

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JULY 24, 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: 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
 Isabelle Lopez, Assistant County Attorney
 Lenora Jo Newsome, Deputy Clerk

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

(07/24/01 - 1 - 9:00 a.m.)

The meeting was called to order by Chair Jacalone.

(07/24/01 - 1 - 9:00 a.m.)

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

(07/24/01 - 1 - 9:01 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(07/24/01 - 1 - 9:02 a.m.)

PUBLIC COMMENT

Bob Betts, 500 Old Beach Road, Director, Anastasia Mosquito Control District, reported on the West Nile Virus and stated that they are taking care of, and have in control, the mosquito issue.

(9:08 a.m.) Louise Thrower, 288 Orange Avenue, spoke on CDD (Community Development Districts) and water supply, using visual display.

(9:17 a.m.) Cathy Brown, 179 Marine Street, Executive Director for the Council on Aging, spoke on her office moving to 180 Marine Street. Bryant encouraged all Commissioners to go by and see the new office. Brown mentioned that their new name was The Coastal Community Center and also the Celebrity Breakfast scheduled for September 9 to raise money, since they did not receive their funding from the State.

(9:20 a.m.) Doug Laidlaw, 120 Stokes Landing Road, spoke on the formal complaint filed by Margaret Laidlaw against Commissioner Kohnke. He requested the Board to draw up a resolution against Kohnke and to forward it to the State of Florida Ethics Commission. He displayed a tape.

(9:22 a.m.) Walter Kelly, 1515 A1A South #71, spoke on the King Street Water Conservation-Beautification Demonstration Project and forming 4-H Groups.

(07/24/01 - 2 - 9:30 a.m.)

DELETIONS TO CONSENT AGENDA

Kohnke mentioned item #8 having a typographical error under whereas #1 in the lease agreement, but did not pull this item. Lopez replied that the error could be corrected without pulling the item. Meiszer requested to pull item #4 and place it on the Regular Agenda as 9a.

(07/24/01 - 2 - 9:33 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
06/26/01 - BCC Regular Meeting
3. Sheriff's Bonds:
Cancel: Susan M. Meyerholz
Cancel: Diana G. Turbeville
4. Motion to adopt a Resolution recognizing unanticipated revenue from the State of Florida in the amount of \$34,150 to develop a Terrorism Plan and its appropriation to 0046-55305 State Grant Expenditure

This item was pulled and moved to the Regular Agenda as 9a.

5. Motion to adopt **Resolution No. 2001-150**, amending the Mental Health Trust Fund Budget to receive unanticipated revenue for fiscal year 2001 in the amount of \$21,911 and appropriating it for use

RESOLUTION NO. 2001-150

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2001 MENTAL HEALTH TRUST FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT

6. Motion to adopt **Resolution No. 2001-151**, amending the Mental Health Trust Fund Budget to receive unanticipated revenue for fiscal year 2001 in the amount of \$9,076 and appropriating it for use

RESOLUTION NO. 2001-151

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2001 MENTAL HEALTH TRUST FUND BUDGET TO RECEIVE UNANTICIPATED

**REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE
ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT**

7. Motion to adopt **Resolution No 2001-152**, approving a Final Plat for Comanche Trail Two at Cimmarone Golf & Country Club

RESOLUTION NO. 2001-152

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A SUBDIVISION PLAT FOR COMANCHE
TRAIL TWO AT CIMARRONE GOLF AND COUNTRY
CLUB**

8. Motion to adopt **Resolution No. 2001-153**, approving the terms of License Agreement authorizing use of certain public right-of-way of Old Dixie Highway

RESOLUTION NO. 2001-153

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS OF A LICENSE AGREEMENT
AUTHORIZING USE OF A CERTAIN PUBLIC RIGHT-OF-
WAY OF OLD DIXIE HIGHWAY**

9. Motion to adopt **Resolution No. 2001-154**, authorizing the County Administrator to execute license agreements with FPL for Installation of Electrical Power to Davis Park

RESOLUTION NO. 2001-154

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
GRANTING AN IRREVOCABLE LICENSE TO FLORIDA
POWER & LIGHT COMPANY TO PROVIDE ELECTRICAL
SERVICE TO ST. JOHNS COUNTY'S DAVIS PARK**

10. Motion to allow the County Administrator, or his designee, to enter into a contract with the low bidder, Sieg & Ambachsheer, Inc. For RFP No. 01-73, Rutile Drive Bridge Improvements (*See Exhibit A*)
11. Motion to approve the transfer of \$7,675.45 from the Management Information Systems Department to the appropriate departmental budgets to cover computer insurance premiums
12. Motion to adopt **Resolution No. 2001-155**, setting a Public Hearing for 1:30 p.m. on August 14, 2001 to consider a petition to vacate Shady Lane Road

RESOLUTION NO. 2001-155

**RESOLUTION TO SET A PUBLIC HEARING REGARDING
VACATING SHADY LANE ROAD (VACROA 1999-004)**

13. Motion to adopt **Resolution No. 2001-156**, initiating Conflict Resolution Procedures pursuant to the Florida Governmental Conflict Resolution Act

RESOLUTION NO. 2001-156

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURES PURSUANT TO THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT

14. Motion to adopt **Resolution No. 2001-157**, authorizing the County Administrator to execute a lease between St. Johns County and St. Augustine Little League for use of the Little League Baseball Complex for the Triple Crown Sports Fall National Finals

RESOLUTION NO. 2001-157

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE ST. AUGUSTINE LITTLE LEAGUE, INC. FOR USE OF THE LITTLE LEAGUE BASEBALL COMPLEX FOR THE TRIPLE CROWN SPORTS FALL NATIONAL FINALS

