

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 2, 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
 Michael Hunt, Assistant County Attorney
 Judy Hamilton, Deputy Clerk

Also present: Allen MacDonald, Finance Director

(04/02/02 - 1 - 9:04 a.m.)
CALL TO ORDER

Chair Jacalone called the meeting to order.

(04/02/02 - 1 - 9:04 a.m.)
Jacalone gave the Invocation. Bryant led the Pledge of Allegiance.

(04/02/02 - 1 - 9:05 a.m.)
ROLL CALL

The Deputy Clerk called the roll.

(04/02/02 - 1 - 9:06 a.m.)
PUBLIC COMMENT

Jim Arnold, 9755 C.E. Wilson Rd., spoke on reconsideration of previous Board action on Seaboard Waste Systems' proposal to extend their franchise.

(9:12 a.m.) Mary O'Brien, 9250 Baymeadows Rd., Jacksonville, spoke on the solid waste exclusive franchise issue.

(9:14 a.m.) Rev. Helen Tobey, 205 E. Lattin, Hastings, spoke on Rev. Ellerbee, Switzer, and Willie Reynolds, all deceased; and, of her grandson, J.D., who fell six months ago, and offered prayer.

(9:18 a.m.) Janie Coleman, Waste Management, spoke on the garbage franchise RFP.

(04/02/02 - 2 - 9:19 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(04/02/02 - 2 - 9:19 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Approval of Minutes
03/12/02 - BCC Regular Meeting
03/19/02 - BCC Regular Meeting
3. Sheriff's Bonds
Approve: Caly Y. Duschen
Cancel: Malcolm Spindle
Cancel: Marcia Pippin
4. Motion to allow the County Administrator, or his designee, to enter into a contract with the only responsive bidder, Heitzelman's Truck Center in the amount of \$59,190.00 for Bid No. 02-60, purchase of one (1) new Road Tractor for the Road & Bridge Department (*See Attachment "A"*)
5. Motion to allow the County Administrator, or his designee, to enter into a contract with the low responsive bidder, Atlantic Truck Center in the amount of \$65,729.00 for Bid No. 02-59, purchase of one (1) 2002 14 cubic yard dump truck for the Road & Bridge Department (*See Attachment "B"*)
6. Motion to allow the County Administrator, or his designee, to enter into contract with the low bidder APAC-Florida, Inc., for Bid No. 02-70, 2002 Roadway Maintenance Project (*See Attachment "C"*)
7. Motion to adopt **Resolution No. 2002-57**, authorizing the County Administrator to execute a Purchase and Sale Agreement for acquisition of property in the Afro-American Subdivision to improve the drainage on Avery Street

RESOLUTION NO. 2002-57

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR ACQUISITION OF PROPERTY IN THE AFRO-AMERICAN SUBDIVISION TO IMPROVE THE DRAINAGE ON AVERY STREET

8. Motion to authorize the execution and delivery of the Second Loan Note of the Pooled Commercial Paper Program of the Florida Local Government Finance Commission that is described in Resolution 2001-81 (with a new date of issuance) to borrow \$2,800,000 for construction of the Southeast Library

9. Motion to approve the transfer of \$7,825 from General Fund Reserves (0083-59920) to Veteran's Services Department (0060) to supplement additional salaries and operating supplies incurred for FY 2002
10. Proofs
 - a. Proof, Notice of Public Hearing, Ordinance 96-53, Road Improvement Cost, March 19, 2002
 - b. Proof, Notice of Public Hearing, Extension of Service Area Intercoastal Utilities, April 3, 2002
 - c. Proof, Notice of Public Hearing, Final Order 01-00015, Price Index and/or Passthrough Rate Adjustment, December 5, 2001
 - d. Proof, Notice of Meeting, Economic Development Committee, March 14, 2002
 - e. Proof, Notice to Bidders, Bid No. 02-60
 - f. Proof, Notice to Bidders, Bid No. 02-72
 - g. Proof, Certificate of Liability Insurance, Al Boscraft & Sons, Inc.
 - h. Proof, Certificate of Liability Insurance, Construction Debris Removal, Inc.

(04/02/02 - 3 - 9:20 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested the addition of Item 4a - LAMP Appointment.

(04/02/02 - 3 - 9:20 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/02/02 - 3 - 9:21 a.m.)

1. CONSIDER GRANTING FREE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER TO HOST THE COUNTY'S FIFTH ANNUAL REGIONAL SUMMIT ON WEDNESDAY, JUNE 19, 2002

Dena Masters, TDC Office Manager, presented the request to the Board for their consideration. **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the request for free use of the County Convention Center to host the 5th Annual Regional Summit on Wednesday, June 9, 2002.**

(04/02/02 - 3 - 9:22 a.m.)

2. UPDATE BY THE FIRST COAST METROPOLITAN PLANNING ORGANIZATION ON THE DEVELOPMENT OF THE TRANSPORTATION IMPROVEMENT PROGRAM FOR FISCAL YEAR 2002-03 THROUGH 2006-07

Jeff Sheffield, Senior Transportation Planner, First Coast Metropolitan Planning Organization, made presentation, utilizing visual presentation. Discussion was held on SR 9B project details, the County working with the MPO, 10-year Better Jax Plan and 5-year plan and various other aspects of the program. (9:41 a.m.) Rev. Helen Tobey, 205 E. Lattin St., Hastings, spoke on the Rural Disadvantaged Grant.

(04/02/02 - 4 - 9:48 a.m.)

3. CONSIDER AWARDING THE CONTRACT FOR THE SOUTHEAST LIBRARY AND ADMINISTRATION CENTER (BID 02-56) TO BOB MATHEWS CONSTRUCTION, INC., IN THE AMOUNT OF \$2,628,000

Mike Rubin, Director of Construction Services, addressed the Board, advising them of bids received. Discussion was held on the time frame of the project. **Motion by Reardon, seconded by Kohnke, carried 5/0, to authorize the County Administrator to enter into a contract with Bob Mathews Construction, Inc. for the construction of the Southeast Library and Administrative Center, for a total sum price of \$2,628,000. (See Attachment "D")**

(04/02/02 - 4 - 9:53 a.m.)

4. CONSIDER AN APPOINTMENT TO THE RECREATION ADVISORY BOARD

Patsy Heiss, Assistant to the Administrator, made a presentation to the Board of the appointment. **Motion by Kohnke, seconded by Bryant, carried 5/0, to reappoint Daniel Stewart to the District 5 position on the Recreation Advisory Board for a second full term, scheduled to expire April 14, 2006.**

(04/02/02 - 4 - 9:54 a.m.)

- 4a. LAMP APPOINTMENT

Patsy Heiss presented this appointment to the Board for consideration, stating the Hastings representative had resigned two months ago. **Motion by Reardon, seconded by Bryant, carried 5/0, that the Board accept the recommendation of The Town of Hastings, Florida's Potato Capital, of Doris Fisher to serve on the LAMP Committee on the town's behalf.**

(04/02/02 - 4 - 9:55 a.m.)

COMMISSIONERS' REPORTS

Commissioner Reardon:

Reardon asked if further negotiation with the former garbage franchise haulers was of interest to any other members of the Board; no.

Reardon stated the Sunrise Service at Crescent Beach Baptist Church was a beautiful event.

Reardon announced that Saturday, April 7, was the dedication of Jasmine's Way and the West Augustine Awareness March.

Commissioner Meiszer:

(10:02 a.m.) Meiszer clarified his position on Consent Agenda Item #8.

Meiszer commended the beautification of King Street.

Commissioner Kohnke:

(10:05 a.m.) Kohnke commented on Easter and participation by children.

Kohnke stated the Tournament of Legends was a current event.

Kohnke stated the opening of Davis Park was scheduled for the 19th.

Commissioner Bryant:

No report.

Commissioner Jacalone:

Jacalone reported on his son's condition and expressed appreciation for everyone's concern.

Jacalone gave a faxed agreement from Ernie Fry, FDEP, to Adams for followup.

(04/02/02 - 5 - 10:12 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams commented on the upcoming West Augustine event; sparkling cleanup at Calvin Peete Park after use by the public last weekend; Joint Meeting between the Board and the School Board on April 18 at 9:00 a.m., at the School Board facilities.

(04/02/02 - 5 - 10:14 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(04/02/02 - 5 - 10:14 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 10:15 a.m., after Jacalone turned the gavel over to Bryant, stating he would not be in attendance for the afternoon session and reconvened at 1:30 p.m. with Bryant, Kohnke, Reardon, Meiszer, Adams, Lopez, and Deputy Clerk Lenora Newsome present.

Jacalone was not present at the meeting this afternoon.

(04/02/02 - 5 - 1:34 p.m.)

5. *PUBLIC HEARING - REZ - 2001-01 DAVID SMITH REZONING. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.6 ACRES LOCATED AT 1100 HOLLY BERRY LANE FROM COMMERCIAL HIGHWAY TOURIST (CHT) TO OPEN RURAL (OR). THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL-A ON THE 2015 FUTURE LAND USE MAP. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE RESIDENTIAL-A LAND USE DEVELOPMENT PROVISIONS OF THE COMPREHENSIVE PLAN. THE REZONING ENCOURAGES AN EFFICIENT AND COMPACT LAND USE PATTERN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. STAFF FINDS THAT THE PROPOSED ZONING CHANGE TO OPEN RURAL (OR) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING. THE PZA RECOMMENDED APPROVAL AT THEIR MARCH 7, 2002 MEETING WITH A 6-0 VOTE.*

Proof of publication of notice of public hearing on REZ - 2001-01 David Smith Rezoning, was received having been published in The St. Augustine Record on March 18, 2002.

Nicole Clayton, Planner II, reviewed the item, stating that this request seeks to rezone approximately 1.6 acres located at 1100 Holly Berry Lane from Commercial Highway Tourist (CHT) to Open Rural (OP). Discussion followed on how to access the site, and the location of Holly Berry Lane. **Motion by Kohnke, seconded by Reardon, carried 3/1 with Meiszer dissenting and Jacalone absent, to enact Ordinance No. 2002-21, known as David Smith (REZ 2002-01) adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2002-21

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL HIGHWAY TOURIST (CHT) TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(04/02/02 - 6 - 1:46 p.m.)

6. *PUBLIC HEARING* - REZ 2001-02 PELLICER REZONING. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 10.26 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) TO OPEN RURAL (OR). THE SUBJECT PROPERTY IS LOCATED AT 10472 US 1 SOUTH AND IS DESIGNATED AS MIXED USE (MD) ON THE 2015 FUTURE LAND USE MAP. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED-USE (MD) DEVELOPMENT PROVISIONS OF THE COMPREHENSIVE PLAN. THE REZONING ENCOURAGES AN EFFICIENT AND COMPACT LAND USE PATTERN. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT CODE. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO OPEN RURAL (OR) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT AND EXISTING ZONING PATTERNS. STAFF HAS NO OBJECTIONS TO THE APPROVAL OF THIS REZONING. THE PZA RECOMMENDED APPROVAL AT THEIR MARCH 7, 2002 MEETING WITH A 6-0 VOTE.

Proof of publication of notice of public hearing on REZ - 2001-02 Pellicer Rezoning, was received having been published in The St. Augustine Record on March 18, 2002.

Clayton reviewed this item, stating that this request seeks to rezone approximately 10.26 acres from Planned Unit Development (PUD) to Open Rural (OR). George McClure, 170 Malaga Street, Suite A, utilizing the overhead projector, explained the layout of the property. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Jacalone absent, to enact Ordinance No. 2002-22, known as the Pellicer Rezoning (REZ 2002-02) adopting Findings of Fact 1 through 4 to support the motion.**

ORDINANCE NO. 2002-22

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF PLANNED UNIT
DEVELOPMENT (PUD) TO OPEN RURAL (OR);
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; AND PROVIDING AN EFFECTIVE
DATE

Motion by Reardon, seconded by Meiszer, carried 4/0 with Jacalone absent, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 1:55 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #316928 through #317174 dated 03/26/02
2. St. Johns Board of County Commissioners Check Register, Check #317175 through #317507 dated 04/02/02

CORRESPONDENCE:

1. Letter dated March 22, 2002, to the Florida Department of Transportation, regarding an enclosed certified copy of Resolution No. 2002-42
2. Letter dated March 26, 2002, to Max Royle, City Manager, regarding an enclosed original Interlocal Agreement Amendment between the City of St. Augustine Beach and St. Johns County relating to provision of fire services with the boundaries of the City.

Approved _____ April 16 _____, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk