

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 16, 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
 James G. Sisco, County Attorney
 Lenora Newsome, Deputy Clerk

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

(04/16/02 - 1 - 9:05 a.m.)

The meeting was called to order by Chair Jacalone.

(04/16/02 - 1 - 9:05 a.m.)

The Invocation was given by Bryant. The Pledge of Allegiance was led by Meiszer.

(04/16/02 - 1 - 9:06 a.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(04/16/02 - 1 - 9:06 a.m.)

PUBLIC COMMENT

Doug Laidlaw, 120 Stokes Landing Road, spoke on some facts mentioned at April 9, BCC Meeting regarding waiving impact fees. He spoke on the Impact Fee Review Committee. Jacalone remarked that there were no waivers given, that the applicants were exempt from some of the impact fees and there is a difference between waivers and being exempt. Meiszer commented on some of the things that Laidlaw mentioned.

(04/16/02 - 1 - 9:18 a.m.)

DELETIONS TO CONSENT AGENDA

Allen MacDonald, Finance Director, requested to pull Consent item #1, the Cash Requirement Report, and add it to the Regular Agenda as item "A".

(04/16/02 - 1 - 9:18 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

This item was pulled and added to the Regular Agenda as item "A". (See page 3)

2. Approval of Minutes:
03/26/02 – BCC Regular Meeting
04/02/02 – BCC Regular Meeting
3. Motion to adopt **Resolution No. 2002-65** approving Purchase and Sale Agreements for property needed for the Community Development Block Grant to improve the drainage in West Augustine

RESOLUTION NO. 2002-65

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING CERTAIN PURCHASE AND SALE AGREEMENTS FOR PROPERTY NEEDED FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT TO IMPROVE THE DRAINAGE IN WEST AUGUSTINE

4. Proofs:
 - a. Proof, Notice of Public Hearing, Fee Structure, St. Johns County Golf Course, April 9, 2002
 - b. Proof, Notice of Final Hearing, Preliminary Order 02-00001 Initial Rates for St. Joe Utilities, Inc., March 26, 2002
 - c. Proof, Notice of Proposed Exchange of County Property, March 26, 2002
 - d. Proof, Notice of Proposed Exchange of County Property, March 26, 2002
 - e. Proof, Notice to Bidders, Bid No. 02-78
 - f. Proof, Notice to Bidders, RFP No. 02-75

(04/16/02 - 2 - 9:19 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Reardon requested to add the Safe Haven Grant Discussion as item "B". Jacalone requested to add to the agenda, A Public Apology, as item "AA".

(04/16/02 - 2 - 9:20 a.m.)

APPROVAL OF REGULAR AGENDA

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

(04/16/02 - 2 - 9:21 a.m.)

AA. PUBLIC APOLOGY BY JACALONE

Jacalone mentioned the item during the March 26, BCC Meeting when the County was discussing the acquisition of right-of-way for the Race Track Road Project with the Road and Bridge Department and Engineering Staff, caused him to say things and do things that were out of character for him and stated that he was in error for doing so. He apologized to everyone that was associated with those negotiations. He announced that he is going to step down as Chairman and handed it to Vice-Chair Bryant to take over. Bryant conferred with Sisco about how to handle this situation. Bryant then stated that the Board would address the issue of Chair and Vice-Chair at the end of this meeting. Bryant also asked Sisco about Jacalone handling the Vice-Chair position until this situation is resolved. Sisco answered to go with the first decision and he would review the rules and let them know shortly.

(04/16/02 - 3 - 9:24 a.m.)

A. APPROVAL OF THE CASH REQUIREMENT REPORT (*This item was pulled from the Consent Agenda item #1*)

Allen MacDonald requested to add to the voucher package the small check list that was distributed regarding getting tags for the equipment that the Board accepted from the City of St. Augustine Beach. **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve Regular Agenda item "A" which was Consent item #1 as amended.**

(04/16/02 - 3 - 9:25 a.m.)

B. DISCUSSION ON SAFE HAVENS: SUPERVISED VISITATION AND SAFE EXCHANGE GRANT PROGRAM GRANT

Reardon explained why he added this item to the agenda. Joe Vonasek, Director of Management and Budget, explained that the Junior Service League has a facility that they are renovating for a supervised visitation program that is called Kids Bridge. He stated that this facility is eligible by its nature for a grant program for supervised visitation and safe exchange grants under the Violence Against Women's Office. He stated that they are seeking an Implementation Grant Funding for their first year's operations. The Granting Agency has advised them that the County will need to be the lead agency to be eligible and to start this process, the Board would need to authorize the County Administrator's Office to complete and execute the notice of intent to apply. Kohnke questioned who the Domestic Violence Agency was. Debbie Adams, Junior Service League, responded that it was the Betty Griffin House. Kohnke continued with questions on the operation of this facility. Adams responded. Vonasek stated that the County's relationship within this grant would be as the lead agency and would have the responsibility of an audit through the Florida Single Audit Act and explained. Debbie Adams mentioned that they were asked by Judge Mathis to take on this project for St. Johns County and explained the procedures they used to raise funds. Debbie Adams explained how the facility would operate and the training they would receive. **Motion by Reardon, seconded by Jacalone, carried 5/0, stated by Vonasek, directing the County Administrator to complete the Notice of Intent to Apply Letter and execute it in favor of the Junior Service League.**

(9:40 a.m.) Sisco explained the rules and policies of the Chair and Vice-Chair's positions. The Chair can appoint the Vice-Chair until the full Board can elect a Vice-Chair which needs to be as soon as possible. **It was consensus of the Board to elect the Chair and Vice-Chair at the end of the morning session.** MacDonald mentioned with the changing of the Chairman, they would need to change the signatures on all the County checks and would need a little time to change it.

(04/16/02 - 3 - 9:43 a.m.)

1. STATUS REPORT ON INTERCOASTAL UTILITIES OVEREARNINGS INVESTIGATION, DOCKET#2001-0007-0023

George Flint, Executive Director, St. Johns County Water and Sewer Authority, gave a status report on the time line for Intercoastal Utilities, Inc. Overearnings Investigation Docket No. #2001-0007-0023. He stated the hearings were rescheduled in May. He reviewed the second time line for Intercoastal Utilities, Inc. invoicing by Utility Authority on Overearnings Investigation, Docket #2001-0007-0023. Kohnke questioned if the Hearing Officer had the authority to tell the Utilities to pay. Flint responded, the Hearing Officer would make a recommendation that they should pay or not pay and then it goes to the Board for their decision. Kohnke questioned, that if the Board decided to make them pay, what authority do they have to make them pay. Sisco replied that if they don't pay, the County goes to court, get a judgment and levy and ask for pre-judgment interest. Flint stated that there is a process that, if they are in violation of a final order, the County can levy fines and those fines will become a lien on real property. Flint spoke on whether the cost would be passed onto the customer. Sisco left the meeting and Daniel Bosanko, Deputy County Attorney, entered the meeting.

(04/16/02 - 4 - 9:52 a.m.)

2. PRESENTATION OF THE WEST KING STREET CORRIDOR DEVELOPMENT PLAN

Nick Perpich, P.E., Project Engineer, reviewed this item stating that they are a third of the way through the study and have finished the existing conditions phase. Today's presentation focused on alternatives of the project that they developed and they would be looking for feedback from the Board. He introduced the consultants of the project; Bob Woods, Transystems Corporation and Bernie O'Connor, Prosser Hallock. Kohnke questioned there being no figures listed. O'Connor replied that they have not gotten to the point of the study where they will actually do the calculations of alternatives yet, but it will be part of their consideration. What they are looking for today is preliminary feedback, but are not asking for a decision today. O'Connor gave the presentation reviewing alternatives, project overview plan objective, project components, project status, analysis segments, West Holmes Blvd. to Volusia Street, Road Characteristics, and Typical Sections. Meiszer questioned when the road had gotten lengthened to US 1 and if the City was participating in this part of the project. Conner responded that the City was participating. Perpich mentioned that the County actually maintains the roadway all the way to US 1. O'Connor continued his presentation with West Holmes Blvd. to Volusia Street traffic operations, bicycles and pedestrians, other considerations, four improvement alternatives were developed for this area and he explained them, analysis segments, Middle Volusia Street to Whitney Street, road characteristics, typical sections, traffic operations, bicycles and pedestrians, other considerations, improvement alternatives, and analysis segments. Kohnke questioned the parking area in the alternatives. O'Connor responded. O'Connor continued his presentation with East Whitney Street to US 1 road characteristics, typical sections, traffic operations, bicycles and pedestrians, other considerations, and four improvement alternatives. Discussion followed on the parking, bicycles and sidewalk widths. O'Connor mentioned that the community workshop was scheduled at Murray Middle School on May 2, from 6:00 p.m. to 8:00 p.m. Reardon voiced concern on the streets connecting to West King Street. O'Connor responded.