15. Motion to authorize the execution of a grant agreement with the State of Florida, by the Chairman, for the installation of accordion style hurricane window shutters for Cunningham Creek, Mill Creek, Osceola, and Otis Mason Elementary Schools, through the Hazard Mitigation Grant Program
16. Proofs:
- a. Proof, Public Notice, Forfeiture of Unclaimed Monies
 - b. Proof, Public Notice, Applications for Special Master on the 2001 St. Johns County Value Adjustment Board
 - c. Proof, Notice of Public Hearing, Ordinance 97-34 Hoofed Animals, July 24, 2001
 - d. Proof, Notice of Joint Meeting, St. Johns County Board of County Commissioners and the St. Johns County School Board, July 26, 2001
 - e. Proof, Notice of Meeting, St. Johns County Economic Development Committee, July 12, 2001
 - f. Proof, Notice to Bidders, Bid No. 01-79
 - g. Proof, Certificate of Liability Insurance, M. Gay Constructors, Inc.
 - h. Proof, Certificate of Insurance, Jensen Construction, Inc.
 - i. Proof, Certificate of Liability Insurance, Reynolds, Smith & Hills, Inc.
 - j. Proof, Certificate of Liability Insurance, Jones, Edmunds & Associates, Inc.
 - k. Proof, Certificate of Liability Insurance, Aikenhead & Odom, Inc.
 - l. Proof, Certificate of Liability Insurance, Angle Tower Corporation
 - m. Proof, Cancellation of All Policies, including Bonds and Other Non-Cancellable Business, Amwest Surety Insurance Company ("Amwest"), Randall Mechanical, Inc.
 - n. Proof, Certificate of Liability Insurance, Shamrock Scale Company
 - o. Proof, Certificate of Liability Insurance, Harry's Painting & Enterp, Inc.
 - p. Proof, Certificate of Liability Insurance, Environmental Services, Inc.

(07/24/01 - 5 - 9:33 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Reardon requested to add the item, *JEA and United Water Purchase Discussion* as item 9b. Adams requested to pull item 11 and rescheduled it to August 7, 2001.

(07/24/01 - 5 - 9:34 a.m.)

APPROVAL OF REGULAR AGENDA

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

(07/24/01 - 5 - 9:35 a.m.)

1. CONSIDER THE RENEWAL OF THE COUNTY ADMINISTRATOR'S CONTRACT

Jacalone reviewed this item. Bryant supported extending Adams' contract and reviewed the evaluation done by him. Reardon stated that he supported it also. Jacalone reviewed the evaluation of Adams done by him. Kohnke agreed on renewing Adams' contract, and also stated she would like to see the evaluations done by the other Board Members. Meiszer questioned if each of the five evaluations stand on their own or are they combined to form a composite evaluation by the Board. Jacalone replied that each one would stand on it's own. Meiszer stated that he thought that the form used for Adams' evaluation was inappropriate and he would be in favor of a one year extension. He read his evaluation on Adams. Bryant stated that he would like to see an extension for more than two years. Jacalone stated that the Board should make a decision today on what they intend to do and give the information to the Attorney's Office to draft the contract to bring back to the Board. Reardon was in favor of the extension. Kohnke agreed with the two year contract. Jacalone stated that the Board wants the current contract to be continued, and he thought that would automatically renew it. He asked the Attorney's Office to bring this item back, if necessary.

(9:52 a.m.) D. Cameron Lacy, 550 Le Master Drive, Ponte Vedra Beach, spoke on behalf of extending the contract for Ben Adams.

(9:55 a.m.) Carl Burchfield, 355 Armas Avenue, responded to Meiszer's remarks. He stated that he was in favor of renewing Adams' contract. Adams remarked that he serves at the Board's pleasure, that he is proud to be here and is ready to talk to the Board about the contract. Jacalone stated that the Attorney's Office direction is to either draft a new contract or to let the current contract be automatically renewed by non action of the Board.

(07/24/01 - 5 - 9:57 a.m.)

2. UPDATE ON ST. JOHNS COUNTY'S PARTICIPATION IN THE STRATEGIC PLANNING PROCESS

Ted Zebrowsky, Intergovernmental Relations Director, introduced Ralph Kline, Chairman of the Chamber of Commerce and stated that they are asking for some clarification to the guidance they received from the Board on the June 5, BCC meeting. Kline stated, since the June 5, Commission meeting where they reached an agreement to partner on leading a visioning and strategic planning effort for St. Johns County, the Chamber has been educating the public on the process involved in the program. He reported that the enthusiastic response has been overwhelming. He remarked that the reason he was here today, was to ask, the Board, if they know of any group or organization that would like to be involved and would like to listen to their presentation. He explained the Strategic Planning Process. He stated that with all that has been said, he hoped to agree on a deadline today as to when the issues can be finalized and when they can move forward with the process. Bryant mentioned that he thought the Board's direction was that they

supported this and that they would look for some budget money and questioned, if they did look for some money when they went through the budget hearings and if it was in the recommended budget. Adams replied yes to Bryant's questions.

