

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
FEBRUARY 10, 2004  
(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:       Karen Stern, District 2, Chair  
                      Bruce Maguire, District 4, Vice Chair  
                      Nicholas Meiszer, District 1  
                      James E. Bryant, District 5  
                      Ben W. Adams, Jr., County Administrator  
                      Michael Hunt, Deputy County Attorney  
                      Robin Platt, Deputy Clerk

Also present:       Allen Mac Donald, Finance Director

(02/10/04 - 1 - 9:06 a.m.)  
Chair Stern called the meeting to order.

(02/10/04 - 1 - 9:07 a.m.)  
Meiszer gave the Invocation and Bryant led the Pledge of Allegiance.

(02/10/04 - 1 - 9:07 a.m.)  
ROLL CALL

Stern indicated that all Commissioners were present, with the exception of Jacalone.

(02/10/04 - 1 - 9:08 a.m.)  
SPECIAL PRESENTATION FOR BLACK HISTORY MONTH - CERTIFICATE OF EXCELLENCE AWARD

Superior Jones, winner of the Certificate of Excellence Award in the Governor's Annual Black History Month Essay Contest, read her essay for those present. Stern congratulated Jones for her accomplishments.

(02/10/04 - 1 - 9:17 a.m.)  
PUBLIC COMMENT

Louise Thrower, 288 Orange Ave., addressed the accessibility of public records from governmental agencies, utilizing visual display. Meiszer commented that this county had not questioned why documents were being requested, or required that any forms be filled out, in years.

(02/10/04 - 1 - 9:23 a.m.)  
DELETIONS TO THE CONSENT AGENDA

Hunt requested that Item 6 be pulled from the Consent Agenda.

(02/10/04 - 1 - 9:23 a.m.)  
APPROVAL OF THE CONSENT AGENDA

**Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to adopt the Consent Agenda, as amended.**

1. Approval of the Cash Requirement Report
2. Approval of Minutes:  
01/20/04 - BCC Regular Meeting  
01/27/04 - BCC Regular Meeting
3. Motion to allow the County Administrator, or his designee, to enter into contract under Bid No. 04-49, with E.J. Breneman L.P., in the amount of \$379,075.88 for 2004 Roadway Improvements - The Shores Reclamation
4. Motion to authorize consent to dispose of public records for the Building Services Division, which have been retained for the allotted time required by the State of Florida, Florida Administrative Code, Chapter 1B-24
5. Motion to adopt **Resolution No. 2004-34**, approving the Final Plat for Whisper Ridge Unit One

**RESOLUTION NO. 2004-34**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR WHISPER RIDGE UNIT ONE**

6. Motion to adopt a Resolution approving the Final Plat for Whisper Ridge Unit Two

*This item was pulled from the Consent Agenda.*

7. Motion to adopt **Resolution No. 2004-35**, approving 1st Amendment to Lease Agreement from Depot Plaza to St. Johns County Housing and Community Services, to add a security deposit in the amount of \$1,596.67 to be held by the owner as security against possible damage

**RESOLUTION NO. 2004-35**

**A RESOLUTION APPROVING 1ST AMENDMENT TO LEASE AGREEMENT FROM DEPOT PLAZA TO ST. JOHNS COUNTY HOUSING AND COMMUNITY SERVICES TO ADD A SECURITY DEPOSIT IN THE AMOUNT OF \$1,596.67 TO BE HELD BY THE OWNER AS SECURITY AGAINST POSSIBLE DAMAGE**

(02/10/04 - 2 - 9:24 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern pulled Items 1 and 2 and Adams added an item, as Item 3A, to address leaks in the Courthouse Building. Teresa Bishop, Planning Director, stated that Items 5 and 7 were not heard by the PZA, and would therefore need to be pulled.

(02/10/04 - 2 - 9:26 a.m.)

APPROVAL OF REGULAR AGENDA

**ST. JOHNS COUNTY  
 BID TABULATION**



**BID TITLE** 2004 ROADWAY IMPROVEMENTS  
 SHORES RECLAMATION

**BID NUMBER** BID NO. 04-49

**OPENING DATE/TIME** JANUARY 21, 2004 3:00 P.M.

**POSTING TIME/DATE** FROM 01/21/2004 4:00 PM UNTIL 01/26/2004 4:00 PM

ANY BIDDER AFFECTED ADVERSELY BY AN INTENDED DECISION WITH RESPECT TO THE AWARD OF ANY BID, SHALL FILE WITH THE PURCHASING DEPARTMENT FOR ST. JOHNS COUNTY, A WRITTEN NOTICE OF INTENT TO FILE A PROTEST NOT LATER THAN SEVENTY TWO (72) HOURS (EXCLUDING SATURDAY, SUNDAY AND LEGAL HOLIDAYS) AFTER THE POSTING OF THE BID TABULATION. PROTEST PROCEDURES MAY BE OBTAINED IN THE PURCHASING DEPARTMENT.

**OPENED BY** LEIGH DANIELS  
**TABULATED BY** RUDY GONZALEZ, CPPB  
**VERIFIED BY** *[Signature]*

**PAGE (S)** 1 **OF** 1 **PAGE (S)**

BIDDERS	TOTAL COLUMN "E" BID	ITEM 1 TYPE S-III STRUCTURAL COURSE TONS	ITEM 2 FULL DEPTH RECLAMATION-SY	ITEM 3 EMLUSION-GAL	BID BOND	ADDENDUM #1
FLORIDA HIGHWAY PRODUCTS, INC.	\$384,258.48	\$132,759	\$133,045.80	\$118,453.68	X	X
E.J. BRENNEMAN	\$379,075.88	\$136,160.00	\$157,079.88	\$85,836.00	X	X

**BID AWARD DATE** - \_\_\_\_\_

2/10/2004-Consent 3- Attachment A.

**Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to approve the Regular Agenda, as amended.**

1. DISCUSSION CONCERNING THE CLEAN UP OF THE TREASURE BEACH CANALS

*This item was pulled from the Regular Agenda.*

2. DISCUSSION CONCERNING COUNTY PROPERTY LOCATED AT 3440 OLD MOULTRIE ROAD

*This item was pulled from the Regular Agenda.*

(02/10/04 - 3 - 9:26 a.m.)

3. CONSIDER AUTHORIZING THE EXECUTION OF A COUNTY AGREEMENT FOR THE EXTENSION OF THE UTILITY SYSTEM FOR DAVIS PARK

Troy Blevins, Parks and Recreation Department, explained the motions relating to this item. (9:28 a.m.) Joe Vonasek, Director of Management and Budget, explained where the funds to cover the costs of this item would come from. Maguire addressed the high cost of the project and the expiration of the temporary permit on July 1st, which could lead to the park being shut down. Discussion ensued regarding the contract with JEA and the expiration of the permit.

(9:32 a.m.) Michael Pullium, 3600 Ponce de Leon Blvd., engineer for the project, explained that the permit was issued by the State Department of Health and was due to expire on July 1st, and would not be renewed. Meiszer addressed the funding for the project, the \$25,000 for JEA for the construction of the lines and the procedures for legal review of contracts, followed by discussion.

(9:42 a.m.) Dan Bosanko, County Attorney, explained that his department reviewed all contracts. Michael Hunt, Deputy County Attorney, stated that it would not be a problem to put an "approved by" notation on future contracts, with discussion following on the advisory authority of the County Attorney's Office.

**(9:46 a.m.) Motion by Maguire, seconded by Meiszer, carried 4/0 with Jacalone absent, to appropriate the \$25,000 from Davis Park Improvement Project (3314-56301) to pay capacity fees to JEA.**

**(9:47 a.m.) Motion by Maguire, seconded by Meiszer, carried 4/0 with Jacalone absent, to authorize the transfer of \$936,959 from the following funds, in the following amounts (to 3336-3314-56301): 0001-0004-56200 in the amount of \$400,000, 0001-0032-56200 in the amount of \$90,000, 0001-0079-55305 in the amount of \$200,000, 0001-0079-56301 in the amount of \$246,959, for an increase to 3336-3314-38101 of \$936,959.**

**(9:49 a.m.) Motion by Maguire, seconded by Meiszer, carried 4/0 with Jacalone absent, to direct the County Administrator to execute the Agreement for Extension of Utility System to Davis Park.**

(02/10/04 - 3 - 9:49 a.m.)

- 3A. DISCUSSION OF LONG TERM COURTHOUSE LEAKS

Mike Rubin, Construction Manager, explained the defects in the building that were causing the leaks, and the costs involved in correcting the problem. Meiszer questioned

if the building was built with bond funds and if there was a fund to cover renewal or replacement.

(9:53 a.m.) Joe Vonasek, Director of Management and Budget, stated that it was his understanding that bonds funds were used for the construction of the entire campus, but that fund had been closed.

**(9:55 a.m.) Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone absent, to approve a transfer of \$20,000 from General Fund Reserves 0001-0083-59920 to Judicial Maintenance 0032-54600.**

**(9:55 a.m.) Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone absent, to approve a change order to Bush Construction for repairs to the existing four chimneys on the main Courthouse Building, not to exceed \$20,000.**

(02/10/04 - 4 - 9:55 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Meiszer  
No report.

(9:56 a.m.)  
Commissioner Maguire  
Maguire reported on a luncheon that he attended at the St. Photios National Shrine where Bruce Jenner was the featured speaker.

(9:57 a.m.)  
Commissioner Stern  
Stern reported on an article from the *Times-Union* regarding Hastings resident Ramonica Flagler, who was selected as the Region 2 All-American Success Story in Workforce Education.

Stern also reported on a ground-breaking ceremony that she attended for the new Holy Trinity Greek Orthodox Church and a ribbon cutting for Lynn Rockland who was raising funds for Habitat for Humanity.

Stern also mentioned a pep rally for the Super Bowl that was planned for February 19th at 11:00 a.m., and that Shorty Robbins was requesting permission to use the County Auditorium for the pep rally.

(10:02 a.m.) Shorty Robbins commented on the goals of the rally and St. Johns County's role in the Super Bowl. Discussion followed on getting intermittent updates from the TDC regarding the Super Bowl preparations.

**(10:06 a.m.) Motion by Stern, seconded by Maguire, carried 4/0 with Jacalone absent, to approve the use of the County Auditorium for the Super Bowl pep rally on February 19th at 11:00 a.m.**

(10:06 a.m.)  
Commissioner Bryant  
Bryant stated that he was concerned with the speed at which the Health Department was proceeding in the opening of the Primary Care Clinic. He was also concerned with the hours of operations of the facility and the renovations that would be needed. He questioned if the County should look at going in a different direction before they begin

those renovations. He requested that Adams make contact with the Health Department to get an update on their plans.

(02/10/04 - 5 - 10:07 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams commented on the excellent job the Landscaping Department was doing under the leadership of Chuck Moore.

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

COUNTY ATTORNEY'S REPORT

No report.

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

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 10:10 a.m. and reconvened at 1:39 p.m. with Stern, Maguire, Bryant, Meiszer, Adams, Laura Barrows, Assistant County Attorney, and Deputy Clerk Lenora Newsome present. Commissioner Jacalone was absent.

(02/10/03 - 5 - 1:39 p.m.)

4. PUBLIC HEARING - NZVAR 03-0014, LACASSE/TIMBER LANE - THE APPLICANT, LEROY R. LACASSE, IS OWNER OF A 5 ACRE PARCEL OF LAND ZONED, OR FRONTING, AN EXISTING UNPAVED PRIVATE ROAD (TIMBER LANE) CONSTRUCTED ON A 30 FOOT EASEMENT. THE APPLICANT DESIRES TO GIFT 2.5 ACRES OF HIS PARCEL TO HIS SON. THE NEW PARCEL WOULD BE ACCESSED VIA THE EXISTING PRIVATE ROADWAY. THE PRIVATE ROAD IS CURRENTLY USED AS ACCESS BY THREE (3) RESIDENTIAL PROPERTIES. THE APPLICANT DESIRES TO DEED THE PROPERTY TO HIS SON FOR CONSTRUCTION OF HIS SON'S PRIMARY RESIDENCE. THE APPLICANT IS SEEKING A VARIANCE FROM SECTION 6.04.07.B.2 OF THE LAND DEVELOPMENT CODE. SECTION 6.04.07.B.2 LIMITS ACCESS TO RESIDENTIAL DWELLINGS VIA A 30' EASEMENT TO A MAXIMUM OF TWO (2) DWELLING UNITS

Proof of publication of Notice of Public Hearing on File #NZVAR 03-0014, LaCasse/Timberland was received, having been published in *The St. Augustine Record* on January 23, 2004.

Richard Tomich, Development Review Chief Engineer, reviewed this item, stating that the applicant owned a five-acre parcel and he desired to split off two-and-a-half acres for his son to build his residence. Maguire spoke on the deed restrictions, the turnaround, and the main road being split evenly. Stern questioned the roadway being sufficient for emergency vehicles. Tomich replied that the road was high and dry and in good shape. Meiszer asked about limits being put on the number of lots that could be created and Tomich responded. He asked if a temporary variance could be granted to the individual and not run with the property. Isabelle Lopez, Senior Assistant County Attorney, responded that the issue today had nothing to do with the subdivision of the lots, but the level of roadway that was seeking a variance. She suggested that if the Board wanted to add certain specifications, for clarity of both the applicant and future buyers, they do so in the motion. She also suggested adding the language about the turnaround.

(1:51 p.m.) Leroy Lacasse, 1201 Timber Lane, explained the reason for subdividing the lots. (1:55 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone absent, to approve NZVAR 2003-0014, based upon the evidence provided for all of the five Findings of Fact and that the turnaround be added.**

5. PUBLIC HEARING - MAJMOD 2003-01, ANDERSON PARK PUD - THIS REQUEST IS TO MODIFY THE APPROVED PUD TO EXTEND THE PHASING SCHEDULE OF DEVELOPMENT, AND TO ALLOW FOR OVERLAPPING PHASES. THE SUBJECT PROPERTY IS LOCATED AT 2705 STATE ROAD 16, AND IS COMPRISED OF 196.76 ACRES. THE PUD WAS ORIGINALLY APPROVED WITH THE FOLLOWING PHASING: PHASE 1 - 1996-1999; PHASE 2 - 2000-2003; AND PHASE 3 - 2004-2006. THE REQUESTED PHASING IS AS FOLLOWS: PHASE 1 - 2005-2008; PHASE 2 - 2008-2010; AND PHASE 3 - 2010-2012. THE MAJOR MODIFICATION REQUEST IS CONSISTENT WITH FINAL CERTIFICATE OF CONCURRENCY, CONMAJ 2003-01 APPROVED FOR PHASE 1 (2003-2005) CONSISTING OF 100,000 SQUARE FEET OF LIGHT INDUSTRIAL SPACE, 30,000 SQUARE FEET OF GENERAL OFFICE SPACE AND 100,000 SQUARE FEET OF SPECIALTY RETAIL, PHASE 2 (2005-2007) CONSISTING OF 100,000 SQUARE FEET OF LIGHT INDUSTRIAL SPACE AND 100,000 SQUARE FEET OF SPECIALTY RETAIL AND PHASE 3 (2007-2009) CONSISTING OF 50,000 SQUARE FEET OF SPECIALTY RETAIL AND 120 MULTI FAMILY UNITS

*This item was pulled from the Agenda to be rescheduled at a later date.*

(02/10/03 - 6 - 1:55 p.m.)

6. PUBLIC HEARING - REZ 2003-23, BODY WISE WELLNESS CENTER - THIS REQUEST SEEKS TO REZONE APPROXIMATELY .15 ACRES, LOCATED AT 2706 OLD MOULTRIE, FROM OPEN RURAL (OR) TO COMMERCIAL NEIGHBORHOOD (CN). THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) FUTURE LAND USE DESIGNATION. A FINAL CERTIFICATE OF CONCURRENCY (98-CD-60) WAS PREVIOUSLY APPROVED FOR THIS SITE FOR "OUR HOUSE" (ADULT CARE CENTER), ESTIMATED TO GENERATE 22 NEW EXTERNAL P.M. PEAK HOUR TRIPS. A 8,400 SQ. FT. RESTAURANT IS ESTIMATED TO GENERATE 52 NEW EXTERNAL P.M. PEAK HOUR TRIPS. THEREFORE, FCOC 98-CD-60 MEETS THE REQUIREMENTS FOR CONCURRENCY APPROVAL OF AT LEAST 1/3 OF THE NEW EXTERNAL P.M. PEAK HOUR TRIPS GENERATED BY THE PROPOSED REZONING. THIS PARCEL IS PART OF A LARGER CONTIGUOUS PARCEL, WHICH WAS THE SUBJECT OF A RECENT REZONING TO CN. HOWEVER, DUE TO AN ERROR IN ADVERTISING, THE TWO PARCELS HAD TO BE TREATED AS TWO SEPARATE APPLICATIONS WITH SEPARATE ADVERTISING AND STAFF REPORTS

Proof of publication of Notice of Public Hearing on Notice of Proposed Rezoning on File #REZ 2003-23, Body Wise Wellness Center was received, having been published in *The St. Augustine Record* on January 20, 2004.

Bruce Ford, Chief Planner, stated that the applicant requested to rezone approximately .15 acres from Open Rural to Commercial Neighborhood.

(1:58 p.m.) **Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone absent, to enact Ordinance No. 2004-11, known as REZ 2003-23, Body Wise Wellness Center, adopting Findings of Fact to support the motion.**

ORDINANCE NO. 2004-11

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

7. PUBLIC HEARING - PUD 2003-18, PLAYA RIVE- THIS REQUEST SEEKS TO REZONE 5.07 ACRES OF LAND FROM RG-2(B) AND RG-1 TO PUD FOR THE DEVELOPMENT OF A 23-UNIT CONDOMINIUM COMPLEX WITH ASSOCIATED AMENITIES. THE SUBJECT PROPERTY CONSISTS OF TWO SEPARATE PARCELS OF LAND LOCATED ALONG THE EAST AND WEST SIDES OF SR A1A, LOCATED APPROXIMATELY THREE MILES NORTH OF THE VILANO BRIDGE. THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL C-COASTAL ON THE FUTURE LAND USE MAP, WHICH ALLOWS UP TO FOUR UNITS PER ACRE. THE PROPOSED PROJECT HAS A DENSITY OF 5.16 UNITS PER ACRE. THE OPTIONAL DENSITY BONUSES PROVIDE INCENTIVE FOR THE DEVELOPER TO DEDICATE LAND FOR PUBLIC BENEFIT, PRESERVE UPLAND AND WETLAND OPEN SPACE, DEDICATE BEACH PARKING AND ACCESS FOR PUBLIC USE, PROVIDE TRADITIONAL NEIGHBORHOOD DESIGN, PROVIDE AFFORDABLE HOUSING AND MITIGATE NON-CONFORMING AND INCOMPATIBLE USES. THE BOARD OF COUNTY COMMISSIONERS REVIEWS THE REQUESTED OPTIONAL DENSITY BONUSES AND RENDERS A DECISION AS TO THE EXTENT OF PUBLIC BENEFIT BEING OFFERED BY THE APPLICANT. EACH OPTIONAL DENSITY BONUS IS REVIEWED WITH THE PROPOSED PUD. IN THE EVENT THE OPTIONAL DENSITY BONUS IS DENIED, THE PROPOSED PROJECT MUST COMPLY WITH BASE DENSITY ALLOWED BY THE COMPREHENSIVE PLAN

*This item was pulled from the Agenda to be rescheduled at a later date.*

(1:58 p.m.) Stern announced that Items 5 and 7 were not heard because they were pulled from the Agenda to be rescheduled to a later date. She spoke on being required by law to appoint a Commissioner to the 2004 Canvassing Board. Discussion followed on one of the Commissioners volunteering, or being appointed, to serve on the Board.

**Motion by Maguire, seconded by Bryant, carried 4/0 with Jacalone absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 2:04 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, Check #346089 through 346443, totaling \$1,762,648.83 (02/03/04)

CORRESPONDENCE:

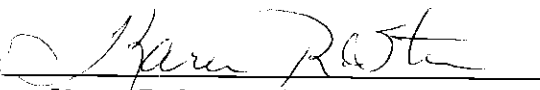
1. Letter dated January 19, 2004, from Pete Williams, District Manager, World Commerce Community Development District, regarding their proposed budget



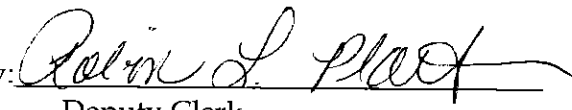
- for Fiscal Year 2003/2004 with certified copies of Resolution Nos. 2004-07 and 2004-09
2. Letter dated February 2, 2004, to Liz Cloud, Chief of the Bureau of Administrative Code, filing St. Johns County Ordinance Nos. 2004-8 and 2004-9
  3. Letter dated February 6, 2004, to Liz Cloud, Chief of the Bureau of Administrative Code, filing St. Johns County Ordinance No. 2004-10

Approved February 17, 2004

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

