

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
NOVEMBER 5, 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  
                          Jim Sisco, County Attorney  
                          Robin Platt, Deputy Clerk

Jolie Tillis, Assistant Finance Director, was also in attendance.

(11/05/02 - 1 - 9:07 a.m.)

Chairman Bryant called the meeting to order.

(11/05/02 - 1 - 9:07 a.m.)

Bryant gave the Invocation and Meiszer led the Pledge of Allegiance.

(11/05/02 - 1 - 9:08 a.m.)

ROLL CALL

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

(11/05/02 - 1 - 9:08 a.m.)

APPROVAL OF TODAY'S PROCLAMATION

There was a presentation of a Proclamation by Meiszer, to Father Jeff Botkin, declaring that November 5, 2002 shall be designated as Weatherization Day. **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt the Proclamation designating November 5, 2002 as Weatherization Day.**

(11/05/02 - 1 - 9:12 a.m.)

PUBLIC COMMENT

Edwin Taylor, Chairman of the Veteran's Council, 3665 Crazy Horse Trail, updated the Board on the flag disposal ceremony and distributed a report, labeled Exhibit A, "Items Reported to U.S. Secretary of Veterans Affairs", to the Board. He also updated the Board on upcoming events involving the Veteran's Council.

(11/05/02 - 1 - 9:26 a.m.)

DELETIONS TO CONSENT AGENDA

Sisco requested that Item 14 from the Consent Agenda be pulled and that Item 17 be moved from the Consent Agenda to the Regular Agenda as Item 6A.

(11/05/02 - 2 - 9:27 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report.
2. Approval of Minutes:  
VAB Regular Meeting - May 22, 2002  
VAB Regular Meeting - October 14, 2002  
BCC Regular Meeting - October 15, 2002
3. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 03-08, Construction of the Northeast Regional Park (Davis Park) Drainfield with Moore's Sand & Septic, Inc. in the amount of \$56,220.00. *(See Exhibit A)*
4. Motion to allow the County Administrator, or his designee, to piggyback from Orange County Contract #02-02-01VH for the Purchase of three (3) John Deere Tractors with buckets and a backhoe for the Parks and Recreation Department.
5. Motion to allow the County Administrator, or his designee, to enter into a contract the with the top ranked firm Flagler Community Pharmacy for RFP No 03-06, Purchase of Pharmaceuticals and Dispensing Services. *(See Exhibit B)*
6. Motion to adopt **Resolution No. 2002-226**, approving the terms and conditions of an agreement authorizing a Purchase & Sale Agreement for the acquisition of property required for Stormwater retention in connection with the Capital Improvements Project on CR 210.

**RESOLUTION NO. 2002-226**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR ACQUISITION OF PROPERTY REQUIRED FOR STORMWATER RETENTION IN CONNECTION WITH THE CAPITAL IMPROVEMENT PROJECT ON COUNTY ROAD 210.**

7. Motion to adopt **Resolution No. 2002-227**, authorizing the terms of a Purchase and Sale Agreement for the acquisition of Florida East Coast Property south of the County Complex on Lewis Speedway for future expansion.

**RESOLUTION NO. 2002-227**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY FOR THE FUTURE EXPANSION OF THE COUNTY COMPLEX.**

8. Motion to adopt **Resolution No. 2002-228**, expressing the County's intention to be reimbursed from the proceeds of tax-exempt obligations for the purchase of the Florida East Coast Property Acquisition.

**RESOLUTION NO. 2002-228**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXPRESSING THE COUNTY'S INTENT TO BE REIMBURSED FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS FOR CERTAIN CAPITAL EXPENDITURES TO BE PAID BY THE COUNTY PRIOR TO THE ISSUANCE OF SUCH TAX-EXEMPT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

9. Motion to adopt **Resolution No. 2002-229**, authorizing the Clerk of Courts to file a survey of Trail Road claiming a vested interest by St. Johns County in the right-of-way.