(10:03 a.m.) Henry Luke, Luke Planning, Inc., explained the plan and stated that it was a five-and-a-half year process. Reardon stated that in one of the documents it was to stimulate growth and the other one was to control growth. Luke replied that there are two phases; that the first phase takes six or seven months and is for the process of generating the Strategic Plan. Reardon stated that it is very important to get citizen involved in this plan. Luke stated that the process they use is to listen to a hundred or more people in focus groups to understand the County. The second meeting is what they call a community meeting and explained the purpose of this meeting. Bryant asked Luke if he was available for a private conversation with each Commissioner. Luke replied it could be arranged. Kohnke asked Luke if their Steering Committee was the same as their Task Force. Luke replied that they are not using the Committees interchangeably and explained. Kohnke stated that she would like to see more details, before committing to \$125,000. Luke responded to Kohnke's statement. Jacalone stated that they are being asked to clarify the guidance that the Board gave the last time they met on this item. He questioned where in the budget is the amount of money that the County obligated itself to the last time this item was discussed and how much money did the Board commit in this coming year's budget for that effort. Zebrowsky replied that there is \$125,000 in the proposed budget under the Economic Development Committee. Jacalone questioned, if the County can authorize spending this money while allowing Mr. Luke to be the consultant without going out for bid. Lopez replied that it might be a problem, but she will have to look into it. Zebrowsky stated that this is a contractual agreement between the County and the Chamber. Jacalone stated that his thoughts are to direct this activity to proceed. Discussion followed on the process to take now that they are going forward with this process, if the Board concurs with the interpretation of the Board's guidance from the June 5 meeting, the majority of the Steering Committee not being made up of a majority of the Chamber of Commerce members, forming a separate organization 501c3, and when the contract will be brought back to the Board.

(10:31 a.m.) Don Beattie, 808 Mill Pond Court, questioned how to incorporate already approved visioning groups into a county wide vision. Luke answered Beattie's question. Jacalone remarked that the Board concurred with the language in the Chamber of Commerce's letter dated June 25.

The meeting recessed at 10:34 a.m and reconvened at 10:43a.m.

(07/24/01 - 6 - 10:43 a.m.)

3. BRIEFING ON THE TRAVEL DEMAND STUDY CONNECTING CLAY AND ST. JOHNS COUNTIES

Suraya Teeple, Florida Department of Transportation, introduced the consultant and stated that this is their kick-off meeting. Ken Kkaltenbach, consultant, gave a briefing on the Travel Demand Study, using visual display. The Study consisted of Project Issues, primary access need and travel demands, possible corridors, project approach, system linkage/capacity analysis/travel demand, Buckman and Shands Bridges, social/environmental demands, intermodal relationships/safety/navigation, public involvement, bridge examples, schedule, and more information on future meetings. Kohnke requested that Kevin Feldt be closely involved and participating in what they are doing and questioned if they will be looking at land use scenario on both sides. Kkaltenbach responded yes. Teeple stated that is a requirement of the study to look at all social and cultural features as well and they will be examining the land use as it has been provided to them by the County. She stated that they will not be looking at alternative land use scenario, they will be taking the land use and the future projections as provided

by the County. Reardon spoke on looking at a new bridge location north of the Shands Bridge would possibly be impacting existing residential neighborhoods. Meiszer spoke on the location of the new bridge tying in with the study. Teeple responded.

(11:03 a.m.) Don Beattie, 808 Mill Pond Court, commented on the traffic modal not including traffic demands from Putnam and Flagler County. Teeple responded.

(11:04 a.m.) Diane Mills, 3455 Lewis Speedway, spoke in opposition of this item.

(11:09 a.m.) Louise Thrower, 288 Orange Avenue, stated that she wanted to know why the Shands can't be rebuilt and what it takes to rebuild it, and if another bridge is built besides the Shands, will it be an extension bridge.

(11:11 a.m.) Mary Cornwell, 2652 SR 13, voiced several concerns asking if there was any indication that a bridge would come through her area, and why nothing is being done about the Shands Bridge.

(11:16 a.m.) Sarah Bailey, 2202 Bishop Estates Road, reminded the Board that the study was done in 1992.

(07/24/01 - 7 - 11:18 a.m.)

4. PRESENTATION OF THE MULTI-MODAL TRANSPORTATIONAL STUDY BY THE ST. AUGUSTINE-ST. JOHNS COUNTY AIRPORT AUTHORITY

Ed Wuellner, Executive Director St. Augustine/St. Johns County Airport Authority, reviewed this item and presented the results of the study. The Study scope in the report was paid for 50% by the Airport Authority and 50% by the Florida Department of Transportation. The Florida Department of Transportation was not only involved in the funding but also in its preparation and development.

(11:24 a.m.) Don Ramdass, Project Manger with Earth Tech Consulting, spoke on St. Johns County Developments, tourism, existing service area transportation, proposed activity at center, and multi-modal center requirements.

(11:32 a.m.) Billy Ebert, William Ebert Architects, P.A., reviewed the multi-modal center layout, using visual display, and displayed a layout map.

(11:35 a.m.) Jack Karibo, principal with Jakari Associates, spoke on the environmental overview, funding-federal, funding-state, funding-local, program funding scenarios, economic benefit, and associated benefits. Wuellner gave closing comments, explaining where they are proposing to move on from here. He stated that they would like to come back in August for a resolution supporting the application aspect of this project only and suggested a joint meeting between St. Johns County and the Airport Authority to see what position everyone is taking. (11:45 a.m.) Strickland left the meeting.

(11:46 a.m.) Susan Timmons, 109 Ferrol Road, expressed her support for this item, and stated that she was involved with the Study. Jacalone asked Adams to facilitate the meeting of the two Boards.

(07/24/01 - 7 - 11:48 a.m.)

5. CONSIDER A REQUEST BY THE FLORIDA 4-H FOUNDATION FOR USE OF THE ST. JOHNS COUNTY CONVENTION CENTER

Glenn Hastings, Tourist Development Council, reviewed this item, recommending Boards approval.

(11:50 a.m.) Jim Browning, 103 Burning Pine Court, Ponte Vedra Beach, reviewed their intent for the celebration. Strickland reentered the meeting. **Motion by Kohnke, seconded by Reardon, carried 5/0, to grant free use of the St. Johns County Convention Center to the Florida 4-H Foundation, a not-for-profit organization to have the 100th Centennial Celebration.**

(07/24/01 - 8 - 11:57 a.m.)

6. CONSIDER THE REPLACEMENT OF AN ANIMAL CONTROL VEHICLE THAT WAS TOTALED IN A RECENT ACCIDENT

Joe Vonasek, Director Office of Management and Budget, spoke on the Board considering a transfer from General Fund Reserves to replace an Animal Control Vehicle. Jacalone spoke on the County's vehicles being included in the self insured program for the replacement of the vehicles and questioned the liability of accidents that County vehicles may be involved in. Vonasek replied that the County is insured for liability through the Florida Association of Communities Trust. Meiszer questioned whose fault it was for the accident. Vonasek answered that the driver of the Animal Control truck was charged with the accident. Meiszer questioned if any corrective action was taken for the operator of the County vehicle. Ray Ashton, Director of Emergency, stated that the operator of the County vehicle was given a three day suspension without pay. **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the budget transfer of \$26,000 to replace a totaled Animal Control vehicle.** MacDonald and Lopez left the meeting.

(07/24/01 - 8 - 12:02 p.m.)

7. CONSIDER A REQUEST BY THE NATIONAL AFRICAN AMERICAN ARCHIVES MUSEUM FOR A TWO-YEAR EXTENSION FOR THE OPENING DATE

Doug Burnett, Assistant County Attorney, advised the Board on what he has learned from his dealings with NAAAM and Mr. Moses Floyd. He stated that he read in the St. Augustine Record that Mr. Floyd said that he wouldn't be here today. Reardon asked if this item could be rescheduled since Floyd was not present. Burnett stated that people from NAAAM had requested a two year contract extension. The contract requires that the museum be opened January 1, 2000, which was already a year and a half behind schedule. He spoke on contract requirements not being met and reviewed them; Floyd signing contracts without prior approval of the County, the museum was supposed to be open to the public on or before January 1, 2000 and is still not open, supposed to give the County a formerly stated Mission Statement and supposed to be updated every two years, timely perform each of their duties under the sublease to pay \$300 per year and the County have not received any payments, suppose to have a full time paid professional, and to have regularly scheduled programs. Jacalone asked the Board if they wanted to continue with the information being provided without the representatives from NAAAM being present, or reschedule. Motion by Meiszer, seconded by Kohnke, that the request for the extension be denied. Kohnke stated that she would like to hear the rest of the presentation. Bryant stated that he does not support the motion. Reardon stated that he would like to give Floyd the opportunity to be here and suggested to postpone the item until August 14. Meiszer stated that Floyd had ample opportunity to be here and if he would have requested an extension, he would be delighted to vote in favor of it. He mentioned, if the extension is not granted, the building could serve as a community resource and still stay as a museum. Reardon stated that he would like to postpone it until Floyd could be here. Burnett stated that the two year extension was not to extend the contract for a longer period, but to extend the opening date of the museum. He mentioned that there is countless requirements in that contract that they have not met. Kohnke asked, if the extension is denied and they aren't open, doesn't it null and void the contract. Burnett responded that they are in breach of the requirement to open the museum for January, 2000. If they are in breach of the contract, then they are in breach of the sublease. If the Board should decide today or at some future date to terminate either one of those

agreements, notice has to be provided to NAAAM, and as for the Tourist Promotion Contract, it requires 45 days notice, sublease requires 60 days notice, and during that time period NAAAM has the opportunity to provide evidence that they have complied with the contract. Kohnke stated that she would like to deny the extension and then see the rest of it put into place. Jacalone agreed. Burnett stated that the Board will wind up with two more hearings, if it is continued and they are given notice to terminate. Kohnke asked if the Board denies today, doesn't it go into affect. Burnett replied that the Board would have to pass another motion to direct the County Administrator with advice of the legal department to inform them of the County's intent to terminate the contract.

(12:29 p.m.) Rev. Ronald L. Stafford, 655 Christian Street, voiced concern for the use of the building, if NAAAM is no longer involved in the building.

(12:30 p.m.) Meiszer withdrew his motion. **Motion by Kohnke, seconded by Reardon, by roll call vote carried 4/1 with Bryant opposed, to deny a two year extension for the opening date of the NAAAM Musuem.**

Roll Call Vote

Kohnke	yes
Bryant	no
Meiszer	yes
Reardon	yes
Jacalone	yes

Motion passed 4/1.

(12:32 p.m.) **Motion by Reardon, seconded by Kohnke, carried 4/1 with Bryant opposed, that NAAAM is in violation of the Tourist Promotion contract and Sublease Agreement based on today's meeting and the documents presented.** Burnett mentioned that the \$125,000 Grant was in the name of the NAAAM, assigned to the County. The Grant agreement stated in it that the term of the grant agreement runs until December 1997, making the grant agreement terminated, so the State no longer has a right to those funds. However that does not mean that the State will not come back to recover the \$125,000. He stated there was \$201,000 still outstanding, and he read in the St. Augustine Record that Floyd was going out for bids and he does not know how Floyd or NAAAM might have already encumbered some sort of debt or already gone out and contracted for things. The Lease does require this building to be used for an African American Museum. (12:34 p.m.) James Sisco, County Attorney entered the meeting. (12:36 p.m.) **Motion by Reardon, seconded by Kohnke, by roll call vote carried 4/1 with Bryant opposed, to direct the County Administrator, with the advice of the County Attorney's Office, to give written notice informing NAAAM that it is in breach of the Sublease Agreement and to further notify NAAAM that the County intends to terminate the Sublease Agreement as of September 22, 2001 and intends to terminate the Tourist Promotion Contract as of September 7, 2001. Further in the motion, the County Administrator would be authorized to take other appropriate action necessary to terminate the contracts.**

Roll Call Vote

Bryant	no
Meiszer	yes
Reardon	yes
Jacalone	yes
Kohnke	yes

The motion passed 4/1.

