

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JANUARY 15, 2002
(9:00 A.M.)**

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

Present were: Marc Jacalone, District 3, Chair
 James E. Bryant, District 5, Vice Chair
 Nicholas Meiszer, District 1
 John Reardon, District 2
 Mary Kohnke, District 4
 Ben W. Adams, Jr., County Administrator
 Isabelle Lopez, Assistant County Attorney
 Michael Hunt, Assistant County Attorney
 Judy Hamilton, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director, Clerk's Office

(01/15/02 - 1 - 9:02 a.m.)
Chair Jacalone called the meeting to order.

(01/15/02 - 1 - 9:04 a.m.)
Meiszer gave the Invocation. Kohnke led the Pledge of Allegiance.

(01/15/02 - 1 - 9:04 a.m.)
ROLL CALL

The Deputy Clerk called the roll.

(01/15/01 - 1 - 9:04)
PRESENTATION BY THE UNITED STATES NAVY LEAGUE BY GEORGE BRENICK

Brenick spoke on the Navy League of the United States, a civilian organization dedicated to educational and motivational goals of the citizens and sea forces and stated what the League supported and advocated.

(9:10 a.m.) A Proclamation designating Tuesday, January 15, 2002, as Navy League Day, was presented to Brenick by the Board. Reardon read the Proclamation into the record.

(01/15/02 - 1 - 9:12 a.m.)
PUBLIC COMMENT

Clu Wright, 2865 Affirmed Ct., spoke on Volunteer Fire Service awards and training, and explained his situation of not receiving the reward after having served 21 years and then retiring. Jacalone responded by stating that he knew Wright and directed Staff to investigate the matter. Meiszer requested that if it was determined he was entitled to an award, that it be presented to Wright at a Board meeting.

(9:17 a.m.) Stephen Crooms, 936 Ervin St., CRA President, addressed the Board to convey concerns on policing in West Augustine and asked for something to be done in getting drugs and prostitution off the streets. Reardon recommended meeting with the

Sheriff's Office. The Commission will advise the Sheriff of their continued concerns. Kohnke recommended they invite the Sheriff to a meeting and ask for assignment of a liaison officer to work with that community. Meiszer stated committees were a waste of time and stated the need for money to be allocated and the need for enforcement. Reardon asked for copies to be made of a handout and made available to those involved. (9:31 a.m.) Rev. Ronald Stafford, 655 Christopher Street, asked to be included.

(01/15/02 - 2 - 9:33 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(01/15/02 - 2 - 9:33 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
 - 09/12/01 - BCC/School Board Special Meeting, Redistricting
 - 12/11/01 - BCC Regular
 - 12/18/01 - BCC Regular
 - 12/21/01 - BCC Special
 - 12/28/01 - BCC Special
3. Motion to establish February 5, 2002 at 5:30 p.m. and February 26, 2002 at 1:30 p.m. as public hearing dates to consider amendments to the Land Development Code
4. Motion to adopt **Resolution No. 2002-04**, authorizing the Clerk of Courts to file the survey map of Truman Pacetti Road claiming a vested interest by St. Johns County in the right-of-way

RESOLUTION NO. 2002-04

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF COURTS TO FILE THE SURVEY MAP OF TRUMAN PACETTI ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC PER CASE LAW *BERGER VS. CITY OF CORAL GABLES, 101 SO.2D 396 (FLA. DIST. CT. APP.-3D DIST. 1958)*

5. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, DCR Engineering Services for RFQ No. 02-29, Supervisory Control and Data Acquisition (SCADA) System Services for the Utility Department; and if an agreement cannot be reached authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm and continue until an agreement is reached (*See Attachment "A"*)
6. Motion to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, Sverdrup Civil, Inc. for RFQ No. 02-21, Professional Services - CR 210 @ I-95 Four Laning; and if an agreement

cannot be reached, authorization is requested to terminate negotiations and begin negotiations with the No. 2 ranked firm and continue until an agreement is reached (*See Attachment "B"*)

7. Proofs:
 - a. Proof, Certificate of Liability Insurance, Century Ambulance Service, Inc.
 - b. Proof, Certificate of Liability Insurance, PBM Constructors, Inc.
 - c. Proof, Notice to Bidders, Bid No. 02-42

(01/15/02 - 3 - 9:34 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were neither additions nor deletions to the Regular Agenda.

(01/15/02 - 3 - 9:34 a.m.)

APPROVAL OF REGULAR AGENDA

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

(01/15/02 - 3 - 9:35 a.m.)

