

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 6, 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: James E. Bryant, District 5, Chair
Nicholas Meiszer, District 1, Vice Chair
John Reardon, District 2
Marc Jacalone, District 3
Mary Kohnke, District 4
Ben W. Adams, Jr., County Administrator
James G. Sisco, County Attorney
Judy Hamilton, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director; Isabelle Lopez, Assistant County Attorney; Dan Bosanko, Deputy County Attorney

(08/06/02 - 1 - 9:06 a.m.)

The meeting was called to order by Chair Bryant.

(08/06/02 - 1 - 9:06 a.m.)

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

(08/06/02 - 1 - 9:07 a.m.)

ROLL CALL

Bryant stated the record should reflect that all five Commissioners were present.

(08/06/02 - 1 - 9:07 a.m.)

PUBLIC COMMENT

Robert Wheeler, 10805 Russell Sampson Road, President of Sampson Civic Association, spoke on concerns about his right to speak before the Commission. (9:10 a.m.) Bill Thomason, 10785 Russell Sampson Road, spoke on Bryant's letter to the ABA and attorney representing them. (9:12 a.m.) Alex Kimmel, 2140 Quarter Horse Circle, Sampson, spoke on hard work that B. Ansbacher had voluntarily done for the community. (9:14 a.m.) Col. Ed Taylor, 3665 Crazy Horse Trail, spoke on the Veterans Council of St. Johns County, giving the Board a status report and announcing upcoming events. (9:27 a.m.) Louise Thrower, 288 Orange Avenue, spoke on hindrances to the Northwest Sector Plan with use of visual display. (9:38 a.m.) Emily Harrington, 2470 CR 210 West, Lot "A," spoke in favor of Mr. Ansbacher who represented the Sampson Community and stated Mr. Ansbacher is a good neighbor.

(08/06/02 - 1 - 9:40 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested Item #10 be pulled from the Consent Agenda.

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

1. Approval of the Cash Requirement Report
2. Sheriff's Bonds:
Approve: Gaetano Iuso
Approve: Frances M. Nolte
Approve: Kathy L. Metcalf
Approve: Laura J. Piasta
Cancel: Eris Ash
Cancel: Catherine K. Smith
Cancel: Michael N. Mier
Name Change from: Cassie Stevens To: Cassie Sakraida
3. Motion to approve the transfer of \$200,000 from 0034-59101 (Law Enforcement - Transfer to Officers) to 0042-59101 (Corrections - Transfer to Officers) to accommodate the request of the Sheriff
4. Motion to approve a transfer from the Tourist Development Tax Category II Reserve (1147-59920) of \$16,000 to Tourist Development Tax Category II Visitors Information Center Account (1147-537270) in the amount of \$15,000 and Insurance (1147-54500) in the amount of \$1,000
5. Motion to approve the transfer from General Fund Reserve (0001-0083-59920) of \$880 to the Humane Society contractual services (0001-0065-53120) to pay the St. Augustine Humane Society for the cost of boarding two dogs for 88 days
6. Motion to adopt **Resolution No. 2002-150**, approving a Purchase and Sale Agreement for property required for the Community Development Block Grant Project and a Purchase and Sale Agreement for property needed for future Countywide Stormwater Projects to improve the drainage in West Augustine

RESOLUTION NO. 2002-150

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A PURCHASE AND SALE AGREEMENT FOR PROPERTY REQUIRED FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT AND A PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR FUTURE COUNTYWIDE STORMWATER PROJECTS TO IMPROVE THE DRAINAGE IN WEST AUGUSTINE

7. Motion to adopt **Resolution No. 2002-151**, accepting an Easement for Utilities to upgrade and repair an existing sewage pump located off Ocean Trace Road

RESOLUTION NO. 2002-151

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES TO UPGRADE AND REPAIR A SEWAGE PUMP LOCATED OFF OCEAN TRACE ROAD

8. Motion to adopt **Resolution No. 2002-152**, authorizing the Clerk of Courts to file the survey map of a part of Brough Road and Meadowbrook Road claiming a vested interest in St. Johns County in the rights-of-way described in this survey by prescriptive rights of the public per *Downing v. Bird*, 100 So.2d 57 (Fla. 1950)

RESOLUTION NO. 2002-152

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP OF A PART OF BROUGH ROAD AND MEADOWBROOK ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHTS-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE RIGHTS OF THE PUBLIC IN ACCORD WITH THE PRINCIPLES SET FORTH IN *DOWNING V. BIRD*, 100 SO.2D 57 (FLA. 1950)

9. Motion to adopt **Resolution No. 2002-153**, approving the terms of a License Agreement authorizing use of a portion of St. Augustine South Park area for an encroachment of a fence and concrete pad on adjoining property

RESOLUTION NO. 2002-153

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT AUTHORIZING USE OF A PORTION OF THE ST. AUGUSTINE SOUTH PARK AREA FOR AN ENCROACHMENT OF CONCRETE PAD AND FENCE

10. Motion to declare obsolete computers from the Clerk of Courts office as surplus and donate the computers to the Darnell-Cookman Middle School (Jacksonville, FL)

This item was pulled from the Consent Agenda by Adams.

11. Motion to authorize the County Administrator, or his designee, to enter into contract under Bid 02-103R, repair of Timber Piles Bents at Lake Road (Bridge No. 784036 and/or Pablo Road (Bridge No. 784038) at Ponte Vedra Canal (*See Attachment "A"*)
12. Motion to adopt **Resolution No. 2002-154**, renewing the agreement for maintenance of right-of-way landscaping for portions of A1A and authorizing the County Administrator to execute the appropriate forms

RESOLUTION NO. 2002-154

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE CONTRACT RENEWAL AGREEMENT (B-D121) BETWEEN ST. JOHNS COUNTY AND FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF LANDSCAPING AND RIGHT-OF-WAY FOR PORTIONS OF SR A1A

(08/06/02 - 4 - 9:41 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested the addition of Item #1a, Emergency Purchase Order; Item #5a, Ponte Vedra public hearing date; and Item #5b, Resolution for same.

(08/06/02 - 4 - 9:42 a.m.)

APPROVAL OF REGULAR AGENDA

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

(08/06/02 - 4 - 9:43 a.m.)

1. 9:00 A.M. - PRIVATE CLOSED MEETING - THIS IS A PRIVATE ATTORNEY-CLIENT MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES. THE MEETING WILL BE CONFINED TO SETTLEMENT NEGOTIATIONS AND LITIGATION EXPENSE STRATEGY PERTAINING TO THE *MINNIS, ET AL. V. JULINGTON PARTNERS LIMITED PARTNERSHIP, ST. JOHNS COUNTY, ET AL. LAWSUIT CASE NO. CA99-0025 IN THE CIRCUIT COURT IN AND FOR ST. JOHNS COUNTY AND THE JULINGTON PARTNERS LIMITED PARTNERSHIP V. ST. JOHNS COUNTY, ET AL. LAWSUIT IN THE DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION, CASE NUMBER 97-CV-1023-J-21A WHICH IS NOW PENDING IN THE ELEVENTH CIRCUIT COURT OF APPEALS, CASE NUMBER 01-10051H. THE MEETING HAS BEEN ADVERTISED FOR 9:00 A.M. CONFERENCE ROOM "A" HAS BEEN RESERVED FOR THIS MEETING.*

Jim Sisco, County Attorney, addressed the Board, announcing that the meeting would commence in Conference Room "A," and those attending would be Bryant, Meiszer, Jacalone, Reardon, Kohnke, Adams, Sisco, Gallagher, and Sherry Smith, Court Reporter. The closed meeting would last approximately 45 minutes. (9:44 a.m.) Don Beattie, 808 Mill Pond Court, spoke on taxpayer money being improperly used several years ago.

The meeting recessed at 9:52 a.m. and reconvened at 10:48 a.m.

The private meeting was terminated and Gallagher gave a summation. He explained they were here regarding a settlement of two lawsuits regarding road impact fees in Julington Plantation Development. He stated one lawsuit was in Federal Court and the other lawsuit was in State Court. Gallagher further expounded on the role the County played in placing the money at the disposal of the CDD. Discussion ensued. (10:52 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to adopt Resolution No. 2002-155.**

RESOLUTION NO. 2002-155

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, MAKING FINDINGS AND APPROVING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE FOR THE COUNTY - MINNIS - JULINGTON PARTNERS, ET AL STATE AND FEDERAL LAWSUITS

The meeting recessed at 10:58 a.m. and reconvened at 11:02 a.m.

(08/06/02 - 5 - 11:03 a.m.)

1a. EMERGENCY PURCHASE ORDER - RECREATION DEPARTMENT

Dave Williams, Director of Aquatic Services, made presentation of the emergency item. After brief discussion, **motion by Jacalone, seconded by Bryant, carried 4/0 with Reardon absent, to approve the emergency purchase of \$85,000 from Ring Power, to Beach Services Department Equipment Line.**

(08/06/02 - 5 - 11:05 a.m.)

2. CONSIDER A RESOLUTION DIRECTING THE REGISTRAR AND PAYING AGENT FOR THE COUNTY'S TRANSPORTATION IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 1992 TO MAIL A NOTICE OF REDEMPTION

Jim Sisco, County Attorney, presented the resolution for the Board's consideration. **Motion by Jacalone, seconded by Bryant, carried 4/0 with Reardon absent, to adopt Resolution No. 2002-156, directing the registrar and paying agent for the County's Transportation Improvement Revenue Refunding Bonds, Series 1992 to mail notices of redemption.**

RESOLUTION NO. 2002-156

RESOLUTION DIRECTING THE REGISTRAR AND PAYING AGENT FOR THE OUTSTANDING ST. JOHNS COUNTY, FLORIDA TRANSPORTATION IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 1992 TO MAIL A NOTICE OF REDEMPTION TO THE HOLDERS OF ALL OUTSTANDING SERIES 1992 BONDS RELATING TO THE PROPOSED REDEMPTION OF THE OUTSTANDING SERIES 1992 BONDS ON OCTOBER 1, 2002; AND PROVIDING AN EFFECTIVE DATE

(08/06/02 - 5 - 11:06 a.m.)

3. CONSIDER A RESOLUTION DIRECTING THE REGISTRAR AND PAYING AGENT FOR THE COUNTY'S SALES TAX REVENUE AND REFUNDING BONDS, SERIES 1994 TO MAIL A NOTICE OF REDEMPTION

Sisco made presentation of the proposed resolution. **Motion by Meiszer, seconded by Kohnke, carried 4/0 with Reardon absent, to adopt Resolution No. 2002-157.**

RESOLUTION NO. 2002-157

RESOLUTION DIRECTING THE REGISTRAR AND PAYING AGENT FOR THE OUTSTANDING ST. JOHNS

COUNTY, FLORIDA SALES TAX REVENUE AND REFUNDING BONDS, SERIES 1994 TO MAIL A NOTICE OF REDEMPTION TO THE HOLDERS OF ALL OUTSTANDING SERIES 1994 BONDS RELATING TO THE PROPOSED REDEMPTION OF THE OUTSTANDING SERIES 1994 BONDS ON OCTOBER 1, 2002; AND PROVIDING AN EFFECTIVE DATE

(08/06/02 - 6 - 11:07 a.m.)

4. CONSIDER A WAIVER OF FILING FEES FOR A REZONING AND SPECIAL USE PERMIT FOR BETTY POPE

Rosemary Yeoman, Zoning Manager, presented the waiver request to the Board for consideration. (11:09 a.m.) Isabelle Lopez, Assistant County Attorney, entered the meeting and Jim Sisco, County Attorney, left the meeting. (11:10 a.m.) Reardon re-entered the meeting. Discussion was held on the request. **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the waiver, that if it were not approved, it would present an undue financial hardship on the parties involved.**

(08/06/02 - 6 - 11:16 a.m.)

5. CONSIDER A RESOLUTION THAT SUPPORTS THE ST. JOHNS RIVER BLUEWAY FOREVER APPLICATION PROPOSAL

Vickie Renna, Principal Planner, made presentation. Discussion was held on postponement of the issue until October for future citizen input. **Motion by Bryant, seconded by Meiszer, carried 5/0, to continue this item to a future date.** (11:12 a.m.) Sarah Bailey, Bishop Estates Road, spoke on blueways.

(08/06/02 - 6 - 11:23 a.m.)

- 5a & 5b. PONTE VEDRA PUBLIC HEARING DATE AND RESOLUTION

John Schwab, Special Projects Manager, addressed the Board, advising the Board of the CIP ordinance and initial resolution for assessment and getting preconstruction moneys from DEP. Motion by Kohnke, seconded by Jacalone, to set the date for the meeting on August 30, 2002, at 5:30 p.m. at the County Auditorium, for a public hearing. Discussion ensued. The motion and second were withdrawn. (11:37 a.m.) Louise Thrower, 288 Orange Avenue, expressed concerns. *This item was continued to the afternoon after Schwab checked on availability of facilities.*

(08/06/02 - 6 - 11:38 a.m.)

COMMISSIONERS' REPORTS

Commissioner Jacalone:

Jacalone reported on the Saturday dedication at St. Augustine South Association Clubhouse for completion of the installation of playground equipment and dedication of the playground area to Jeanie Schweitzer. He requested a resolution be drafted recognizing that playground being dedicated and named in honor of Schweitzer. Jacalone reported on a presentation by DOT and apprehensions about the work program finalization. He stated they were on track and Adams said the enhancement program has been coordinated with DOT. Jacalone had a call from Judy Krug, Chair of the School Board, about the amount of public comment allowed at School Board meetings and how that was handled.

Commissioner Meiszer:

(11:43 a.m.) Meiszer suggested addressing the way the Board scheduled agendas for the meeting. Discussion was held on prioritization of agenda items.

Commissioner Reardon:

(11:53 a.m.) Reardon said had received e-mail regarding the traffic light at SR 16 and International Golf Parkway. Adams responded that was underway now with DOT and should be done in 9 months to a year. Reardon asked about sidewalks or bike lanes along Fruit Cove Road; Stephenson responded.

Commissioner Kohnke:

(11:58 a.m.) Kohnke stated the opening of the Ponte Vedra Library was scheduled for Sunday at 2:00 p.m.

Commissioner Bryant:

(11:59 a.m.) Bryant stated August 15, 2:00 p.m., was the dedication of the beach renourishment program at the Pavilion. Bryant stated he wanted the appointment to the Canvassing Board. Bryant announced that last Thursday evening in Orlando, the COA was voted most outstanding in the state.

(08/06/02 - 7 - 12:01 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams stated September 10, 2002 was Election Day, and the Supervisor of Elections Office would televise election results from the Auditorium. *It was the consensus of the Board to cancel the September 10, 2002 BCC meeting.*

(08/06/02 - 7 - 12:03 p.m.)

COUNTY ATTORNEY'S REPORT

Lopez stated a new assistant attorney had been hired, Laura Barrow.

(08/06/02 - 7 - 12:03 p.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 12:03 p.m. and reconvened at 1:30 p.m. with Bryant, Meiszer, Kohnke, Jacalone, County Administrator Ben Adams, Jr., Deputy County Attorney Daniel Bosanko, and Deputy Clerk Yvonne King present.

Reardon was not present.

(08/06/02 - 7 - 1:40 p.m.)

6. PUBLIC HEARING - AMENDMENT OF ARTICLE IV OF THE LAND DEVELOPMENT CODE TO AMEND SUBSECTION 4.01.02.E, NATURAL RESOURCES, PERMITTING UPLAND BUFFERS FOR LEGAL LOTS OF RECORD PRIOR TO SEPTEMBER 15, 1999. THIS IS A PROPOSED ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE, ARTICLE IV, SUBSECTION 4.01.02.E, NATURAL RESOURCES PERMITTING ADDRESSING UPLAND BUFFERS FOR LEGAL LOTS OF RECORD ESTABLISHED PRIOR TO

SEPTEMBER 15, 1999 TO ADD A PROVISION FOR AVERAGING OF THE UPLAND BUFFER AND A PROVISION ADDRESSING UPLAND BUFFER CONDITION. THIS IS THE SECOND PUBLIC HEARING

Proof of publication of the notice of public hearing on the ordinance amending Article IV of the Land Development Code was received having been published in The St. Augustine Record on July 25, 2002.

Jan Brewer, Environmental Manager, reviewed the changes to Article IV, Section 4.01.02.E of the Land Development Code, which allows averaging of the required 25 foot upland buffer and to provide for the condition of the upland buffer. Discussion followed regarding buffers. (1:49 p.m.) **Motion by Kohnke, seconded by Bryant, carried 4/0 with Reardon absent, to enact Ordinance No. 2002-42, amending Subsection 4.01.02.E of Article IV of the Land Development Code.**

ORDINANCE NO. 2002-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING, ADDING, AND REPEALING SECTIONS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE IV NATURAL RESOURCES SPECIFICALLY REVISING SUBSECTION 4.01.02.E PERTAINING TO LOTS OF RECORD, PROVIDING FOR AVERAGING THE UPLAND BUFFER, PROVIDING FOR UPLAND BUFFER CONDITION, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(08/06/02 - 8 - 1:49 p.m.)

7. CONSIDER AN APPOINTMENT TO THE MID-ANASTASIA DESIGN REVIEW BOARD

Patsy Heiss, Assistant to the Administrator, relayed that there is a vacancy on the Anastasia Design Review Board due to the expiration of a current member's term. (1:50 p.m.) **Motion by Kohnke, seconded by Bryant, carried 4/0 with Reardon absent, to reappoint Mary Saunders to the Mid-Anastasia Island Design Review Board for a second two-year term scheduled to expire August 6, 2004.**

The meeting recessed at 1:50 p.m. and reconvened at 2:00 p.m.

(08/06/02 - 8 - 2:00 p.m.)

5A. SET HEARING DATE FOR MSD ASSESSMENT ORDINANCE/INITIAL ASSESSMENT RESOLUTION

Motion by Kohnke, seconded by Jacalone, 4/0 with Reardon absent, to set a hearing for Thursday, September 25, 2002 at 5:30 p.m. to be held in Ponte Vedra at a site to be selected.

(2:01 p.m.) **Motion by Jacalone, seconded by Bryant, carried 4/0 with Reardon absent, to adjourn the meeting.** There being no further business to come before the Board, the meeting adjourned at 2:01 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, approving checks 322287 through 322313, totaling \$43,656.52 (07/25/02)
2. St. Johns Board of County Commissioners Check Register, approving checks 322314 through 322315, totaling \$213.33 (07/26/02)
3. St. Johns Board of County Commissioners Check Register, approving checks 322316 through 322641, totaling \$1,705,472.60 (07/30/02)

CORRESPONDENCE:

1. Letter to St. Augustine/St. Johns County Chamber of Commerce regarding an agreement for promoting economic development through the Cornerstone Organization (07/29/02)
2. Letter to the Secretary of State filing Ordinance No. 2002-41 (07/30/02)

Approved September 17, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Wenona King
Deputy Clerk