(12:37 p.m.) Kohnke suggested for Adams to discuss with the leadership members of this community, what might be a possible future direction for this museum and to bring back something to this Board.

(12:38 p.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to move items 8, 9, 9a, 9b, and reports to after item 10 in the afternoon.** The meeting recessed for lunch at 12:39 p.m.

The meeting reconvened at 1:30 p.m. with Jacalone, Bryant, Kohnke, Meiszer, Reardon, Adams, Sisco, and Judy Hamilton, Deputy Clerk, present.

(07/24/01 - 10 - 1:34 p.m.)

APPOINTMENT TO SCHOOL READINESS COALITION

Jacalone requested that he be allowed to make a nomination for an appointment to the Coalition. **Motion by Jacalone, motion was seconded, carried 5/0, to appoint Teresa Woodward to the School Readiness Coalition.**

(07/24/01 - 10 - 1:36 p.m.)

10. PUBLIC HEARING - INTERCOASTAL UTILITIES MOTION TO ABATE DOCKETS. THIS PUBLIC HEARING WAS CONTINUED FROM THE COMMISSION MEETING ON JULY 17, 2001. INTERCOASTAL UTILITIES, INC. HAS FILED SEVERAL MOTIONS DEALING WITH DOCKET NO. 2000-0007-0004 - APPLICATION BY INTERCOASTAL UTILITIES, INC. FOR A RATE INCREASE AND DOCKET NO. 2001-0007-0023 - INVESTIGATION OF POSSIBLE OVEREARNINGS OF INTERCOASTAL UTILITIES, INC.

Proof of publication on the continuation of public hearing on Intercoastal Utilities Motion to Abate Dockets, was received, having been published in *The St. Augustine Record* on July 21, 2001.

Ken Gatlin, special counsel for St. Johns County Water and Sewer Authority, presented this issue to the Board for consideration. (1:39 p.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to enter Order No. 01-00013, approving the agreement.**

(07/24/01 - 10 - 1:45 p.m.)

8. CONSIDER APPOINTMENTS TO THE WATER AND SEWER AUTHORITY

Patsy Heiss, Assistant to the Administrator, made presentation of the requested appointments. *Motion by Kohnke, seconded by Jacalone, failed 2/3 with Meiszer, Jacalone, and Reardon dissenting, to appoint David Ritchie for a four-year term to the Water and Sewer Authority.* **Motion by Reardon, seconded by Meiszer, carried 4/1 with Kohnke dissenting, to reappoint Rita Friedman to the Lay Person position on the Water and Sewer Authority for a four-year term, scheduled to expire July 24, 2005.** **Motion by Reardon, seconded by Meiszer, carried 5/0, to reappoint Victor Martinelli to the Lay Person position on the Water and Sewer Authority for a three-year term, scheduled to expire July 24, 2004.** **Motion by Reardon, seconded by Bryant, carried 5/0, to reappoint William Webster to the Technical/Business Administration position on the Water and Sewer Authority for a two-year term, scheduled to expire July 24, 2003.**

(07/24/01 - 10 - 1:51 p.m.)

9. CONSIDER A REQUEST TO AMEND THE FISCAL YEAR 2001 CAPITAL IMPROVEMENT PROGRAM

Bill Young, Utility Director, addressed the Board, requesting to amend the current CIP to eliminate the \$1,400,000 Water Storage and Booster Station project and replace it with a

\$700,000 A1A water main project, leaving all funding sources unchanged. Discussion followed on the requested CIP amendment. (1:54 p.m.) Doug Burnett, Assistant County Attorney, entered the meeting. **Motion by Reardon, seconded by Bryant, carried 4/0 with Kohnke temporarily out of the auditorium, to amend the FY 2001 Capital Improvement Program to eliminate the \$1,400,000 Water Storage and Booster Station Project and replace it with a \$700,000 A1A Water Main Project.**

Allen Macdonald, Finance Director, asked the Board to accept the Unit Connection Fee Projects list, which was handed out to the Board at this time. Extensive discussion followed. Kohnke re-entered the meeting at 1:58 p.m. *Motion by Reardon to accept the Unit Connection Fee Projects list as indicated by the Utilities Department. Motion died for lack of a second.* Further discussion ensued. (2:11 p.m.) **Motion by Meiszer, seconded by Kohnke, carried 5/0, to approve this list to be paid for from the unit connection fees as requested.**

(07/24/01 - 11 - 2:13 p.m.)

9a. MOTION TO ADOPT A RESOLUTION RECOGNIZING UNANTICIPATED REVENUE FROM THE STATE OF FLORIDA IN THE AMOUNT OF \$34,150 TO DEVELOP A TERRORISM PLAN AND ITS APPROPRIATION TO 0046-55305 STATE GRANT EXPENDITURE

This item had been pulled from the Consent Agenda (Item #4). Brief discussion was held on the resolution, with questions answered by Joe Vonasek and Ray Ashton. **Motion by Reardon, seconded by Bryant, carried 5/0, to adopt Resolution 2001-158 recognizing unanticipated revenue from the State of Florida in the amount of \$34,150 to develop a Terrorism Plan and its appropriation to 0046-55305 State Grant Expenditure.**

RESOLUTION NO. 2001-158

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2001 GENERAL REVENUE AND EXPENDITURE BUDGETS TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE THROUGH ITS EMERGENCY MANAGEMENT DEPARTMENT

(07/24/01 - 11 - 2:20 p.m.)

9b. JEA AND UNITED WATER PURCHASE DISCUSSION

Reardon had requested that information should be presented in an open forum and requested a workshop for JEA and United to present the terms of the proposed deal. Discussion followed on the proposed purchase.

(07/24/01 - 11 - 2:36 p.m.)

COMMISSIONERS' REPORTS

Commissioner Kohnke:

None.

Commissioner Reardon:

None.

Commissioner Bryant:

None.

Commissioner Meiszer:

None.

Commissioner Jacalone:

Jacalone spoke on recognizing action regarding the Government-TV Committee; pavement of County boat ramps, recognition of winner of British Open, David Duval.

(07/24/01 - 12 - 2:40 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams responded to checking out boat ramp pavements, redistricting meetings, and voting procedures.

(07/24/01 - 12 - 2:42 p.m.)

COUNTY ATTORNEY'S REPORT

None.

(07/24/01 - 12 - 2:42 p.m.)

CLERK OF COURT'S REPORT

None.

(07/24/01 - 12 - 2:43 p.m.)

11. PUBLIC HEARING - PUD-2001-10 - DREAM HOMES OF THE FIRST COAST PLANNED UNIT DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED AT 1800 SR 207. THIS REQUEST SEEKS TO REZONE 3.24 ACRES FROM RESIDENTIAL, GENERAL (RG-20 TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE DEVELOPMENT OF A FACILITY FOR THE SALES AND DISPLAY OF MOBILE/MANUFACTURED AND MODULAR HOMES. THE APPLICANT STILL REQUESTS THAT THE REVERTER PROVISION BE ALLOWED. STAFF CANNOT SUPPORT A REVERTER PROVISION. ONCE REZONED TO PUD, THE PROPER METHOD TO CHANGE PROVISIONS OF A PUD IS THROUGH THE MODIFICATION PROCESS PURSUANT TO SEC. 5.03.05 OF THE LAND DEVELOPMENT CODE. WHILE "REVERTER PROVISIONS" WERE OCCASIONALLY INCLUDED IN STRAIGHT REZONING ORDINANCES MANY YEARS IN THE PAST, STAFF STRONGLY DISCOURAGES SUCH PROVISIONS, PARTICULARLY WITHIN PUDS. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS APPLICATION, WITHOUT THE REVERTER PROVISIONS, UNANIMOUSLY AT THEIR MEETING ON JULY 5, 2001. THE APPLICANT WOULD LIKE TO PRESENT THE REVERTER PROVISION FOR THE BOARD'S CONSIDERATION.

This item was pulled and rescheduled to August 7, 2001.

(07/24/01 - 12 - 2:42 p.m.)

12. PUBLIC HEARING - AMENDMENT TO ARTICLE IV OF THE LAND DEVELOPMENT CODE. THIS IS A CONTINUATION OF THE MEETING THAT FOLLOWED THE TWO REQUIRED PUBLIC HEARINGS TO CONSIDER A PROPOSED AMENDMENT TO ARTICLE IV OF THE ST. JOHNS COUNTY LAND

DEVELOPMENT CODE. SPECIFICALLY, THIS ORDINANCE AMENDS ARTICLE IV SECTION 4.01.06, ENVIRONMENTALLY SENSITIVE AREAS - WETLANDS, ESTUARIES AND NATURAL WATER BODIES, TO INCLUDE NEW UPLAND BUFFER STANDARDS AND DELETE SUBSECTIONS 4.01.02.E PERTAINING TO LOTS OF RECORD, 4.01.02.F PERTAINING TO SHORELINE STABILIZATION AND 4.01.02.G PERTAINING TO RIPARIAN ACCESS WHICH ARE NOW INCLUDED IN THE REVISED SECTION 4.01.06. AT THE SECOND PUBLIC HEARING ON JUNE 26, 2001, TWO ALTERNATIVE PROPOSALS FOR UPLAND BUFFER REGULATIONS WERE PRESENTED BY THE AUDUBON SOCIETY AND PARTIES REPRESENTING CERTAIN MEMBERS OF THE DEVELOPMENT COMMUNITY. THESE PROPOSALS ARE INCLUDED AS POSSIBLE ALTERNATIVES TO THE STAFF PROPOSED AMENDMENTS. ATTACHED ARE THE FOLLOWING SUPPORTING MATERIAL: (A) COUNTY STAFF PROPOSED AMENDMENTS TO SECTION 4.01.06 WITH THE IMPLEMENTING ORDINANCE AND AMENDED ARTICLE IV; (B) AN ALTERNATIVE AMENDMENT PROPOSED BY THE AUDUBON SOCIETY; (C) AN ALTERNATIVE AMENDMENT PROPOSED BY PARTIES REPRESENTING CERTAIN MEMBERS OF THE DEVELOPMENT COMMUNITY; AND, (D) A COMPARISON TABLE ILLUSTRATING THE DIFFERENT PROPOSED BUFFER WIDTHS CONTAINED IN THE ABOVE THREE ALTERNATIVES

Proof of public hearing of the Amendment to Article IV of the Land Development Code, was received, having been published in *The St. Augustine Record* on July 14, 2001.

Scott Clem Director of Growth Management Services, made a presentation to the Board, utilizing visual display of the proposed upland buffer zones. Discussion was held by Board members regarding further public comment. Jacalone opened the meeting to public comment. (2:52 p.m.) Roy Hinman, 3899 Winterhawk, St. Augustine, spoke on government confiscating private property rights. Sisco and MacDonald left the meeting. (3:04 p.m.) Mary Cornwell, 2652 S.R. 13, Switzerland, spoke on adding to the list Kentucky Branch, Orange Grove Branch, Hallows Cove, and supported protection of flood plains. (3:06 p.m.) Bob Kroner, Jr., 1298 Ponte Vedra Blvd., spoke on smaller buffers. (3:10 p.m.) Ronald Woodbury, 337 Fiddlers Point Drive, St. Augustine, spoke in favor of stronger wetland protection. (3:12 p.m.) Ed Braren, 2735 C.R. 214, spoke against the proposed ordinance. (3:12 p.m.) Robin Nadeau, 26 Mickler Blvd., St. Augustine, spoke in favor of buffers and clean water. (3:15 p.m.) Daniel J. Hill, 5287 Redbird Rd., St. Augustine, spoke on clean water and against the ordinance. (3:17 p.m.) Glenn Marvin, Deerwood Park Blvd., spoke in opposition to all these ordinances. (3:17 p.m.) Tom Ingram, 200 W. Forsyth St., Ste. 1400, Flagler Development Co., spoke on versions of the ordinance. (3:19 p.m.) Mary Faith Floyd Spikes, 5555 Bouke Floyd Rd., Elkton, spoke in opposition to the ordinance. (3:20 p.m.) David Bowen, Jr., 9349 Old A1A, St. Augustine, spoke on retention ponds and against the ordinance. (3:24 p.m.) Peg McIntire, 4600 A1A South, "Grandparents for Peace," spoke in favor of controls. (3:26 p.m.) Pierre Pierce, 104 Falcon Rd., St. Augustine, spoke in favor of buffer zones. (3:28 p.m.) Margaret Kaler, 16 Garnett Ave., St. Augustine, spoke in favor of the ordinance. (3:31 p.m.) Francis M. O'Loughlin, 1925 S.R. 207, St. Augustine, spoke in opposition to the ordinance. (3:35 p.m.) Edward Paucek, 970 Irma Way, St. Augustine, spoke against the ordinance. (3:42 p.m.) Frank De Roche, 265 Churchill Rd., St. Augustine, spoke against the ordinance. (3:44 p.m.) Michael Cochran, 3955 C.R. 13 South, spoke in opposition to the ordinance. (3:47 p.m.) Sara Baily, 6 Rio Vista Dr., St. Augustine, spoke on protecting green areas. (3:50 p.m.) James Rollins, Jr., 1820 SR 207, Lot B, St. Augustine, spoke on wetlands. (3:54 p.m.) Kitty Polder, 604 Mulligan Way, Ste. A, spoke on saving the environment.

The meeting recessed at 3:55 p.m. and reconvened at 4:08 p.m.

(4:08 p.m.) Robert Campbell, 401 Kont-tiki Circle, spoke in support of the ordinance. (4:11 p.m.) Mark Sokolay, 8461 Hardwood Landing Rd., spoke in opposition. (4:12 p.m.) Leo O'Farrell, 85 Catalina Cir., spoke in favor of the buffer ordinance. (4:14 p.m.) Jim Stockton, 1644 Ponte Vedra Blvd., spoke in favor the buffer ordinance. (4:18 p.m.) Sarah W. Bailey, 2202 Bishop Est. Rd., spoke on finding other solutions if they voted against the buffer ordinance. (4:21 p.m.) Marilyn Deprey, 3824 Hickory Lane, St. Augustine, spoke in favor of the ordinance. (4:24 p.m.) Calvin King, 435 Flagler Blvd., spoke against the ordinance. (4:27 p.m.) Forest Weaver, 2245 C.R. 13 South, was opposed to the ordinance. (4:30 p.m.) Roger Van Ghent, 4005 St. Moultrie Foreside Blvd., St. Augustine, representing the Audubon Society, spoke in favor of the Audubon draft and in favor of the ordinance. (4:42 p.m.) Jerry Cameron, 518 Gentian Rd., St. Augustine, spoke against the ordinance. (4:47 p.m.) Don Beattie, 808 Mill Pond Ct., spoke in favor of the ordinance. (4:52 p.m.) Bruce A. Maguire, 5202 Pheasant Run Ct., Ponte Vedra Beach, spoke against taking away property rights, pay for buffers or find other means. (4:58 p.m.) Sacha Martin, 133 Coastal Hollow Circle, spoke in favor of the ordinance. (5:00 p.m.) Marilyn Wiles, 8220 A1A South, St. Augustine, spoke in favor of the ordinance.

The issue was brought back to the board for discussion. (5:05 p.m.) **Motion by Kohnke, seconded by Meiszer, failed 2/3 via roll call vote:**

Meiszer	yes
Reardon	no
Jacalone	no
Kohnke	yes
Bryant	no

to approve as in the book. (Motion failed 2/3.)

The meeting recessed at 5:28 p.m. and reconvened at 5:34 p.m.

(07/2401 - 14 - 5:35 p.m.)

13. PUBLIC HEARING - "ST. JOHNS COUNTY BEACH CODE" ORDINANCE CHANGES. THIS NEW ORDINANCE WILL AMEND ORDINANCE 97-34, WHICH FURTHER REGULATES THE LOCATION OF HOOFED ANIMALS ON THE UNINCORPORATED BEACHES IN ST. JOHNS COUNTY. THE PROPOSED ORDINANCE, ALTHOUGH ESSENTIALLY THE SAME AS PRESENTED ON JUNE 19, REFLECTS THE ADDITION OF LANGUAGE THAT REQUIRES PROMPT REMOVAL OF DEFECATION FROM PUBLIC BEACH ACCESS RAMPS AND ADJACENT PARKING AREAS. SPECIFIC LANGUAGE REGARDING THE RESTRICTION OF HORSEBACK RIDING AWAY FROM THE DUNE SCARP WAS NOT INCLUDED SINCE SECTION 7.01 OF THE BEACH CODE ESTABLISHES A CONSERVATION ZONE AND PROHIBITS VEHICLE AND PEDESTRIAN ACTIVITIES 15 FEET SEAWARD FROM THE SEAWARD TOE OF THE MOST SEAWARD DUNE, DUNE SCARP, SEAL WALL, OR LINE OF PERMANENT VEGETATION, OR HALF THE DISTANCE TO THE MEAN HIGH WATER LEVEL, WHICHEVER IS LESSER. SECTION 7.01 ALSO PROHIBITS DISTURBING OR REMOVING ANY EXISTING NATURAL VEGETATION

Proof of publication of public hearing on St. Johns County Beach Code, hoofed animals, was received, having been published in *The St. Augustine Record* on July 11, 2001.

Dave Williams, Department of Recreation and Parks, Aquatics Superintendent, made a presentation to the Board. Discussion was held and questions answered by Staff. Meiszer requested deletion of "in the future" in section (d). Public comment was opened. (5:56 p.m.) The following spoke in favor of horseback riding and against the proposed ordinance: Beverly Green, 1725 CR 13-A South, Elkton, Horse Council, President; Diana

Kelley, 972 Ponte Vedra Blvd.; Dawn Lazasre, 4181 Clearwater Lane, Jacksonville; Frances Smith, 1341 Roberts Rd.; Jeff Linzy, Corbin Rd.; Ric Lehman, 361 Crossroads Lakes; Berkeley Hill, 1870 Fruit Cove Woods Dr.; Shari Schurr and Kristen Schurr, 107 E. Dolphin Blvd.; Sandi Baxter, 215 Ranch Rd., Ponte Vedra; Tammy Romanczuk, 299 Ranch Rd., Ponte Vedra; Ellen O'Brien, 102 Lands End, Ponte Vedra Beach; Mark Broughton, 1840 Twelve Oaks Lane, Neptune Beach; Denny Berenberg, 91 San Juan Dr. C-2, Ponte Vedra Beach; Terri Perreault, 4225 Jefferson Ave. So., Hastings; Judy Simms, 1855 C.R. 13A S., Elkton; Jarrett Lehman, 248 N. Roscoe Blvd., Ponte Vedra Beach; John R. Salassa, 6090 St. Andrews Court, Ponte Vedra Beach; Jim Stockton, 1044 Ponte Vedra Blvd.; Donald Manucy, 5770 Don Manuel Rd., Elkton. (6:55 p.m.) Donna Ribar, 1800 Isherwood Ter., spoke on it being common sense that changes needed to be made and the beaches should be opened up. Further discussion ensued by the Board.

(7:45 p.m.) **Motion by Meiszer, seconded by Reardon, carried 5/0, to investigate removing restrictions on North Beach and direct Staff and the County Administrator to establish hours on an experimental basis on South Beach, to be evaluated by the Beach Manager, and report if modifications are needed, for six months, for experimental hours.** Staff was directed to have the lifeguards to observe situations on the beach where horses are involved for any hazardous situations.

(7:50 p.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to adjourn.** There being no further business to come before the Board, the meeting adjourned at 7:50 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check Numbers 306753 through 307084, totaling \$1,560,663.50, dated 07/24/01
2. St. Johns Board of County Commissioners Check Register, Check Numbers 306485 through 306752, totaling \$453,438.05, dated 07/17/01
3. St. Johns Board of County Commissioners Check Register, Check Numbers 306467 through 306484, totaling \$30,868.59, dated 07/13/01

CORRESPONDENCE:

1. Letter to Ronald Brown, dated July 13, 2001, regarding Lease Agreement between St. Johns County and Town of Hastings for space in Historic Hastings High School for use by Tax Collector
2. Letter to Florida Department of Revenue, dated July 12, 2001, regarding Resolution 2001-145 increasing Local Communications Services Tax conversion rate
3. Certified Mail, Letter to Edison Burney, Burneys Septic Tank Company, regarding Permit Modification to Minor Industrial Permit; SLA001, dated June 13, 2001
4. Certified Mail, Letter to Johnny Moore, Moores Sand & Septic, regarding Modified Permit SLA002, dated June 13, 2001
5. Certified Mail, Letter to Eric J. Arendt, Stant Corporation, regarding Industrial Pretreatment Compliance Inspection, Ideal division; Permit 002, dated June 13, 2001
6. Certified Mail, Letter to Davis Precast & Ready-Mix Concrete Inc., regarding Permit SLA004, dated June 13, 2001

7. Memorandum from Scott A. Clem, Director of Growth Management Services, to Ben Adams, County Administrator, dated February 7, 2000, regarding Community Development District Processing Group

Approved: August 7, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk