policy. (12:05 p.m.) Adams responded that it is by Board permission. Adams commented on the location of the monuments. (12:06 p.m.) There was discussion on why neighbors would oppose the clean up. Adams noted it would open up the area. (12:07 p.m.) Jacalone noted that it is currently open. (12:07 p.m.) Maguire said he thought these easements should be cleaned and opened up and it should be an Administrator's function and not have to come before the Board. (12:07 p.m.) Stern added that because it is an access to historical sites, it should be open and agreed to let Mr. Mitchell clean it up. Hunt suggested that the Board get a release or some sort of limitation of liability on the County's part for any action that Mr. Mitchell might take. Maguire suggested it not be limited to Mr. Mitchell, but should include all owners who abut that easement. **(12:08 p.m.) Motion by Jacalone, seconded by Meiszer, carried 5/0, to allow Mr. Mitchell and other owners abutting up to the easement, to clear the easement that abuts his property to the centerline, subject to signing a release of liability.**

(12:09 p.m.) Diane Mills, 3455 Lewis Speedway, asked the Board to take notice of the utility.

(02/11/03 - 9 - 12:10 p.m.)

7. CONSIDER APPROVAL FOR TRANSFER OF FUNDS FROM THE LUTHERAN SOCIAL SERVICES TO THE SALVATION ARMY IN ORDER TO CONTINUE SERVICE PROVISIONS AT THE FOOD BANK

Gloria Benischeck, Social Services Director, explained that she had been notified by the Lutheran Social Services (LSS) that they were not going to be able to continue operating the Food Bank beyond February. She said there are two agencies interested in continuing the Food Bank and LSS thought the recommendation should come from the Health and Human Services (HHS) Advisory Council. After much discussion with both agencies, the HHS Advisory Council recommends, for the remainder of this fiscal year, to transfer the funds from LSS to the Salvation Army to continue the St. Johns County Food Bank. (12:12 p.m.) Maguire recused himself due to his involvement with the Salvation Army. He stated he has been a volunteer on the Advisory Council for seven to eight years and is currently serving as Chairman. (12:13 p.m.) **Motion by Jacalone, seconded by Stern, carried 4/0, with Maguire recused, to approve the transfer of the remaining funds from Lutheran Social Services to the Salvation Army for the period March 1, 2003 through September 30, 2003**

in order to continue service provision at the Food Bank and to direct the County Administrator to execute the contract with the Salvation Army for the remaining fiscal year.

(12:13 p.m.) Paul Stasi, Director of Social Services for the Salvation Army, Northeast Florida Area Command, 900 W. Adams Street, Jacksonville, stated he was present if there were any questions. He noted that they had submitted a full business plan last week and it was approved.

(12:14 p.m.) Tim Davis, Director of Second Harvest Food Bank, LSS, 1502 Jessie Street, Jacksonville, expressed his gratitude that the situation has been resolved.

(12:15 p.m.) Bryant announced that the Board would move the Reports to the end of the day.

The meeting recessed at 12:15 p.m. and reconvened at 1:39 p.m. with Jacalone, Bryant, Stern, Meiszer, Maguire, Adams, Bosanko, Strickland, MacDonald, and Deputy Clerk Lenora Newsome present.

(02/11/03 - 10 - 1:39 p.m.)

8. PUBLIC HEARING - MAJMOD 2002-15 (WESTMINISTER WOODS PUD, FORMERLY KNOWN AS WESLEY WOODS PUD). THE SUBJECT PROPERTY IS LOCATED AT 2877 CR 214 AND COMPRISES 86.477 ACRES. THIS REQUEST IS TO MODIFY THE APPROVED PUD (STRIAR'S ACRES PUD) TO REVISE THE DEVELOPMENT PLAN TO INCREASE THE NUMBER OF DWELLING UNITS TO 97 AND REDUCE THE MINIMUM LOT SIZE TO ONE-HALF (1/2) ACRE. THE RESIDENCES MAY BE SITE BUILT CONVENTIONAL OR MANUFACTURED BUILDING FOR RESIDENTIAL USE. THE MINIMUM LOT WIDTH IS 100 FEET, WITH A MAXIMUM LOT COVERAGE OF 40%. THE MAXIMUM HEIGHT WILL BE LIMITED TO 35 FEET. THE NAME OF THE PUD IS ALSO BEING CHANGED TO PRAIRIE LAKES. THE NET DENSITY IS 1.14 UNITS PER ACRE. THE PROJECT WILL PROVIDE 1.73 ACRES OF ACTIVE RECREATION. THE PROJECT WILL BE SERVED BY CENTRAL WATER AND SEPTIC SYSTEMS. THE DEVELOPMENT WILL OCCUR IN THREE (3) PHASES, EACH COMPRISED OF FIVE (5) YEARS.

Proof of publication of the Notice of Public Hearing on Major Modification 0215 Westminister Woods was received, having been published in *The St. Augustine Record* on January 22, 2003.

Bruce Ford, Chief Planner, reviewed this item, stating that it was MAJMOD 2002-15, Westminister Woods PUD, formerly known as Wesley Woods PUD, located on Bishop Estates Road in Fruit Cove. He stated that the applicant was requesting a revision to the Master Development Plan text to extend the phasing schedule, to modify the parking requirement (waiver), and change the name to Westminister Woods. Maguire asked who was asking for the modification. Ford responded. Maguire questioned if they received any indication of an acceptance or rebuttal from people who are inside Westminister Woods. Ford replied that they received one letter from an adjacent property owner in support of the project. Meiszer spoke on not increasing the density, but increasing the number of dwelling units and reducing the minimum lot size. Teresa Bishop, Director of Planning, stated that the applicant is not increasing any number of units and it was based on what they already had approved. This applicant is asking for an extension of their phasing and requesting a deviation to the parking requirement on their retirement community. Discussion followed on the applicant's request.

(1:47 p.m.) Karen Taylor, 3070 Harbor Drive, stated that there are no changes to the lots in this modification, and explained what area this item included, utilizing the overhead projector, displaying the site plan and showing the existing development, Exhibit A.

(1:52p.m.) Marshall Catlin, 1500 Bishop Estate Road, Villa 26A, spoke in favor of this project.

(1:54 p.m.) Louise Thrower, 288 Orange Avenue, spoke on seeing nothing wrong with the development so far, but she had a problem with the County Agenda, Exhibit B. She spoke in support of the project. (1:56 p.m.) **Motion by Meiszer, seconded by Stern, carried 5/0, to enact Ordinance No. 2003-10, known as Westminister Woods PUD, adopting Findings of Fact to support the motion, as provided in the document and approving the request.**

ORDINANCE NO. 2003-10

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE WESLEY WOODS PUD, ORDINANCE NUMBER 98-30, AS AMENDED, (NOW KNOWN AS WESTMINISTER WOODS) PROVIDING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(02/11/03 - 11 - 1:57 p.m.)

9. PUBLIC HEARING - CLARIFICATION OF ORDINANCE No. 2002-54 PERTAINING TO INCORPORATION OF ATTACHMENTS AND EFFECTIVE DATE. ORDINANCE NO. 2002-54 BECAME EFFECTIVE ON DECEMBER 10, 2002, IN WHICH THE CLERK'S OFFICE INDICATED THAT THE EFFECTIVE DATE (SECTION 4) OF THE ORDINANCE DID NOT REFLECT THIS TIME PERIOD. UPON FURTHER REVIEW BY PLANNING STAFF AND THE COUNTY'S ATTORNEY OFFICE IT WAS DISCOVERED THAT THE EFFECTIVE DATE LANGUAGE USED IN THE ORDINANCE WAS LANGUAGE DESIGNED FOR SMALL SCALE AMENDMENTS. IN ADDITION, THE COUNTY ATTORNEY DETERMINED THAT ORDINANCE NO. 2002-54 WAS DIFFICULT TO UNDERSTAND WITH RESPECT TO THE INCORPORATION OF THE ATTACHMENTS WHICH ARE GOAL A.2 AND RELATED POLICIES, NORTHWEST SECTOR PLAN OVERLAY MAP, AND TRAFFIC CIRCULATION PLAN 2000-2015. THE ATTACHED ORDINANCE REVISES THE EFFECTIVE DATE LANGUAGE AND CLARIFIES THE INCORPORATION OF THE ATTACHMENTS. THE PROPOSED ORDINANCE DOES NOT IN ANY WAY REVISE GOAL A.2, THE OVERLAY MAP OR THE TRAFFIC CIRCULATION PLAN

Proof of publication of the Notice of Public Hearing on Ordinance No. 2002-54, Northwest Sector Overlay Goals, Objectives, and Policies was received, having been published in *The St. Augustine Record* on January 27, 2003.

Teresa Bishop, AICP, Director of Planning, explained the clarification of Ordinance No. 2002-54, pertaining to the Incorporation of Attachments and the Effective Date. (1:58 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0, to approve Ordinance No. 2003-11.**

ORDINANCE NO. 2003-11

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, CLARIFYING AND AMENDING ORDINANCE NO. 2002-54, WHICH IS THE ORDINANCE THAT AMENDED THE ST. JOHNS COUNTY COMPREHENSIVE PLAN TO ADD GOAL A.2 AND ITS' RELATED GOALS, OBJECTIVES AND POLICIES TO THE FUTURE LAND USE ELEMENT KNOWN AS THE NORTHWEST SECTOR OVERLAY GOALS, OBJECTIVES, AND POLICIES; ADOPTED THE RELATED NORTHWEST SECTOR OVERLAY MAP; AND AMENDED THE TRAFFIC

CIRCULATION PLAN 2000-2015 (COLLECTIVELY, THE "ORDINANCE NO. 2002-54 SUBJECT MATTER"). IT ALSO PROVIDED FOR SEVERABILITY AND AN EFFECTIVE DATE. THIS CLARIFICATION AND AMENDMENT CLARIFIES THE ORDINANCE NO. 2002-54 SUBJECT MATTER BY ATTACHING COPIES THEREOF AND SPECIFICALLY INCORPORATING THE COPIES INTO ORDINANCE NO. 2002-54; AMENDS THE EFFECTIVE DATE THAT IS STATED IN ORDINANCE NO. 2002-54 TO CORRESPOND WITH STATUTORY LAW; MAKES FINDINGS; RATIFIES ORDINANCE NO. 2002-54; AND PROVIDES AN EFFECTIVE DATE

(02/11/03 - 12 - 1:59 p.m.)

9A. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR ST. AUGUSTINE INDUSTRIAL PARK PHASE 3 REPLAT (*From Consent Item 3*)

Bosanko explained that this item had to do with a plat that had a title problem in the opinion. He stated that they had a faxed copy of the corrected title opinion, but they don't have the signed copy. He asked the Board to approve this on the condition they receive a signed copy by the end of business today. (1:59 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, for approval upon the after mentioned condition of Resolution No. 2003-26.**

RESOLUTION NO. 2003-26

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR ST. AUGUSTINE INDUSTRIAL PARK PHASE 3 REPLAT

(02/11/03 - 12 - 2:00 p.m.)

9B. POSSIBLE ACQUISITION OF PONCE PROPERTY

Maguire stated that the Airport Authority met yesterday and they did not have any available FAA or FDOT funds and decided not to support the acquisition, but to work with the City to try to work things out through the zoning process. (2:01 p.m.) Joe Vonasek, Director of Management and Budget, spoke on being tasked with reviewing the feasibility of acquiring the golf course at the Ponce de Leon Resort and to determine whether it would be a viable project to support through a bond financing issue. He stated that it was not a feasible project and the closest that he could come to the break-even point with their cost, in revenue estimates, was approximately \$450,000 net loss at one point in the 20-year period. Discussion followed on Vonasek's statements, debt service, the golf course supporting itself if it didn't have debt associated with it, having a complete picture and looking at other assumptions, and needing to come up with a financing plan to acquire all the property.

(2:17 p.m.) Mary Ann Blount, Real Estate Manager, reported that Penny Rollerson with DEP, had called her about her Director not recommending to the Governor, acquisition of the parcel by their department based on the fact of the amounts that the developer was looking for were in excess of what they felt like the appraised value for that marsh land would be. The Water Management District advised that they were not interested in pursuing any acquisition of the golf course. Meiszer inquired about matching funds. Bryant gave his opinion. Maguire stated that the County was not in the golf course business, but that he wanted to preserve the oldest golf course in the state. Vonasek mentioned that he called on a lot of resources. Discussion followed on there being no feasible way to make the golf course work, not hearing a proposal for a viable plan, and any Commissioner having the opportunity to pursue a solution to this problem.

(2:31 p.m.) Bud Markel, 801 Sugar Cane Avenue, President of the St. Augustine Men's Golf Association, spoke on the cost of the property and the original intent of saving the land. He suggested offering Mr. Stokes the \$5.2 million, and talking to the bank about a short-term loan.

(02/11/03 - 13 - 2:40 p.m.)
COMMISSIONERS' REPORTS

Commissioner Maguire:

No report.

(2:40 p.m.)
Commissioner Jacalone:

Jacalone mentioned that he received information that the Governor and Cabinet voted unanimously to purchase the Lanier Track, 8,000 acres on the southern end of the County.

(2:40 p.m.)
Commissioner Bryant:

Bryant mentioned the memo that everyone received from Hunt with the six options on the right-of-way along Ponte Vedra Blvd. He stated that one of the options was that the County could do nothing and just let things stay as they are or there are five other options that the County could pursue. The Attorney's Office suggested pursuing Option 3 and they think that the County should make a decision. Bryant stated that Option 3 was that it belongs to the County and the County could vacate it to the adjacent property owners. Bosanko remarked that he believes Bryant was correct on Option 3. Bryant stated that the Attorney's Office suggested the County pursue the issue and have another hearing on Wednesday, February 26, as a special meeting. Hunt explained the Option of doing nothing was Option 7, which was not explored in depth in the memorandum, but it would be status quo, for what the Board has now. Discussion followed on when to have the meeting. It was decided to schedule the meeting for March, as the only item in the afternoon.

(2:47 p.m.)
Commissioner Stern:

Stern reminded the Board that this morning they approved a Resolution regarding affordable housing. She stated that this made her think about the Community not having a clear understanding of what the County is doing or has done. She mentioned Congressman Mica planning a visit to the area.

(2:49 p.m.)
Commissioner Meiszer:

Meiszer mentioned the Resolution and letter forwarded to everyone regarding the Northeast Planning Council and wanted to know if St. Johns County is going to be represented at the meeting on February 21. Bryant directed Adams to check into it. Adams replied that he would supply the information to the Board as soon as he received it. Bryant stated that Meiszer could be the representative for the County at the meeting.

(02/11/03 - 13 - 2:55 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams stated that the FDOT had been contacted regarding the U.S. 1 median opening at St. Augustine Shores and the Moultrie Square Shopping Center. They would be evaluating the traffic there.

Adams mentioned that a group, The Ham Jam Inc., is the group being considered to take over the county fair. Bosanko updated the Board; in March, The Ham Jam Charities would sponsor the county fair. Hunt remarked that he had not had a chance to talk to Klipstine yet but he did get the information last Friday and started working on a draft contract. He stated that he would forward it to Klipstine for his review, discuss it with Klipstine and then bring it to the Board for their consideration. Meiszer questioned why Ham Jam would need the County's approval to have a county fair. Bosanko replied it would be a private operation on public grounds. The County would have to have a contract with them and they would pay the County for the use of the land. Bosanko stated that when this item was brought up last week, he asked for the history of how this had been managed in the past. He mentioned that he talked to Klipstine and he told him that there was a 30-year history. Bosanko told him that he would like to see the documents on it and Klipstine told him that he would submit them to him. (3:03 p.m.) Hunt left the meeting.

(02/11/03 - 14 - 3:03 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(02/11/03 -14 - 3:03 p.m.)
CLERK OF COURT'S REPORT

No report.

The meeting recessed at 3:03 p.m. and reconvened at 3:09 p.m.

(02/11/03 -14 - 3:10 p.m.)
ST. JOHNS COUNTY SHERIFF'S OFFICE

Sheriff Neil Perry spoke on Capital Improvement Projects regarding the jail. He gave an update on the operation of the Sheriff's Office. He stated that they plan to open the second level of the Corrections area, by April. In keeping with their five-year plan, they will be requesting seven new positions in Corrections this year; five certified positions to increase rovers, one position for a certified sergeant position, and one certified position to deal with intake and classification of inmates as they come into the facility. He described the different programs; Education Program, Juvenile Program, Learn To Read Program, religious training and services by denomination, counseling for alcohol and drug abuse, and a number of vocational training courses and programs. Their goal is to prepare inmates to re-enter society and become productive. In their Operations area, they are not requesting any new patrol positions this year, but in the 2003-2004 Budget they will be asking for four new traffic positions. He mentioned having the Police Athletic Programs, the ACE Program, the SHOCAP Program, the Truancy Program and the Youth Resource Deputies in schools. He stated that they are looking to improve mobile data technology. Sheriff Perry spoke on needing five new positions in the Investigation Division. He stated that he was preparing the Board for some of the cost involved.

Sheriff Perry stated some of the impacts of the post 9/11 events are; increased security responsibilities, increased cost for services, and exceptional demands on personnel and equipment. He stated there has been a substantial increase in the actual number of bomb threats that cause evacuation of areas. Maguire spoke on dogs getting bulletproof jackets and the quality of life for inmates. Perry stated what is required to do by law, is to keep the inmates in the same condition as when they arrived. Bryant mentioned that the County is being hit with some cuts and he will keep the Sheriff updated. (3:39 p.m.) Maguire left the meeting. Adams mentioned using inmates for landscaping.

(3:41 p.m.) **Motion by Bryant, seconded by Jacalone, carried 4/0 with Maguire absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 3:41p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check No. 330222 totaling \$15.49. (1/30/03)
2. St. Johns Board of County Commissioners Check Register, Check No. 330223-330226 totaling \$1,417.27. (2/3/03)
3. St. Johns Board of County Commissioners Check Register, Check No. 330227-330462 totaling \$847,779.87 (2/4/03)
4. St. Johns Board of County Commissioners Check Register, Check No. 330464 totaling \$100,028.62. (2/4/03)

Approved March 4, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Juvenile King
Deputy Clerk