**RESOLUTION NO. 2002-229**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP FOR TRAIL 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.2D57 (FLA. 1958).

10. Motion to adopt **Resolution No. 2002-230**, approving a 1st Amendment to the Council on Aging for St. Johns County Lease adopted on October 15, 2002.

**RESOLUTION NO. 2002- 230**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A 1<sup>ST</sup> AMENDMENT TO THE COUNCIL ON AGING FOR ST. JOHNS COUNTY LEASE TO AMEND PARAGRAPH 9 OF THE ORIGINAL LEASE.

11. Motion to adopt **Resolution No. 2002-231**, recognizing unanticipated revenue in the amount of \$4,097.65 and increasing the General Fund Revenue budget (0001-33420) and the expenditure budget of EMS (0048-55305) in the same amount.

**RESOLUTION NO. 2002-231**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 GENERAL FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY EMS DEPARTMENT.

12. Motion to adopt **Resolution No. 2002-232**, recognizing unanticipated revenue in the amount of \$1,115.00 and increasing the expenditure budget of EMS (0001-0048055200) in the same amount.

**RESOLUTION NO. 2002-232**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING AND APPROPRIATING UNANTICIPATED REVENUE FROM DONATIONS RECEIVED FROM FAMILY AND FRIENDS OF A PATIENT CARED FOR BY FIRE-RESCUE PERSONNEL TO ITS FY 2003 EMS BUDGET.**

13. Motion to adopt **Resolution No. 2002-233**, recognizing unanticipated revenue in the amount of \$1,000 and increasing the revenue and expenditure budgets of the Fire Service (#1171-33603: 1224-55200) in the same amount.

**RESOLUTION NO. 2002-233**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING AND APPROPRIATING UNANTICIPATED REVENUE FROM A DONATION RECEIVED FROM THE MARSH CREEK WOMEN'S ASSOCIATION TO ITS FY 2003 FIRE SERVICE BUDGET.**

14. Motion to adopt a Resolution approving a Final Plat for Julington Creek Plantation Parcel 53 Phase 2.

*This item was pulled from the Consent Agenda.*

15. Motion to adopt **Resolution No. 2002-234**, approving a Final Plat for Marshall Creek DRI Unit SV-3.

**RESOLUTION NO. 2002-234**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT SV-3.**

16. Motion to adopt **Resolution No. 2002-235**, approving a Final Plat for Stonehurst Plantation Unit One-C.

**RESOLUTION NO. 2002-235**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR STONEHURST PLANTATION UNIT ONE-C.**

17. Motion to adopt a Resolution approving a Final Plat for Marshall Creek DRI MUB-3.

*This item was moved to the Regular Agenda as Item 6A. (See page 13)*

18. Motion to adopt **Resolution No. 2002-236**, approving a Final Plat for Marshall Creek DRI Village Center Unit One, Tract C-1.

**RESOLUTION NO. 2002-236**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI VILLAGE CENTER UNIT ONE-TRACT C-1.**

19. Motion to adopt **Resolution No. 2002-237**, recognizing unanticipated revenue in the amount of \$775,049 (FEMA Reimbursement for Tropical Storm Gabrielle) to the Transportation Trust Fund and approval of a transfer of \$108,311.37 from account 1131-59920 (Transportation Trust Fund Reserves) to 1114-56301 (Capital Improvements Other than Buildings).

**RESOLUTION NO. 2002-237**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 TRANSPORTATION TRUST FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE.**

20. Motion to adopt **Resolution No. 2002-238**, recognizing unanticipated revenue in the amount of \$500,000 and appropriating it to the Transportation Trust Fund for use in the accomplishment of improvements to Russell Sampson Road.

**RESOLUTION NO. 2002-238**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003 IMPACT FEES ROADS ZONE "A" FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE.**

21. Proofs:
- a. Proof, Notice to Bidders, Bid No. 03-21
  - b. Proof, Notice to Bidders, Rebid No. 03-16
  - c. Proof, Notice to Bidders, Bid No. 03-14
  - d. Proof, Notice of Hearing, Value Adjustment Board Notice of Hearings, Oct 14, 2002
  - e. Proof, Notice to Bidders, Rebid No. 03-17
  - f. Proof, Notice of Public Hearing, Collection of Special Assessment, Nov 7, 2002 @ 5:30 p.m.
  - g. Proof, Notice of Special Meeting, Collection of Special Assessment, Nov 7, 2002 @ 5:30 p.m.
  - h. Proof, Notice to Bidders, Bid No. 03-19
  - i. Proof, Notice of a Ballot Referendum, Proposed Expansion of the Boundaries of the Anastasia Mosquito Control District of St. Johns County
  - j. Proof, Notice of Meeting, Economic Development Committee
  - k. Proof, Notice of Special Meeting, Nocatee DRI, Sept 13, 2002 (PV Recorder)
  - l. Proof, Certificate of Liability Insurance, SC Services & Associates

(11/05/02 - 6 - 9:27 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none.

(11/05/02 - 6 - 9:27 a.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the Regular Agenda, as amended, adding Item 17 from the Consent Agenda to the Regular Agenda as item 6A.**

(11/05/02 - 6 - 9:27 a.m.)

1. CONSIDER A RESOLUTION AUTHORIZING THE ISSUANCE OF WATER & SEWER BONDS REVENUE REFUNDING BONDS

Sisco introduced the item and Joe Vonasek, Director of Management and Budget, presented the item. Discussion followed regarding the savings and cost to the County. (9:30 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2002-239, authorizing the issuance and sale of not exceeding \$4,500,000 in St. Johns County Water and Sewer Revenue Refunding Bonds, Series 2002A and not exceeding \$1,500,000 in St. Johns County Taxable Water and Sewer Revenue Refunding Bonds, Series 2002B.**

**RESOLUTION NO. 2002-239**

**RESOLUTION FURTHER SUPPLEMENTING RESOLUTION NO. 89-84 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON APRIL 25, 1989, AS PREVIOUSLY AMENDED AND SUPPLEMENTED; FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE BY THE COUNTY OF NOT EXCEEDING \$4,500,000 PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2002A, AND NOT EXCEEDING \$1,500,000 PRINCIPAL AMOUNT OF TAXABLE WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2002B, TO FINANCE THE COST OF REFUNDING THE COUNTY'S OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 1989, THE COST OF A RESERVE ACCOUNT INSURANCE POLICY RELATING TO THE SERIES 2002 BONDS AND THE COSTS OF ISSUING THE SERIES 2002 BONDS; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2002 BONDS THE PLEDGED FUNDS DESCRIBED IN RESOLUTION NO. 89-84; AUTHORIZING A NEGOTIATED SALE AND THE AWARD OF THE SALE OF THE SERIES 2002 BONDS, AND APPROVING THE CONDITIONS AND CRITERIA FOR SUCH SALE; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A PURCHASE CONTRACT WITH RESPECT TO THE SERIES 2002 BONDS; AUTHORIZING A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT WITH RESPECT TO THE SERIES 2002 BONDS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE SERIES 2002 BONDS AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A REGISTRAR AND PAYING AGENCY AGREEMENT; APPROVING THE FORM AND AUTHORIZING THE**

EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; RATIFYING THE COUNTY'S ACCEPTANCE OF THE INSURER'S COMMITMENTS RELATING TO A MUNICIPAL BOND INSURANCE POLICY AND A RESERVE ACCOUNT INSURANCE POLICY WITH RESPECT TO THE SERIES 2002 BONDS; AUTHORIZING THE REFUNDING OF THE COUNTY'S OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 1989; MAKING THE CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF THE SERIES 2002 BONDS; AND PROVIDING AN EFFECTIVE DATE.

(11/05/02 - 7 - 9:31 a.m.)

2. CONSIDER A RESOLUTION FOR THE ABATEMENT OF VACANT SUBSTANDARD STRUCTURES OWNED BY LOW INCOME OR NON-PROFIT ORGANIZATIONS

Tillis and Sisco left the meeting and Michael Hunt, Assistant County Attorney entered the meeting.

Tom Crawford, Director of Housing and Community Services, presented the details of the proposed Resolution. He stated that the low-income property owners are very fearful of having liens placed on their properties and it is making the abatement process extremely cumbersome. He showed two photos, Exhibit A, of blighted properties to illustrate the extent of the problem. He is requesting funding so that he can move forward with the abatement of the substandard structures.

(9:33 a.m.) Kohnke asked how he would decide who to and who not to help and how to prevent abuse of the program.

(9:34 a.m.) Crawford responded that the applicants would have to go through an income verification and would have to meet SHIP income criteria to qualify for assistance. Discussion followed regarding down payment assistance and why a waiver to the liens would be given.

**(9:40 a.m.) Motion by Jacalone, seconded by Kohnke, to adopt Resolution No. 2002-240, as amended, for the abatement of vacant substandard structures owned by low-income households or non-profit organizations.**

(9:40 a.m.) Reardon stated that the Resolution is written to help elderly low-income individuals. He also stated that he is a little frustrated that the \$100,000 lien process, for those who are not elderly or low-income individuals, has not moved forward faster. Discussion followed on where the funds for this project would come from, the value of the lots versus the cost of removing the structure and the possibility of soliciting donations to haul away debris from the demolition to save on disposal and clean-up costs.

(9:47 a.m.) Meiszer asked if one of the criteria for eligibility is that the applicant's real estate taxes have to be paid up to date before any liens are waived. Discussion followed regarding previous structures that were demolished.

**(9:51 a.m.) The motion carried 5/0, as amended, to add the language *that all real estate taxes must be paid up to date.***

RESOLUTION NO. 2002-240

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ESTABLISHING A DEMONSTRATION PROJECT FOR REMOVING/DEMOLISHING CERTAIN VACANT, SUBSTANDARD, BLIGHTED OR HAZARDOUS STRUCTURES LOCATED WITHIN ST. JOHNS COUNTY; PROVIDING FOR FINDINGS; PROVIDING FOR A WAIVER OF COUNTY DEMOLITION PERMIT FEES AND LIENS; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR AUTHORIZATION OF EXPENDITURE OF UP TO \$50,000 FROM COUNTY GENERAL FUNDS RESERVE; PROVIDING FOR ELIGIBILITY; PROVIDING FOR ASSISTING NON-PROFIT ORGANIZATIONS AND LOW INCOME PROPERTY OWNERS WITH THE REMOVAL OF SUBSTANDARD HAZARDOUS STRUCTURES; PROVIDING FOR REQUIRED DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

(11/05/02 - 8 - 9:51 a.m.)

3. CONSIDER A RESOLUTION ESTABLISHING A POLICY BY WHICH SPECIAL DISTRICTS MAY REQUEST TO BE EXEMPTED FROM PAYMENTS INTO A COMMUNITY REDEVELOPMENT AREA TRUST FUND

Laura Barrow, Assistant County Attorney entered the meeting and Tillis returned.

Tom Crawford, Director of Housing and Community Services, presented the item and reviewed pending request for exemption.

(9:53 a.m.) Jacalone asked Crawford to explain how Statute 163.387 allows a taxing district to request an exemption and what has to be provided to the governing body.

(9:54 a.m.) Crawford responded that the CRA establishes the plan for the each area, and the plan addresses the various types of improvements that the plan is geared to do, i.e. drainage or economic development. The special districts are established to provide certain very specific services. He stated that there are seven very specific things that need to be considered when determining whether to exempt or not. Discussion followed regarding contacting the special districts to instruct them on applying for an exemption, legal notices and street lighting assessments.

(10:00 a.m.) Meiszer stated that each district should be contacted and informed that if they apply for an exemption by a certain date the Board would be willing to consider their application and grant the exception. He also suggested that it should be done at one meeting and not piecemeal.

(10:02 a.m.) Barrow clarified the procedure, stating that the Board can grant exemptions to special districts/taxing authorities in its own discretion without the districts having to submit a written request for exemption. But if a special district files a written request for exemption, then that written request has to be set for public hearing and the Board has to address the criteria listed in the statute. At this time there are two written requests pending. Discussion followed.

(10:06 a.m.) **Motion by Jacalone, seconded by Reardon, carried 5/0, to adopt Resolution No. 2002-241, establishing a policy by which a special district may request to be exempted from payments into a Community Redevelopment Area Trust Fund.**



RESOLUTION NO. 2002-241

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; REPEALING RESOLUTION NO. 2002-47; RECOGNIZING SECTION 163.387(2)(a), FLORIDA STATUTES, WHICH REQUIRE CERTAIN SPECIAL DISTRICTS/TAXING AUTHORITIES TO APPROPRIATE TO A COMMUNITY REDEVELOPMENT AGENCY TRUST FUND CERTAIN SUMS FOR USE IN IMPLEMENTING APPROVED COMMUNITY REDEVELOPMENT PLANS; RECOGNIZING THE AUTHORITY GIVEN TO THE BOARD OF COUNTY COMMISSIONERS UNDER SECTION 163.387(2)(d)1, FLORIDA STATUTES, TO GRANT AN EXEMPTION FROM THE STATUTORY REQUIREMENT, EITHER IN ITS SOLE DISCRETION OR IN RESPONSE TO A REQUEST FROM A SPECIAL DISTRICT; ESTABLISHING A PROCEDURE BY WHICH A SPECIAL DISTRICT MAY SUBMIT A WRITTEN REQUEST FOR EXEMPTION; AND PROVIDING AN EFFECTIVE DATE.

(11/05/02 - 9 -10:06 a.m.)

4. PRESENTATION ON THE SOUTHEAST COMMUNITY 20/20 VISION.

Teresa Bishop, Planning Director, presented the item.

(10:07 a.m.) Motion by Kohnke, seconded by Meiszer, carried 4/0, with Reardon not seated during the vote, to adopt Resolution No. 2002-242, accepting the Southeast Visioning 20/20 Vision.

RESOLUTION NO. 2002-242

A RESOLUTION OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY FLORIDA, ACCEPTING THE SOUTHEAST COMMUNITY 20/20 VISION.

(11/05/02 - 9 - 10:08 a.m.)

COMMISSIONERS' REPORTS

Commissioner Kohnke

Kohnke stated that she read the minutes of a Housing Finance Authority meeting and discovered that they are going to reimburse some members of the Authority \$5,000 to attend conferences. She feels that the Board needs to set a policy regarding paying for committee member conferences. Bryant stated that the HFA has it's own source of revenue from bond proceeds. Kohnke stated that it is still County money and that there needs to be a uniform policy for all committees. She also reported on the Regional Planning Council Committee meeting regarding the World Commerce Center.

Commissioner Reardon

(10:15 a.m.) Reardon commented that he has received several phone calls regarding the asphalt plant on SR 207 operating after allowed hours and creating noise and pollution and asked Adams to look into the issue.

Commissioner Meiszer

(10:17 a.m.) Meiszer commented that the Industrial Development Agency has agreed to give \$50,000 to the Chamber of Commerce for the Visioning Program. Bryant directed the County Attorney's Office to look into the revenues and expenditures of the IDA and the HFA.

Commissioner Jacalone

(10:20 a.m.) Jacalone commented that the County's Solid Waste Franchise Agreements are coming up for renewal soon. He suggested that the Board hold a workshop regarding RFP's for new commercial haulers. He also requested that Staff investigate what other counties are doing with their Franchise Agreements for solid waste haulers, both commercial and residential, rather than RFP for a consultant, to save money.

Commissioner Bryant

(10:21 a.m.) Bryant asked Adams to get with each Commissioner regarding the issue with the IDA that he brought up last week to get a consensus on how to address the issue.

(11/05/02 - 10 - 10:21 a.m.)  
COUNTY ADMINISTRATOR'S REPORT

Adams stated that he is going to bring to the Board this month information regarding the solid waste RFP. He also reminded the Board about the meeting to approve the final assessments at the Ponte Vedra Library on Thursday, November 07, 2002 at 5:30 p.m.

(10:23 a.m.) Reardon questioned whether to address the IDA issue today. Meiszer stated that he needs legal advice on this issue as the statute states that there has to be evidence of misfeasance, malfeasance or gross neglect of duty to remove a board member, and to date he has not seen any evidence. He stated that he spoke to Ted Zebrowsky about trying to obtain a resignation to save everyone a lot of trouble.

(10:26 a.m.) Kohnke stated that she talked to Ted Zebrowsky about what the protocol should be when addressing certain problems with other boards.

(10:28 a.m.) Barrow stated that the Florida Statutes that govern the Boards would always take precedence over the County's rules of procedure. In her legal opinion there would need to be a hearing so that the member who is to be removed could respond to any charges and could have the opportunity to seek legal council. Discussion followed regarding written notification and bylaws.

(11/05/02 - 10 - 10:32 a.m.)  
COUNTY ATTORNEY'S REPORT

No report.

(11/05/02 - 10 - 10:32 a.m.)  
CLERK OF COURT'S REPORT

No report.

The meeting recessed at 10:32 a.m. and reconvened at 1:39 p.m. with Bryant, Meiszer, Kohnke, Reardon, Jacalone, Adams, Assistant County Attorney Isabelle Lopez, and Deputy Clerk Yvonne King present.

(11/05/02 - 11 - 1:39 p.m.)

5. PUBLIC HEARING - NZVAR 02-0019 MORA/NEIGHBORS NON-ZONING VARIANCE. THIS IS A NON-ZONING VARIANCE REQUEST TO THE PLATTING (SECTION 5.01.01) AND EASEMENT (SECTION 6.02.01B.3) REQUIREMENTS OF THE LAND DEVELOPMENT CODE. THE PROPERTY IS LOCATED AT 1265 FRUIT COVE ROAD AND IS PART OF THE S. BARDIN ESTATE SUBDIVISION PLAT THAT IS RECORDED IN MAP BOOK 1 PAGE 127. THE 3.3 ACRE PARENT PARCEL WAS DIVIDED INTO TWO LOTS IN JUNE OF 1999 AND A 30' WIDE EASEMENT WAS CREATED TO ACCESS THE BACK PARCEL. THE CREATION OF AN EASEMENT WITHIN A PLATTED SUBDIVISION REQUIRED PLATTING UNDER THE SUBDIVISION REGULATIONS IN EFFECT AT THE TIME. THE CURRENT LAND DEVELOPMENT CODE REQUIRES PLATTING FOR AN INCREASE IN THE NUMBER OF LOTS INSIDE A PLATTED SUBDIVISION AND PROHIBITS EASEMENTS TO BE USED FOR ACCESS INSIDE PLATTED SUBDIVISIONS. OTHER THAN THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, STAFF HAS NO OTHER OBJECTIONS TO THE REQUESTED VARIANCE.

Proof of Publication was received regarding the Notice of Public Hearing for Mora/Neighbors NZVAR 02-0019, having been published in *The St. Augustine Record* on October 25, 2002.

Darrell Locklear, Development Review Engineering Manager, explained the requested non-zoning variance to Sections 5.01.01 and 6.02.01B3 of the Land Development Code for property located at 1265 Fruit Cove Road.

Kohnke invited public comment.

(1:42 p.m.) Elizabeth Ann Perry Wilde, 1273 Fruit Cove Road, commented in opposition to the variance. She gave a brief history of the property ownership and expressed frustration in regard to the physical location currently being used as the easement.

Locklear stated the legal easement is designated along the property line, and apparently the physical easement being used is located somewhere outside of that.

(1:46 p.m.) Patricia Ward, 912 Fruit Cove Road, spoke in support of Ms. Wilde and clarified that the access, currently being used, to the rear lot intrudes on Ms. Wildes' property because the designated easement has not been cleared as requested.

(1:52 p.m.) Lopez commented that it appeared the issue was not the easement itself, rather that people are driving outside of the intended easement. Lopez stated that trespassing on a property would be a Civil Action matter.

There was discussion regarding the initial separation of the parcel, creating the two lots and subsequent trail of ownership.

Meiszer asked that the drawing within the Agenda packet be illustrated on the video screen to determine location of the easement and clarify the applicant's request.

Locklear spoke to the location of the easement, pointing out the location on the drawing.

Jacalone summed up that there are no easement rights in the current location of the driveway. He stated that Board can grant the Variance with the condition that the easement be located where it is supposed to be, or there would be a violation of the Non-Zoning Variance.

(2:05 p.m.) Marsha Neighbors, 2899 Bass Haven Lane, stated there was a signed Agreement between owners. She read the Agreement, which stated maintenance would be shared amongst owners.

Reardon asked Lopez for precedence on the Board's action when an 'Agreement' and a survey are contradictory.

Lopez responded that the Board was not granting easement and suggested the Board limit its action to the legal recorded easement. She further clarified that the location of the easement must be agreed upon between the parties.

Meiszer established that the issue of the driveway needed to be solved between the owners, not the Board.

(2:16 p.m.) Barbara Mora, 11931 Marbon Meadows Drive, spoke to confirm that Agreements were signed and Recorded by both the first and second buyers of property in question, for continued use and maintenance of the road by both owners. She added that they had no knowledge that the initial subdivision was not properly executed.

**(2:22 p.m.) Motion by Reardon, seconded by Jacalone, carried 5/0, to approve NZVAR 2002-0019 based upon the evidence provided for all of the Five Findings of Fact, as listed on page 2-3.**

(11/05/02- 12 - 2:22 p.m.)

6. PUBLIC HEARING - NZVAR 02-009 - SOLANO STREET NON-ZONING VARIANCE. THIS IS A NON-ZONING VARIANCE REQUEST TO THE ROADWAY DESIGN REQUIREMENTS (SECTION 6.04.07) OF THE LAND DEVELOPMENT CODE. THE APPLICANT, MR. CHARLES THOMAS, IS REPRESENTING THE OWNER OF SIX - TEN ACRE LOTS (LOTS 9, 10, 15, 16, 17 AND 18) ON SOLANO STREET IN THE ADOLFUS PACETTI SUBDIVISION (MAP BOOK 1, PAGE 115). THE ORIGINAL SUBDIVISION CONSISTED OF 32 TEN-ACRE LOTS AND IT ABUTS DON MANUEL ROAD ON THE SOUTH AND ST. AMBROSE CHURCH ROAD ON THE NORTH. SOLANO STREET IS ONE OF THE TWO PRIVATE ROADS IN THE SUBDIVISION THAT HAS NOT BEEN OFFICIALLY OPENED; ALTHOUGH, AN ADMINISTRATIVE WAIVER WAS GRANTED IN APRIL OF 1999 (PRIOR TO THE LDC) TO ALLOW PERMITABLE ACCESS OF APPROXIMATELY 1380 FEET TO LOT 24 ON SOLANO STREET. NO OTHER PERMITS HAVE BEEN ISSUED PERMITS OFF OF SOLANO STREET. FROM LOT 24 TO LOTS 9 AND 10, ANOTHER 1920 FEET OF THE ROADWAY HAS BEEN OPENED ONLY FOR AGRICULTURAL/TIMBERING PURPOSES. THE MAINTENANCE AND ACCESS AGREEMENT PROVIDES FOR THE ONGOING MAINTENANCE OF THE DIRT ROAD AND DEFINES THE EASEMENT FOR THE ROADWAY. THE ORIGINAL PLAT DOES NOT INCLUDE ANY DIMENSIONS ON THE LOTS OR EASEMENT AND HAS RESULTED IN VARIOUS EASEMENT WIDTHS ON VARIOUS DOCUMENTS (I.E. PROPERTY APPRAISER MAPS, LOT SURVEYS, ETC.). THIS ACCESS AGREEMENT IS A METHOD OF ESTABLISHING AN EASEMENT THAT IS ACCEPTABLE TO ALL INTERESTED PROPERTY OWNERS. THE AGREEMENT HAS BEEN REVIEWED AND DEEMED A VALID MEANS OF ESTABLISHING THE EASEMENT BY THE COUNTY ATTORNEY'S OFFICE. IF APPROVED, SOLANA STREET COULD PROVIDE PERMITABLE ACCESS FOR UP TO 12 RESIDENTIAL LOTS (LOTS 9, 10, 15, 16, 17, 18, 23, 24, 25, 26, 31, 32). UNDER

THE CURRENT REGULATIONS, DIVISION OF PROPERTY ON SOLANA STREET RESULTING IN ADDITIONAL LOTS WOULD REQUIRE A MINIMUM OF THE THREE FOLLOWING ITEMS: PLATTING, FAMILY FARM AFFIDAVIT OR COMPREHENSIVE PLAN AMENDMENT, PAVING SOLANA STREET FOR A DIVISION RESULTING IN MORE THAN TWO LOTS, AND OTHER THAN THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, STAFF HAS NO OTHER OBJECTIONS.

Proof of Publication was received regarding the Notice of Public Hearing for Solana Street, NZVAR 02-009, having been published in *The St. Augustine Record* on October 25, 2002.

Darrell Locklear, Development Review Engineering Manager, explained the requested variance to Section 6.04.07 of the Land Development Code. The variance relates to gaining access to property at Solana Street.

(2:29 p.m.) Charles Thomas, 6100 Solana Creek Road, Elkton, the Applicant, introduced himself and his wife to the Board. He gave a brief history of his involvement with the property and intent of the request.

**(2:31 p.m.) Motion by Reardon, seconded by Jacalone, carried 5/0, to approve NZVAR 2002-009 based upon the evidence provided for all of the Five Findings of Fact listed on page 3-4.**

(11/05/02 - 13 - 2:31 p.m.)

6A. MOTION TO ADOPT A RESOLUTION APPROVING A FINAL PLAT FOR MARSHALL CREEK DRI MUB-3 (*This item was pulled from the Consent Agenda as Item #17 and placed on the Regular Agenda as Item #6A.*)

Lopez stated that the Title Opinion Letter and new mylars were received and she had signed off on them.

**(2:31 p.m.) Motion by Reardon, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2002-243 approving a Final Plat for Marshall Creek DRI Unit MUB-3.**

#### RESOLUTION NO. 2002-243

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT MUB-3.**

**(2:32 p.m.) Motion by Jacalone, seconded by Reardon, carried 5/0 to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 2:32 p.m.

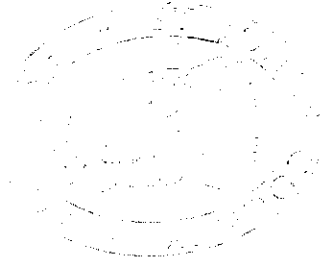
#### REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #326457 through #326458, dated October 24, 2002, totaling \$59,778.26.
2. St. Johns Board of County Commissioners Check Register, Check #326459 through #326476, dated November 1, 2002, totaling \$40,230.74.
3. St. Johns Board of County Commissioners Check Register, Check #326477 through #326487, dated November 1, 2002, totaling \$2,417.27.

CORRESPONDENCE:

1. Letter dated October 24, 2002, to Cheryl Strickland, Clerk of Courts, regarding Ordinance Nos. 2002-57 through 2002-63.
2. Letter dated October 29, 2002, to Liz Cloud, Bureau of Administrative Code, regarding Ordinance Nos. 2002-64 through 2002-66.

Approved November 19, 2002



BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King  
Deputy Clerk