

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 20, 2001
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: Mary Kohnke, District 4, Chair
 Marc Jacalone, District 3, Vice Chair
 Nicholas Meiszer, District 1
 John Reardon, District 2
 James E. Bryant, District 5
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, Deputy County Attorney
 Lenora Newsome, Deputy Clerk

(02/20/01 - 1 - 9:00 a.m.)

The meeting was called to order by Chair Kohnke.

(02/20/01 - 1 - 9:00 a.m.)

The Invocation was given by Reverend Doug Clark. The Pledge of Allegiance was led by Meiszer.

(02/20/01 - 1 - 9:03 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(02/20/01 - 1 - 9:04 a.m.)

PUBLIC COMMENT

Penny Halyburton, Supervisor of Elections, spoke on redistricting the County and encouraged the Board to work with the School Board on the redistricting. She stated that the process needed to be started as soon as possible and requested the Board to set a time frame, so it could be finished by late March or early April. Discussion followed on hiring a consultant to do the redistricting. Kohnke suggested for Halyburton to get together with Adams, and Dr. Balboni, to arrange a meeting for everyone to sit down and discuss it to see which way would be the best way to go. Halyburton spoke on projections.

(9:14 a.m.) Marie Seifert, 109 Buck Island Ct., spoke on behalf of the Ponte Vedra Beach Coalition, regarding a New Town Amendment and presented for the record a resolution that was voted upon at their last meeting.

(9:18 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., read a short letter into the record on Greenways.

(9:20 a.m.) Cathy Brown, 179 Marine Street, Executive Director of the St. Johns County Council on Aging, spoke on the Transportation Disadvantaged Program. Kohnke asked Bryant to do greetings for St. Johns County and welcome the Commission for the Transportation Disadvantaged to St. Johns County when they meet here on February 28 and March 1, 2001.

(02/20/01 - 2 - 9:25 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested to pull items 3, 6, and 7 and place them on the Regular Agenda as items 6a, 6b, and 6c.

(02/20/01 - 2 - 9:27 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of minutes:
02/06/01 – BCC Workshop
2. Approval of a motion adopting a Resolution to set a public hearing to consider a petition to vacate a portion of 4th Street on March 13, 2001 at 1:30 p.m.

RESOLUTION NO. 2001-25

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, VACATING A PORTION OF 4TH STREET LOCATED IN SURFSIDE SUBDIVISION

3. Approval of a motion adopting a Resolution approving the terms of a Purchase and Sale Agreement for the acquisition of property for the construction of the 4-laning of Race Track Road.

This item was pulled and placed on the Regular Agenda as item 6a. (See Page 7)

4. Approval of a motion adopting a Resolution approving transfer of certain County owned rights-of-way to the State of Florida Department of Transportation for the improvement of State Road 207.

RESOLUTION NO. 2001-26

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

5. Approval of a motion adopting a Resolution accepting an Access Easement to a Communications Tower Site located off Race Track Road.

RESOLUTION NO. 2001-27

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN ACCESS EASEMENT TO A COMMUNICATIONS TOWER SITE LOCATED OFF RACE TRACK ROAD

6. Approval of a motion allowing the County Administrator, or his designee, to award

the contract for Bid No. 00-66 (Intersection improvements at SR 13 and Greenbriar Road) to the low bidder, Walding Company.

This item was pulled and placed on the Regular Agenda as item 6b. (See Page 7)

7. Approval of a motion allowing the County Administrator, or his designee, to enter into a contract under Bid No. 01-30 (Contract for Annual Limerock Stabilized Base Requirements) for 9 months with M.J. Stavola Industries, with three renewal options of one year each.

This item was pulled and placed on the Regular Agenda as item 6c. (See Page 8)

8. Proofs:
 - a. Proof, Notice of meeting cancellation, St. Johns County Water & Sewer Authority, February 7, 2001.
 - b. Proof, Notice of meeting, St. Johns County Finance Committee, February 5, 2001.
 - c. Proof, Notice to Bidders, Bid No. 01-43.
 - d. Proof, Notice to Bidders, Bid No. 01-39.
 - e. Proof, Notice to Bidders, Bid No. 01-41.
 - f. Proof, Notice to Bidders, Bid No. 01-40
 - g. Proof, Request for Qualifications, RFQ No. 01-38.
 - h. Proof, Request for Qualifications, RFQ No. 01-44.
 - i. Proof, Certificate of Insurance, Bee Hauling, Inc.
 - j. Proof, Certificate of Insurance, Maltby, George & Andrea
 - k. Proof, Certificate of Liability Insurance, SpectraSite Communications, Inc.
 - l. Proof, Certificate of Liability Insurance, Al Bosgraaf & Sons, Inc.
 - m. Proof, Certificate of Liability Insurance, Dravo Lime, Inc.

(02/20/01 - 3 - 9:27 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Kohnke requested to add a presentation from JEA concerning Utility Issues In St. Johns County as item 3a. Discussion followed on adding JEA to the agenda. Jan Brewer requested to continue item 2 to March 27, 2001 at 1:30 p.m. Al Hadeed, Flagler Beach, stated that everyone consented to this continuance.

(02/20/01 - 3 - 9:39 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Jacalone, seconded by Bryant, carried 4/1 with Reardon opposed, to approve the Regular Agenda as amended.

(02/20/01 - 3 - 9:39 a.m.)

ADDITIONS/DELETIONS TO WORKSHOP AGENDA

There were no additions nor deletions to the Workshop Agenda.

(02/20/01 - 3 - 9:40 a.m.)

APPROVAL OF WORKSHOP AGENDA

Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the Workshop Agenda as submitted.

(02/20/01 - 4 - 9:40 a.m.)

1. PUBLIC HEARING - MEXICAN IMPORTS REZONING. THIS SITE IS LOCATED AT THE CORNER OF STATE ROAD 16 AND TENTH STREET. LANDS TO THE NORTH ARE PRIMARILY RESIDENTIAL. THIS REQUEST SEEKS TO REZONE .71-ACRE PROPERTY FROM RS-3 TO PUD TO ALLOW A COMMUNITY COMMERCIAL USE. (THIS PROPERTY WAS FORMERLY ZONED COMMERCIAL INTENSIVE (CI) TO ALLOW FOR A WOODWORKING SHOP; HOWEVER, THE CI ZONING CONTAINED A "REVERTER" CONDITION PROVIDING THAT THE ZONING WOULD REVERT TO RS-3 IF THE WOODWORKING SHOP CEASED OPERATION.) THE SUBJECT SITE IS LOCATED WITHIN A C-RESIDENTIAL LAND USE CATEGORY. THE PROPOSED COMMUNITY COMMERCIAL USE MAY BE PERMITTED WITHIN THIS LAND USE CATEGORY; HOWEVER, THE COMPREHENSIVE PLAN PROVIDES THAT SUCH USES MUST BE APPROVED THROUGH THE PUD PROCESS WHENEVER A CHANGE IN ZONING IS REQUIRED TO ALLOW THE PROPOSED USE. THE IMMEDIATE SURROUNDING AREA, PARTICULARLY ALONG AND ACROSS STATE ROAD 16, CONSISTS OF VARIOUS COMMERCIAL USES. THE SURROUNDING ZONING IS VERY MIXED, INCLUDING CN, CI, CG, RS-3, PUD AND PSD. STAFF FINDS THE REQUEST CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING AND ZONING AGENCY UNANIMOUSLY RECOMMENDED APPROVAL OF THIS APPLICATION AT THEIR MEETING ON JANUARY 04, 2001.

Proof of publication of notice of public hearing on R-PUD-00-046, Mexican Imports PUD, was received having been published in The St. Augustine Record on February 5, 2001.

Sonya Doerr reviewed this item using visual display. (9:43 a.m.) Karen Taylor, 3070 Harper Drive, summarized this item using visual display. Meiszer questioned the reverter clause. Taylor responded. Bosanko explained reverters of zoning and stated that they are a big problem. Teresa Bishop, Director of Planning, spoke on administrative rezonings. **Motion by Reardon, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2001-17, Mexican Imports PUD, adopting Findings of Fact 1-5, to support the motion.**

ORDINANCE NO. 2001-17

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RS-3 (RESIDENTIAL, SINGLE FAMILY) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(02/20/01 - 4 - 9:27 a.m.)