1. PROGRESS REPORT ON THE AT&T BROADBAND COMPLAINT RESOLUTION BY ANNE CARTER-MURPHY, AT&T'S BROADBAND GOVERNMENTAL AFFAIRS MANAGER

Joe Vonasek, Management and Budget Director, introduced Anne Carter-Murphy, AT&T's Broadband Governmental Affairs Manager, who spoke to the Board. Reardon voiced concerns about the Hastings area receiving government broadcasts. Carter-Murphy answered they were trying to work out a technology to provide replay utilization and possibly hiring a local person. She said it would be very costly to relay that signal to Hastings. Kohnke asked why they get a fuzzy picture on CBS, Channel 3. Further discussion ensued on the issue. (9:39 a.m.) Meiszer commented on the tape covering the Hastings area; Staff will assist. Jacalone stated there were a reduced number of complaints, so no action was necessary. There was no public comment, and no action was taken.

(01/15/02 - 3 - 9:43 a.m.)

2. PRESENTATION ON THE RACETRACK ROAD FOUR LANING PROJECT

Joe Stephenson, Public Works Director, made a presentation to the Board, with visual display. The project limits were reviewed. Project History: Julington Creek Plantation Development Order approved on September 28, 1993; Development Order Highlights – JCP to give County \$1.8 million for roadway improvements, \$1.8 million must be expended by December 31, 2004, County to choose either to Four-Lane Racetrack Road or Pave Russell Sampson Road; BCC chose to Four-Lane Racetrack Road on April 27, 1999 by Resolution 99-71 – Construction must begin by May, 2004 to meet deadline; Contract for design by England Thims and Miller was signed in May, 1999; ETM selected through the RFP process from a field of 13 consultants; the current design calls for a 200 foot right-of-way along the 1.6 mile project; design has remained at 90% since March, 2000; the County has purchased two parcels – one from RT Timber and one from Mr. Williams – both parcels at or near appraised value; there are three outstanding parcels necessary for the project – two from Mr. And Mrs. Hinson and one from Mr. Bell; and, the three outstanding parcels are adjacent along the north side of the road. Project Costs: Current Design 200 foot right-of-way – Design in the amount of \$310,000, Construction in the amount of \$3,300,000, Right-of-way in the amount of \$28,969 Outstanding Parcels, for a total of \$3,638,969 and Costs Below; Costs are exclusive of wetland mitigation and the use of the pond built by JCP; and, Outstanding Parcels may have additional expenses. Options to complete the project: Option 1 – Acquire

outstanding parcels by negotiation; Option 2—Redesign to a 133-foot typical section through the outstanding parcels; and, Option 3—Acquire outstanding parcels by exercise of Eminent Domain. Stephenson then reviewed the Options, listing advantages and disadvantages. It was Staff's recommendation to give further effort to acquire outstanding parcels by negotiation of sale and purchase, including updated appraisals, and return to the Board within 45 days with a final report and recommendation. Discussion was held on the various options. All agreed Option 1 was preferred.

(10:13 a.m.) Don Beattie, 808 Mill Pond Ct., spoke on the CDD having paid for the widening of Racetrack Road.

It was the consensus of the Board to proceed with Staff's recommendation.

The meeting recessed at 10:16 a.m. and reconvened at 10:29 a.m. Hunt left the meeting at 10:16 a.m.

(01/15/02 - 4 - 10:29 a.m.)

3. CONSIDER A REQUEST FOR A BUDGET TRANSFER FOR THE WEST KING STREET LANDSCAPING PROJECT

Joe Stephenson, Public Works Director, made presentation of this request to the Board, stating the transfer was requested to fix a 'glitch.' Staff gave an update on the progression of the project. (10:31 a.m.) There was no public comment. **Motion by Reardon, seconded by Bryant, carried 5/0, to approve the transfer of \$42,230.00 from General Fund Reserves 0083-59920 to the Transportation Trust Fund Capital Improvements 1114-56301, contingent upon the \$24,000 from the St. Johns River Water Management District reimbursable grant be deposited back into the General Fund Reserves when it is received.**

(01/15/02 - 4 - 10:33 a.m.)

4. CONSIDER ENTERING INTO A CONTRACT FOR THE REQUEST FOR QUALIFICATIONS 02-19 - ADVERTISING AGENCY FOR ST. JOHNS COUNTY

Joe Burch, Purchasing Manager, made presentation, of the proposed contract for advertising in St. Johns County, stating the #1 ranked firm was The Meridian Group. Much discussion was held on the rankings of the various firms and qualifications of the applying agencies.

(10:55 a.m.) Brenda Bushell, 135 Marine St., asked the Board to reconsider this issue.

(11:08 a.m.) Bruce Lucker, 545 Grenada Terrace, spoke on the need to move forward.

(11:14 a.m.) Joseph Takach, 2003 East Los Olas Blvd., Ft. Lauderdale, spoke as being anxious to get started. (11:15 a.m.) Ed Brunson, 3058 Prescott Falls, Jacksonville, spoke on total number of points in the ranking system.

Further discussion ensued. (11:16 a.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to allow the County Administrator, or his designee, to negotiate with and enter into a contract with the No. 1 ranked firm, The Meridian Group, or if an agreement cannot be reached with the No. 1 ranked firm, authorization to terminate negotiations and begin negotiations with the No. 2 ranked firm, and continue until an agreement is reached. (See Attachment "C")**

(01/15/02 - 5 - 11:25 a.m.)

5. CONSIDER CLAY COUNTY SINGLE FAMILY BONDS AUTHORIZING A RESOLUTION OF THE HOUSING FINANCE AUTHORITY

Tom Crawford, Director of Housing & Community Development, made a presentation to the Board. **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2002-05:**

RESOLUTION NO. 2002-05

A RESOLUTION APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF CLAY COUNTY OF ITS TAX EXEMPT SINGLE FAMILY MORTGAGE REVENUE BONDS IN THE AGGREGATE AMOUNT NOT TO EXCEED \$75,000,000.00 TO PROVIDE FUNDS TO FINANCE THE PURCHASE OF QUALIFYING SINGLE FAMILY RESIDENCES IN VARIOUS COUNTIES WITHIN THE STATE OF FLORIDA, INCLUDING ST. JOHNS COUNTY AND THE OPERATION OF THE HOUSING FINANCE AUTHORITY OF CLAY COUNTY WITHIN THE TERRITORIAL BOUNDARIES OF ST. JOHNS COUNTY WITH RESPECT TO SAID BONDS; AND PROVIDING AN EFFECTIVE DATE

(01/15/02 - 5 - 11:27 a.m.)

6. CONSIDER APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Patsy Heiss, Assistant to the Administrator, made presentation of the vacancy. **Motion by Kohnke, seconded by Reardon, carried 5/0, to appoint Carter Hendersen to the Industrial Development Authority for an initial four-year term, scheduled to expire January 15, 2006.** Staff was directed to incorporate the new Commission district line boundaries and make appropriate district number changes to the various boards and committees.

(01/15/02 - 5 - 11:30 a.m.)

COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke spoke on the designated traffic pattern for the TPC this year.

Commissioner Reardon:

Reardon spoke on tow trucks and debris left in the middle of intersections after accidents.

Commissioner Bryant:

No report.

Commissioner Meiszer:

Meiszer commented on the County Administrator having the ability to meet with the Sheriff.

Commissioner Jacalone:

Jacalone spoke on a memorandum he had from Cathy Fleming, Junior Service League, regarding acquisition of the Lighthouse and the process that was going on with the transfer of ownership.

Jacalone encouraged the Board to review the Northwest Sector draft.

Bryant stated the County might wish to donate its property adjacent to the Lighthouse. Staff is pursuing that issue.

Kohnke stated the County does not own the old municipal building in St. Augustine Beach. It belongs to the City of St. Augustine Beach.

(01/15/02 - 6 - 11:43 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams reminded the Board of the Joint BCC/School Board meeting on January 24 in Conference Room "B", County Administration Building. Board members added items to the agenda.

(01/15/02 - 6 - 11:47 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(01/15/02 - 6 - 11:48 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:50 a.m. and reconvened at 1:33 p.m. with Jacalone, Bryant, Meiszer, Reardon, Kohnke, Adams, Bosanko, and Deputy Clerk Lenora Newsome present.

(01/15/02 - 6 - 1:33 p.m.)

7. PUBLIC HEARING - HARLEY DAVIDSON PUD -#2001-21 PLANNED UNIT DEVELOPMENT. THIS REQUEST SEEKS TO MODIFY THE STONE MILL CARPET OUTLET PSD ORDINANCE NO. 94-53, AS AMENDED, LOCATED AT 2575 SR 16, TO ADD NEW AND USED MOTORCYCLE AND RELATED VEHICLE SALES, SERVICE AND REPAIR AS A PERMITTED USE. THE ADDITION OF A USE REQUIRES A MAJOR MODIFICATION ACCORDING TO LDC SECTION 5.03.05.C. MAJOR MODIFICATIONS TO PSDS CONSTITUTE A REZONING TO PUD AS REQUIRED BY LDC SECTION 5.03.09. THUS THIS APPLICATION INCLUDES BOTH A MAJOR MODIFICATION AND A REZONING. THIS REQUEST INCLUDES THE FOLLOWING CHANGES: NEW AND USED MOTORCYCLE AND RELATED VEHICLE SALES, SERVICE AND REPAIR ARE ADDED AS A PERMITTED USE; THE PSD IS REZONED TO PUD; THE NAME IS CHANGED TO HARLEY DAVIDSON OF ST. AUGUSTINE PUD; AND THE SIGNAGE IS MODIFIED. THE PROPOSED HARLEY DAVIDSON DEALERSHIP SHALL UTILIZE THE EXISTING BUILDINGS. THEY HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PSD AND NO MODIFICATIONS TO THE STRUCTURES ARE REQUIRED FOR THIS USE. A FINAL CERTIFICATE OF CONCURRENCY (FCOC) CONMIN 2001-24 WAS APPROVED FOR A 15,000 SF DEALERSHIP IN AN EXISTING BUILDING.

THE PLANNING & ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR JANUARY 3, 2002 MEETING WITH A 7-0 VOTE.

Proof of publication of the notice of public hearing on the rezoning, Harley Davidson PUD 2001-21, was published in The St. Augustine Record on December 19, 2002.

Nicole Clayton, Planner II, reviewed this item, stating that this application includes a major modification and rezoning, and stated the following changes to the PSD; the addition of the use, the PSD is rezoned to PUD, the name is changed to Harley Davidson of St. Augustine PUD, and the signage is modified to bring it into compliance with the Land Development Code. She mentioned that Staff has no objections to approval of this major modification and rezoning. Kohnke stated that she was in approval. **Motion by Reardon, seconded by Kohnke, carried 5/0, to enact Ordinance No. 2002-03, known as Harley Davidson PUD (PUD-2001-21), adopting Findings of Fact 1 through 6 to support the motion.** Myrtle Hollingsworth, 3956 Ponce de Leon North, thanked everyone for taking care of this item in a hassle-free way.

ORDINANCE NO. 2002-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A MAJOR MODIFICATION TO THE STONE MOUNTAIN CARPET MILL OUTLET PSD, ORDINANCE 94-53, AS AMENDED, AND REZONING LANDS AS DESCRIBED HEREINAFTER FROM PLANNED SPECIAL DEVELOPMENT (PSD) TO HARLEY DAVIDSON OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(01/15/02 - 7 - 1:39 p.m.)

8. PUBLIC HEARING - NZVAR -#01-0017 - RICHARD DAVIS NON-ZONING VARIANCE TO SECTION 5.01.01.C.1 AND SECTION 6.04.07 OF THE LAND DEVELOPMENT CODE. THE SUBJECT PROPERTY IS LOCATED AT 770 FAVOR DYKES ROAD. THIS APPLICANT (RICHARD DAVIS) IS REQUESTING A NON-ZONING VARIANCE TO SECTION 5.01.01.C.1 (PLATTING) AND 6.04.07 (ROADWAY DESIGN) OF THE LAND DEVELOPMENT CODE. SECTION 5.01.01.C.1 OF THE LAND DEVELOPMENT CODE REQUIRES THAT ANY DIVISION OF PROPERTY INTO MORE THAN 2 LOTS REQUIRES PLATTING. SECTION 6.04.07 OF THE LAND DEVELOPMENT CODE REQUIRES THAT ACCESS TO MORE THAN 2 RESIDENTIAL UNITS BE PROVIDED VIA A 60' RIGHT-OF-WAY WITH A PAVED ROAD THAT MEETS THE TECHNICAL STANDARDS OF THE CODE. ALTHOUGH STAFF CAN'T RECOMMEND APPROVAL OF THESE VARIANCES BASED UPON THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, ALL APPLICABLE DEPARTMENTS HAVE REVIEWED THIS APPLICATION AND, OTHER THAN THE CONDITIONS OF THE PLANNING DEPARTMENT, STAFF HAS NO OTHER OBJECTIONS.

Proof of publication of the notice of public hearing on non-zoning variance, NZVAR 01-0017, Richard Davis, was published in The St. Augustine Record on January 4, 2002.

Darryl Locklear, Development Review Engineering Manager, reviewed this item. George McClure, representing Richard Davis, explained the reason for the variance.

Motion by Reardon, seconded by Bryant, carried 5/0, to approve NZVAR 2001-0017 based upon the evidence provided for all of the Five Findings of Fact.

Motion by Reardon, seconded by Bryant, carried 5/0, to adjourn There being no further business to come before the Board, the Meeting adjourned at 1:44 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #313627 through #313856 totaling \$1,302,839.85 (01/08/02)
2. St. Johns Board of County Commissioners Check Register, Check #313857 through #313875 totaling \$38,115.05 (01/10/02)

CORRESPONDENCE:

1. Letter dated January 3, 2002 to St. Augustine Airport Authority regarding an original executed copy of the Interlocal Agreement between The St. Augustine-St. Johns County Airport Authority and the St. Johns County Board of County Commissioners authorizing temporary delay of the collection of Impact Fees for The St. Augustine-St. Johns County Airport Authority

Approved _____ February 5 _____, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Alicia A. Grande
Deputy Clerk