The meeting recessed at 10:43 a.m. and reconvened at 10:54 a.m.

(04/16/02 - 4 - 9:54 a.m.)

3. CONSIDER SUBMITTAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATIONS FOR FUNDING UNDER THE STATE OF FLORIDA SMALL CITIES PROGRAM ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT

Joe Stephenson, Director of Public Works, stated that St. Johns County qualifies for Community Development Block Grants and there are a number of different kinds of grants. There are basically four divisions; Housing Rehabilitation, Commercial Revitalization, Economic Development, and Neighborhood Revitalization. Bryant questioned being able to submit four different kinds in one year. Stephenson replied that the answer to Bryant's question was no. He spoke on finishing the outstanding grant, so they could reapply for a new one. He stated that Cobblestone was interested in applying for the grant. The County would have to hold two public hearings and invite everyone to come and make it known to everyone about any economic development opportunities available. Stephenson relayed that to get the Economic Development Grant, the applicant would have to provide 15 or more jobs and over 50 percent of the jobs have to be for low or moderate-income people. He stated that he was here today to ask for the Board's authorization to hold the first of those public hearings to let people know that there is going to be a Community Development Block Grant available, to select an applicant, bring that successful applicant to the Board for a second public hearing and then after that will go forward with the application. Stephenson suggested scheduling the hearing in the next couple of weeks. Stephenson stated that he was looking for the Board to approve their scheduling the hearing rather than a particular date. **Motion by Kohnke, seconded by Reardon, carried**

5/0, to authorize the advertisement of the public hearings and accept candidate projects for funding of the CDBG Grant Process.

(04/16/02 - 5 - 11:12 a.m.)

4. DISCUSSION OF THE GALIMORE CENTER'S BUDGET & POOL IMPROVEMENTS

Dan Weimer, Director of Parks and Recreation, stated that the Recreation Advisory Board has spent considerable time studying the Interlocal agreement between the City of St. Augustine and the County and determined that a new agreement needed to be established. The Board approved the signing of that new agreement. The interlocal agreement's basic change is to identify specific facilities and who is responsible for those facilities. He stated that the Galimore Center and swimming pool has been divided, where the swimming pool is determined to be County facility and the Galimore Center is determined to be a City facility. There is a request to appropriate funds for this year only from the General Fund that would make up the difference in the life guard fees and for the electrical cost of the new heater just installed. The new system would be part of the budget process for October 1 for the Board's consideration. He relayed that the City of St. Augustine is reimbursing the County \$33,312 for resurfacing the swimming pool they did last year. He stated that they are only requesting the first motion from the cover sheet. **Motion by Reardon, seconded by Kohnke carried 5/0, to approve transfer of \$60,758 from General Fund Reserves to Galimore Center Budget to cover operating expenses for remaining Fiscal Year 2002.** Kohnke mentioned that the School Board had not yet signed the joint agreement with the County and questioned what was going on. Bosanko stated that he talked to Tracy UpChurch about two weeks ago and was not made aware then of any hold up, but will call him again to day and report back to the Board. Weimer stated that he had a meeting Thursday morning with Mr. Toner and some of the new principals that were not involved in the original study of the joint use agreement and had some questions that needed to answered first. Kohnke replied that she would see if it was possible to facilitate this because it's an excellent idea and she would like to see it move forward as soon as possible.

(04/16/02 - 5 - 11:17 a.m.)

5. CONSIDER AN APPOINTMENT TO THE NORTH COASTAL CORRIDOR OVERLAY DESIGN REVIEW BOARD

Patsy Heiss, Assistant to the Administrator, stated that the Board had an appointment before them for the North Coastal Corridor Overlay Design Review Board. Vivian Browning's term expires next month and she is seeking reappointment. She stated that they did have one other application also for their consideration. **Motion by Kohnke, seconded by Reardon, carried 5/0, to reappoint Vivian Browning.**

(11:18 a.m.) Bryant questioned if the correct procedure would be to take nominations for the Chair and then have the Chair do the nominations for the Vice-Chair. Bosanko replied that one would vote in the order that the various nominations were made. **Motion by Reardon that James Bryant be nominated as Chair, seconded by Kohnke, Kohnke moved to close nominations, seconded by Reardon, carried 5/0 to close nominations and carried 5/0 for Commissioner Bryant as Chair.** Bryant nominated Commissioner Jacalone, seconded by Kohnke, Jacalone declined. **Jacalone nominated Commissioner Meiszer as Vice-Chair, seconded by Bryant then Reardon, Jacalone moved to close nominations, seconded by Reardon, carried 5/0 to close nominations and carried 5/0 for Commissioner Meiszer as Vice-Chair.** Meiszer commented on being surprised, but that he appreciated the nomination and the election and thanked the rest of the Board.

(04/16/02 - 6 - 11:21 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer mentioned that the hazardous waste collection last week was very successful, and they had over 500 vehicles come by the parking lot of the Ponce during the day. They delivered something like 5,800 pounds of tires in cooperation with the Mosquito Control Board. This was in conjunction with the other hazardous materials, about 15 to 18 tons.

(11:22a.m.)

Commissioner Jacalone:

Jacalone mentioned receiving a letter from Teco Propane complaining that the County's line depth requirements are excessive and would be hard for them to comply with. He read the letter. Stephenson replied that he just received a copy of that letter yesterday and that he referred it to the County's Engineering and Permitting Departments and will have an answer back in a day or so.

Jacalone mentioned receiving a letter from the Department of Community Affairs regarding doing the review on the Northwest Sector Plan and they have sent Jacalone and Ms. Bishop a copy of comments, objections, and recommendations and will have copies made for everyone.

(11:26 a.m.)

Commissioner Reardon:

Reardon announced that the Recreation Department did an outstanding presentation last night for the Rails to Trails Project at the Horse Council Meeting.

(11:26 a.m.)

Commissioner Kohnke:

Kohnke thanked the Staff for the magnificent turnout at the Council on Aging breakfast Sunday morning.

Kohnke stated that she hoped the Ponte Vedra Press and the Times Union would take careful note of the following; the DOT and the MPO will be having a meeting May 16 at the Palm Valley Elementary School from 5:00 p.m. to 7:00 p.m. dealing with the design of the Pablo Bridge replacement.

(11:29 a.m.)

Commissioner Bryant:

Bryant requested Michael Reid to respond to a phone call he received from a citizen who requested more detailed agenda information in the newspaper. Bryant announced that the Primary Care Unit opened yesterday morning at 9:00 a.m. with the hours being 9:00 a.m. to 10:00 p.m. Monday through Friday for now and may be extended longer. Anybody that needs medical attention that has no insurance or has no physician can now be seen.

Bryant thanked everyone for the vote of confidence in the Chairmanship and asked that everyone not interrupt when someone else is speaking, and turn lights on.

(04/16/02 - 6 - 11:31 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams pledged the Staff's loyalty and support to both Commissioners, Bryant and Meiszer, on their assignments, and will support everyone 100 percent.

Adams spoke on Meiszer's remarks about hazardous waste. The technician is on board now for the off-site pickup and will pick this type waste up routinely throughout the County on certain days and it will be well advertised.

Adams announced that the Volunteer Reception was scheduled for next Tuesday at 3:00 p.m.

(04/16/02 - 7 - 11:32 a.m.)
COUNTY ATTORNEY'S REPORT

No report.

(04/16/02 - 7 - 11:32 a.m.)
CLERK OF COURT'S REPORT

No report.

Motion by Reardon, seconded by Bryant, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 11:33 a.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #317508 through #317527 dated 04/04/02

CORRESPONDENCE:

1. Letter from City of St. Augustine Beach, Max Royle, City Manager, to Deputy Clerk Patricia DeGrande regarding Amendment to Interlocal Agreement for Fire Protection Services, dated April 2, 2002
2. Letter from Deputy Clerk Patricia DeGrande to Max Royle, City Manager, City of St. Augustine Beach, enclosing a filed certified copy of the Interlocal Agreement Amendment between the City of St. Augustine Beach and the County relating to the provision of fire services within the boundaries of the City, dated April 3, 2002

Approved _____ May 7 _____, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia DeGrande
Deputy Clerk