2. NOTE: THE APPLICANT HAS REQUESTED A CONTINUANCE FOR THIS HEARING.
PUBLIC HEARING - NZV-00-007 - JOHN & ROBERT BLAKE NON-ZONING VARIANCE. THIS REQUEST SEEKS A NON-ZONING VARIANCE FROM THE 25' UPLAND BUFFER REQUIRED IN ARTICLE IV, SECTION 4.01.02.E, OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED AT 7741 A1A SOUTH ON THE MATANZAS RIVER.

Proof of publication of notice of public hearing on NZV-00-007 - John & Robert Blake, was received having been published in The St. Augustine Record on February 5, 2001.

This item was continued to March 27, 2001, at 1:30 p.m.

(02/20/01 - 5 - 9:52 a.m.)

3. CONSIDER THE RESOLUTION AUTHORIZING THE AWARD OF SHIP FUNDS AS A LOCAL CONTRIBUTION FOR RENTAL DEVELOPMENT.

Tom Crawford, Director of Housing/Community Services and Judy Foxworth, SHIP Administrator, reviewed this item together. Crawford stated that the Wilson Company is still the highest scoring applicant after ranking it two ways. He recommended awarding the \$200,000 toward The Wilson Company's low income housing tax credit application. (9:56 a.m.) Bosanko left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting. Discussion followed on the boundaries of the project that the Wilson group is proposing, the thought process behind the point system being structured to giving preferential treatment, senior housing, and helping the elderly.

(10:12 a.m.) Cathy Brown, 139 Marine Street, Executive Director of Council on Aging, voiced concern on SR 207 becoming the targeted area over West Augustine for the low income housing. She asked for the Board's support for elderly housing.

(10:15 a.m.) Crawford commented briefly on, if The Wilson Company did not get this allocation, they would definitely be out of the running for the tax credit application. **Motion by Jacalone, seconded by Reardon, carried 4/1 with Meiszer opposed, to approve Resolution No. 2001-28, awarding SHIP funds as local government contribution to The Wilson Company for the Whispering Woods Project and to apply for financing through the State Housing Credits Program calendar year 2001.**

RESOLUTION NO. 2001-28

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO CONTRIBUTE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) FUNDS TO _____ AS A REIMBURSEMENT TOWARD PAYMENT OF IMPACT AND OTHER RELATED FEES, IN ORDER TO ENCOURAGE CONSTRUCTION OF AFFORDABLE RENTAL HOUSING, AND SETTING AN EFFECTIVE DATE

The meeting recessed at 10:19a.m. and reconvened at 10:27 a.m.

(02/20/2001 - 5 - 10:27 a.m.)

- 3a. PRESENTATION FROM JEA CONCERNING UTILITY ISSUES IN ST. JOHNS COUNTY

Kohnke stated that this item was added to the agenda so JEA could explain what they could do for St. Johns County under certain circumstances. Reardon stated that he wanted to make sure the residents knew about this item being added to the agenda.

(10:32 a.m.) Scott Kelly, 2325 Emerson Street, Jacksonville, gave a presentation concerning JEA serving St. Johns County. He stated that he was here today to talk about what JEA could offer to the County in exchange for being allowed to provide additional services. Kelly relayed that they would like to expand their retail service to serve the retail areas along northern U.S. 1, they would like to be permitted to negotiate with the private utilities that are existing in the northern part of St. Johns County, and in exchange for permission to do these things, JEA would be prepared to offer a lump sum amount of \$2.2 million in an up front payment for uses the County Commission chooses. This amount is based on 5% of the net present value of all water and wastewater gross revenues which JEA would

expect to realize during the next 10 years in providing service to the Nocatee, Julington Creek Plantation, and the U.S. 1 Corridor Properties. Kelly stated that JEA would be prepared to make the one time payment of \$4 million, in addition to the \$2.2 million, for permission to serve the unserved areas in northern St. Johns County along the U.S. 1 Corridor and also JEA would actively pursue the acquisition of these private utilities, if given permission in northern St. Johns County. Discussion followed on terminating the wholesale agreement the County has with JEA, JEA's agreement with Nocatee, how PSC has jurisdiction in this matter, being interested in the City of St. Augustine's Utilities, the boundaries that take in northern St. Johns County, and the proposal in the packet consisting of four components.

(10:51 a.m.) Bill Young, Director of Utilities, spoke on St. Johns County's Utility System. Reardon voiced concern on the safety of the water supply. Young explained the St. Johns County's Utility Department's position and recommended for St. Johns County to serve Nocatee. Meiszer questioned how JEA and Nocatee can enter into an agreement to serve an area which neither of them has a franchise to serve and if the County Administrator has a comment on this matter. Adams spoke on having several meetings with Scott Kelly from JEA. He stated that this at least puts it in writing and could give the Finance people something to start working on. Discussion followed on JEA's source of water, keeping in mind that the water comes from the same aquifer, and the subterranean water applying to everybody, because nobody owns it.

(11:11 a.m.) Don Flurry, 1576 Harbour Club Drive, Ponte Vedra Beach, asked the County to keep an open mind as to what is the best interest of the rate payers of this County.

(11:13 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on where the water actually comes from.

(11:17 a.m.) Gary Grove, 8048 Whisper Lake Lane West, Ponte Vedra Beach, spoke on comments that Board members are making to each other and on reuse water.

(11:21 a.m.) Marie Seifert, 109 Buck Island Court, Ponte Vedra Beach, commented on the percentage of fees that Duval County gets for all the services provided by JEA, and questioned why the percentage being paid to Duval County wouldn't be good enough for St. Johns County. Kelly explained. Kohnke stated that she wanted the citizens to have a source of water that is long term and as good as they can get, and having the lowest rates possible. She stated that the first meeting in March, the proposal needed to be brought to the Board to be considered. Discussion followed on having a lack of knowledge on water source, where the profits from JEA are distributed, and having a safe water supply with local control. Kohnke requested a continuance on the PSC hearing until the first of May, so the Board has an opportunity to see what Young is proposing and to see what JEA is proposing. ***It was the consensus of the Board, to have Young ask for a continuance of the PSC hearings until April.*** Kohnke requested for Young to get with Kelly to see what JEA is proposing. Adams announced that the discussion on Intercoastal will be scheduled for March 6, 2001. Kohnke requested for Young to come before the Board with information on considering to buy Intercoastal and to pursue the continuance of the PSC hearings.

(02/20/01 - 6 - 11:43 a.m.)

4. CONSIDER AN APPOINTMENT TO CODE ENFORCEMENT BOARD

Patsy Heiss reviewed this item. **Motion by Reardon, seconded by Jacalone, carried 5/0, to nominate Kent Mason to the Code Enforcement Board. Motion by Jacalone, seconded by Reardon, carried 5/0, to nominated Ronald Tibbles to the Code Enforcement Board.**

(02/20/01 - 7 - 11:46 a.m.)

5. CONSIDER AN APPOINTMENT TO THE ADJUSTMENT & APPEALS BOARD

Heiss reviewed this item. **Motion by Kohnke, seconded by Reardon, carried 5/0, to nominate Charles Hood to the Building Industry Alternate position on the Adjustments & Appeals Board. Motion by Reardon, seconded by Jacalone, carried 5/0, to nominate James Schock to the General Public Alternate position on the Adjustments & Appeals Board.**

(02/20/01 - 7 - 11:47 a.m.)

6. CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD.

Motion by Kohnke, seconded by Jacalone, carried 5/0, to nominate Cameron Lacy to Position #3 on the Ponte Vedra Zoning & Adjustments Board.

(02/20/01 - 7 - 11:47 a.m.)

6a. APPROVAL OF A MOTION ADOPTING A RESOLUTION APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF THE 4-LANING OF RACE TRACK ROAD. *(This item was pulled from Consent item 3.)*

Meiszer stated that he pulled this item because the amount being paid to the property owner was more than the appraised amount. Mary Ann Blount, Real Estate Manager, explained that the owner of the property thought his property was worth more than what it was appraised for and she stated that the Attorney's Office advise that the costs associated with condemnation would be much greater than the difference in the sales price and the appraised price. Discussion followed on paying more than the appraised value and settling without having to go through condemnation. **Motion by Bryant, seconded by Jacalone, carried by roll call vote 4/1 with Meiszer opposed, to adopt Resolution No. 2001-29, approving the terms of a Purchase and Sale Agreement for the acquisition of property for the construction of the 4-laning of Race Track Road.**

Roll Call Vote

Bryant	Yes
Meiszer	No
Reardon	Yes
Jacalone	Yes
Kohnke	Yes

The motion passed 4/1.

RESOLUTION NO. 2001-29

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR THE CONSTRUCTION OF THE 4-LANING OF RACE TRACK ROAD

(02/20/01 - 7 - 11:55 a.m.)

6b. APPROVAL OF A MOTION ALLOWING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD THE CONTRACT FOR BID NO. 00-66 (INTERSECTION IMPROVEMENTS AT SR 13 AND GREENBRIAR ROAD) TO THE LOW BIDDER, WALDING COMPANY. *(This item was pulled from Consent item 6.)*

Meiszer pulled this item to hear from Joe Stephenson concerning the trees on the intersection. Joe Stephenson, Public Works Director, addressed Meiszer's concerns about the trees. **Motion by Bryant, seconded by Jacalone, carried 5/0, to allow the County Administrator, or his designee, to award contract to the low bidder, Walding Company in the amount of \$337,300.00 for Bid No. 00-66.**

(02/20/01 - 8 - 11:58 a.m.)

6c. APPROVAL OF A MOTION ALLOWING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT UNDER BID NO. 01-30 (CONTRACT FOR ANNUAL LIMEROCK STABILIZED BASE REQUIREMENTS) FOR 9 MONTHS WITH M.J. STAVOLA INDUSTRIES, WITH THREE RENEWAL OPTIONS OF ONE YEAR EACH. *(This item was pulled from Consent item 7.)*

Meiszer pulled this item voicing concern about what portion is delivered, what portion is undelivered and why isn't the contract for a whole year. Stephenson addressed using lime rock for roads, putting it out for bid again, and the first bidder withdrawing his bid. **Motion by Reardon, seconded by Bryant, carried 5/0, to allow the County Administrator, or his designee, to enter into a contract under Bid No. 01-30 for 9 months with M. J. Stavola Industries, with three renewal options of one year each.**

(02/20/01 - 8 - 12:02 p.m.)

COMMISSIONERS' REPORTS

Commissioner Bryant:

Bryant mentioned being embarrassed about the unprofessionalism of some of the members of this Board.

(12:03 p.m.)

Commissioner Reardon:

Reardon spoke on the Chairman recognizing the light when it comes on and call on that Commissioner for comments.

(12:03 p.m.)

Commissioner Kohnke:

Kohnke mentioned a story published in the Ponte Vedra Leader on the Sheriff's Office approving an exit to be made from the PGA Tour TPC parking lot and stated it could not be done without a major modification to the PUD.

(12:05 p.m.)

Commissioner Jacalone:

No report.

(12:05 p.m.)

Commissioner Meiszer:

No report.

(02/20/01 - 8 - 12:05 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams stated that the Engineering Department with Road and Bridge was awarded a \$25,000 grant for drainage in the area of SR 207 and Holmes Blvd.

(02/20/01 - 9 - 12:05 p.m.)
COUNTY ATTORNEY'S REPORT

No report.

(02/20/01 - 9 - 12:05 p.m.)
CLERK OF COURT'S REPORT

No report.

There being no further business to come before the Board, the meeting adjourned at 12:06 p.m..

REPORTS:

1. St. Johns County Board Database Check Register Disbursement Fund, Check #300095 through #300353 dated February 16, 2001.

Approved: March 13, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Mary F. Kohnke, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk