

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 11, 2004
(1:30 P.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
 Marc Jacalone, District 3
 James E. Bryant, District 5
 David Halstead, Assistant County Administrator
 Daniel Bosanko, County Attorney
 Laura Barrow, Assistant County Attorney
 Lenora Newsome, Deputy Clerk

(05/11/04 - 1 - 1:36 p.m.)

Chair Stern called the meeting to order.

(05/11/04 - 1 - 1:36 p.m.)

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

(05/11/04 - 1 - 1:37 p.m.)

ROLL CALL

Stern announced that all five Commissioners were present.

(05/11/04 - 1 - 1:37 p.m.)

PUBLIC COMMENT

There was none.

(05/11/04 - 1 - 1:37 p.m.)

DELETIONS TO CONSENT AGENDA

Barrow requested to pull Item 4 from the Consent Agenda, due to problems with the title, and stated that it would be rescheduled at a later date.

(05/11/04 - 1 - 1:38 p.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report

2. Sheriff's Bonds:

 Approve: Larry R. Dyer
 Pauline T. Orr

Cancel: Heather L. Benavides
Barry Pierce

Change: Shannon L. Benson to Shannon L. Romer
Kris A. Brown to Kris Brown Roberts

3. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 04-66, with Grading & Bush Hog Services, Inc., in the amount of \$65,430 (*See Attachment A*)
4. Motion to adopt a Resolution approving a Final Plat for Rolling Hills Estates

This item was pulled from the Consent Agenda and would be rescheduled at a later date.

(05/11/04 - 2 - 1:38 p.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern requested to continue, to a time uncertain, Item 4, Playa Rive, and Teresa Bishop explained why. Bryant requested to add, a discussion on parking expansion at the Health and Human Services Center, as Item 1A.

Bosanko informed the Board that he got a warning from one of their consulting attorneys, not to adopt the Sign Ordinance today as they became aware of a new problem with it. He suggested that the Board hear it, but not finalize it today.

(05/11/04 - 2 - 1:42 p.m.)

APPROVAL OF REGULAR AGENDA

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

(05/11/04 - 2 - 1:43 p.m.)

2. PUBLIC HEARING - REZ-2004-01, DR. STEVE POULOS. THIS REQUEST SEEKS TO REZONE APPROXIMATELY 1.50 ACRES, LOCATED AT 250 SR 207, FROM RESIDENTIAL SINGLE FAMILY (RS-3) AND COMMERCIAL INTENSIVE (CI) TO COMMERCIAL GENERAL (CG), TO ALLOW FOR A DENTAL OFFICE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT FUTURE LAND USE DESIGNATION. A FINAL CERTIFICATE OF CONCURRENCY CONMINPDRA 2004-09, WAS APPROVED FOR THE DEVELOPMENT OF A 1,440 SF DENTAL OFFICE BUILDING BASED ON THE SITE PLAN SUBMITTED BY JIM NOBLE ON 3/25/04. PLANNING HAS NO OBJECTION TO THE ZONING CATEGORY REQUESTED, AS IT MEETS THE COMPATIBILITY POLICY AS STATED IN COMPREHENSIVE PLAN POLICY A.1.3.12. THE REVIEW PROCESS AND THE APPLICATION ARE CONSISTENT WITH APPLICABLE REQUIREMENTS OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. STAFF ALSO FINDS THAT THE PROPOSED ZONING CHANGE TO COMMERCIAL GENERAL (CG) IS CONSISTENT AND COMPATIBLE WITH THE SURROUNDING DEVELOPMENT. THE REQUESTED REZONING COMPLIES WITH AND SUPPORTS THE GOALS AND POLICIES OF THE FUTURE LAND USE ELEMENT AND THE MIXED USE DISTRICT PROVISIONS OF THE COMPREHENSIVE PLAN. THE PLANNING DIVISION HAS NO OBJECTIONS TO APPROVAL OF THIS REQUEST. THE PLANNING AND ZONING

Consent # 3
5/11/04

**ST. JOHNS COUNTY
BID TABULATION**



BID TITLE CONSTRUCTION OF SHORES
BID NUMBER BLYD SIDEWALKS
BID NO. 04-66
OPENING DATE/TIME April 14, 2004 3:00 P.M.
POSTING TIME/DATE FROM 04/14/2004 4:00 PM UNTIL 04/19/2004 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 CHERYL ALBERTSON
VERIFIED BY
PAGE (S) 1 **OF** 2 **PAGE (S)**

BIDDERS	TOTAL LUMP SUM PRICE	BID BOND				
LAS CONTRACTING CORP	\$86,748.00	X				
BGCO INC.	\$98,500.00	X				
GIBBS & REGISTER, INC.	\$74,600.00	X				
GRADING & BUSH HOG SERVICES, INC.	\$65,430.00	X				
AWA CONTRACTING CO., INC.	\$103,684.60	X				
JENSEN CIVIL CONSTRUCTION, INC.	\$91,424.00	X				
HARDEN GOLF & RECREATIONAL SURFACES, INC.	\$89,550.00	X				

BID AWARD DATE - _____

ST. JOHNS COUNTY

BID TABULATION

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OPENED BY LEIGH DANIELS
TABULATED BY CHERYL ALBERTSON *[Signature]*
VERIFIED BY *[Signature]*

PAGE (S) 2 **OF** 2 **PAGE (S)**

BIDDERS	TOTAL LUMP SUM PRICE	BID BOND				
AMERICAN CONTRACTORS & DEVELOPERS, INC.	\$117,600.00	NO				
C.A.P. CONTRACTING, INC.	\$139,000.00	X				

BID AWARD DATE - _____

AGENCY HEARD THIS ITEM AT THEIR MAY 6, 2004, MEETING. THEIR RECOMMENDATION WILL BE PROVIDED AT THE BCC PUBLIC HEARING

Proof of publication of the Notice of Public Hearing on REZ 04-01, Dr. Steve Poulos was received, having been published in *The St. Augustine Record* on April 16, 2004.

Nicole Cubbedge, AICP, Planner III, reviewed this item, stating that the review process and the application were consistent with the Land Development Code. They received two letters on this issue, with one being in favor and the other being in opposition. (1:46 p.m.) **Motion by Bryant, seconded by Maguire, to enact Ordinance No. 2004-33, known as REZ 2004-01, Dr. Steve Poulos, adopting Findings of Fact 1 through 4, to support the motion in the package.**

(1:47 p.m.) Joan Angyalffy, 288 San Marco Avenue, spoke in opposition to this item, mentioning that the developers had put in another retention pond; causing a lot more mosquitoes. Discussion followed on the retention pond and the mosquitoes. **The motion carried 5/0.**

ORDINANCE NO. 2004-33

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL SINGLE FAMILY (RS-3) AND COMMERCIAL INTENSIVE (CI) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(05/11/04 - 3 - 1:53 p.m.)

3. PUBLIC HEARING - ORDINANCE AMENDING PORTIONS OF THE COUNTY'S LAND DEVELOPMENT CODE THAT PERTAIN TO SIGNS. ON DECEMBER 4, 2002, THE UNITED STATES DISTRICT COURT (JACKSONVILLE) ENTERED A JUDGMENT THAT DECLARED THREE SECTIONS IN ARTICLE VII OF THE COUNTY'S 1999 LAND DEVELOPMENT CODE UNCONSTITUTIONAL. THE COUNTY'S 1999 LAND DEVELOPMENT CODE WAS CREATED BY COUNTY ORDINANCE 99-51. ARTICLE VII WAS THE PORTION OF THE 1999 LAND DEVELOPMENT CODE THAT REGULATED SIGNS. THE DISTRICT COURT'S JUDGMENT DETERMINED THAT THE THREE SECTIONS (7.00.01, 7.00.08 AND 7.03.01) WERE UNCONSTITUTIONAL BECAUSE THEY PLACED TIGHTER SIGN RESTRICTIONS ON POLITICAL MESSAGE SIGNS, THAN ON COMMERCIAL SIGNS. THE JUDGMENT THEN ENJOINED THE COUNTY FROM ENFORCING THE ENTIRE ARTICLE VII. ON OCTOBER 15, 2002, PRIOR TO THE COURT'S JUDGMENT, THE COUNTY ENACTED ORDINANCE 2002-61, WHICH DELETED THE 1999 ARTICLE VII, IN ITS ENTIRETY, FROM THE LAND DEVELOPMENT CODE, AND SUBSTITUTED A NEW ARTICLE VII THAT REGULATED SIGNS IN ITS PLACE (THE "2002" ARTICLE VII). THE DISTRICT COURT'S DECEMBER 4, 2002, JUDGMENT DID NOT DIRECTLY ADDRESS THE NEW ARTICLE VII THAT WAS CREATED BY ORDINANCE 2002-61

Proof of publication of the Notice of Public Hearing on Enactment of a Proposed Ordinance that regulates signs, and thereby affects the use of land was received, having been published in *The St. Augustine Record* on April 15 and May 4; and in *The Ponte Vedra Recorder* on April 30, 2004.

Bosanko reviewed this item, answering questions that were asked by the Board at a prior meeting. He spoke on the Sign Ordinance being simplified and making it more consistent by doing an overhaul of the Sign Ordinance. He recommended going forward with fixing it today, then rescheduling the adoption of the Ordinance to another day. Jacalone stated that if they were able to reduce some of the detail and contradictions in Article VII of the Land Development Code, it would be easier for people to comply with and it would be easier for the Board to enforce. Bosanko mentioned that at the end of this item, if the Commission agreed with Jacalone and would give him direction to work on a general overhaul, he would start on it right away. Bosanko continued by speaking on time limits on campaign signs and stated that one could not limit the time before an election; when election signs go up. (2:00 p.m.) Cheryl Strickland, Clerk of Courts, entered the meeting. Discussion followed on not putting a time limit on political message signs, doing an overhaul and simplification of the Sign Ordinance, and obtaining a model Ordinance for municipal or county organizations. Bosanko suggested taking public comment today, but putting off the adoption to a newly advertised date in the future. (2:08 p.m.) Michael Hunt, Deputy County Attorney, entered the meeting. Hunt pointed out the fact that the Court could enter sanctions against the community for doing something where there was a clear law, or judicial decision, in that area. Jacalone encouraged Hunt to check it out. Bosanko stated that he would be bringing back the Ordinance with limited changes; then he would instigate a workshop to redo the overall Sign Ordinance. Stern stated that there was a fine line between political message signs and political campaign signs. Jacalone stated the difference between the political message sign and a campaign sign was that the campaign sign contained the name of a candidate. (2:15 p.m.) Hunt left the meeting.

(2:15 p.m.) James Acosta, Supervisor of Code Enforcement, spoke on enforcing the Sign Ordinance.

4. PUBLIC HEARING - PUD 2003-18 PLAYA RIVE. THIS IS A REQUEST TO REZONE APPROXIMATELY 5.13 TOTAL ACRES OF LAND FROM RG-1 AND RG-2 (B) TO PUD, FOR THE DEVELOPMENT OF 17 MULTIFAMILY CONDOMINIUM UNITS AND ONE SINGLE FAMILY DWELLING UNIT, WITH ASSOCIATED PRIVATE AMENITIES. APPROXIMATELY 4.04 ACRES OF LAND LIES ON THE WEST SIDE OF A1A AND APPROXIMATELY 1.09 ACRES OF LAND ARE ON THE EAST SIDE OF A1A. OF THE OVERALL ACREAGE, APPROXIMATELY 0.62 ACRES IS JURISDICTIONAL WETLAND. THE SUBJECT PROPERTY IS LOCATED ON BOTH THE WEST AND EAST SIDES OF A1A AT 4500 AND 4450 COASTAL HIGHWAY. THE SUBJECT PROPERTY IS DESIGNATED AS RESIDENTIAL-C-COASTAL ON THE FUTURE LAND USE MAP, AND ALLOWS A MAXIMUM OF FOUR UNITS PER NET ACRE. THE PROPOSED PUD PROVIDES THAT THE WEST SIDE OF THE SUBJECT PROPERTY WILL BE DEVELOPED WITH 17 CONDOMINIUM UNITS WITH ASSOCIATED PARKING, LANDSCAPING AND AMENITIES. THE WESTERNMOST PART OF THE WEST PARCEL, CONSISTING OF 2.16 ACRES WILL BE DEVELOPED WITH ONE RESIDENTIAL DWELLING UNIT. ACCESS

FOR ALL 18 UNITS IS BY ONE DRIVEWAY OFF OF A1A. THE SINGLE FAMILY DWELLING UNIT IS LOCATED AT THE END OF THE CONDOMINIUM COMPLEX AND IS ACCESSED THROUGH THE COMPLEX BY CONTINUING THE SAME DRIVEWAY. THE PUD PROVIDES THAT THE EAST PARCEL OF LAND CONTAINED WITHIN THIS PUD, SHALL BE DEVELOPED WITH 18 PRIVATE GUEST QUARTERS THAT ARE CONTAINED WITHIN TWO BUILDINGS AND A PERMANENT DUNE BEACH WALKOVER FOR PEDESTRIAN ACCESS TO THE OCEAN. THIS PROPOSED PUD IS CONSISTENT WITH THE DENSITY REQUIREMENTS OF THE RESIDENTIAL-C-COASTAL FUTURE LAND USE MAP DESIGNATION AND STAFF IS OF THE OPINION IT MEETS THE OVERALL GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN, BY PROVIDING DIVERSE HOUSING OPPORTUNITIES THROUGHOUT THE COUNTY IN DESIGNATED AREAS. STAFF HAS CONCERNS WITH THE CONSTRUCTION OF THE GUEST QUARTERS ON THE EAST PARCEL. THE LAND DEVELOPMENT CODE PROVIDES THAT GUEST QUARTERS ARE: SEPARATE FROM AND ACCESSORY IN USE AND SIZE TO THE MAIN RESIDENTIAL BUILDING ON A LOT. IT DOES NOT APPEAR THAT THE DEFINITION AND INTENT OF THE CODE IS TO ALLOW MULTIFAMILY RESIDENTIAL TO HAVE QUEST QUARTERS. GIVEN THIS INCONSISTENCY WITH THE LAND DEVELOPMENT CODE, STAFF CANNOT SUPPORT THIS REQUEST. THE PLANNING AND ZONING AGENCY RECOMMENDED DENIAL OF THIS REQUEST AT ITS MARCH 4, 2004, REGULAR MEETING

Proof of publication of the Notice of Public Hearing on PUD 03-18, Playa Rive was received, having been published in *The St. Augustine Record* on April 22, 2004.

This item was pulled and would be continued to a time uncertain.

(05/11/04 - 5 - 2:16 p.m.)

1. UPDATE ON THE ROBERSON PROPERTY LOCATED AT 211 NORTH RODRIQUEZ STREET

James Acosta, Supervisor of Code Enforcement, reviewed this item by showing pictures of the area, Exhibit A. He stated that as of today, the violations that the owners were cited for, were now in compliance. Barrow reminded the Board of their previous action, in March of this year, not to foreclose on the property. The Board voted to reduce and cap the fines at \$25,000. Maguire stated that they did not want to foreclose on this property and he recommended getting rid of the fine completely, if they kept the property clean. Barrow clarified that, because the fines had been imposed, and the Order imposing the fines was recorded in the Courthouse, the fines became a lien against the property. When the fines were reduced and capped, that too was recorded. She stated that the Attorney's Office would need to draft a written Order reflecting what the Board did and record it, as well as, to cancel out the \$25,000 fine and the lien. Bosanko recommended caution with the words used because they have different legal affects. (2:27 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, that any fines that are currently attached to that property, pertaining to the Code Enforcement violation, be abated.**

(2:28 p.m.) Maguire mentioned correcting the minutes from March 23, 2004, that was attached to Item 1, as backup, regarding the vote on Item 5. It listed the vote as *4/0 with Meiszer opposing*; it should have read *4/1 with Meiszer opposing*. Stern mentioned that they would check into it.

(05/11/04 - 6 - 2:29 p.m.)

1A. PARKING EXPANSION AT THE HEALTH AND HUMAN SERVICES CENTER

Mike Rubin, Construction Manager, reviewed this item, stating that there were many complaints about the parking and he was asked to provide 20 extra parking places for the Veterans Administration. He stated that they would be added at the northwest corner of the property. Meiszer asked where the money would come from to do this project.

(2:32 p.m.) Doug Timms, Office of Management and Budget, stated that they went to a new auditing firm this year after the budget, so they could not anticipate the contract price at that time. Discussion followed on the budgets. (2:34 p.m.) **Motion by Bryant, seconded by Maguire, carried 5/0, to authorize the transfer of \$80,000 from County Administration, Management and Budget and Intergovernmental Services to the Health and Human Services Center (0093-56301) for the parking lot expansion by the Veterans Administration Clinic.**

(05/11/04 - 6 - 2:37 p.m.)

COMMISSIONER REPORTS

Commissioner Meiszer:

No report.

(2:37 p.m.)

Commissioner Maguire:

No report.

(2:37 p.m.)

Commissioner Jacalone:

No report.

(2:37 p.m.)

Commissioner Bryant:

Bryant spoke on getting numerous calls about dead trees and stated that he would like to get a consensus of the Board to define an addition to the Ordinance that would cover dead trees only, and only if the fall zone encompassed adjacent property or public facilities. All the Commissioners supported Bryant.

Bryant spoke on Congress indicating that they were raising interest rates. He mentioned passing the Resolution on the Vilano Town Center and using that Resolution to move forward to get the Town Center started. Discussion followed on moving forward with the Vilano Town Center; not delaying it. Bosanko stated that it would cost the CRA more money to do a separate bond issue. He mentioned that he had also heard that interest rates may be on an upslide, and that was why PFM recommended putting them together to save money. Bosanko stated that he could do it either way; he just needed direction, as to which direction to take. Jacalone suggested asking Staff to get the detail and information that the Commissioners asked for, on the projects that were on that list and then they would know if they could combine them or not. Discussion

followed on getting the information back to the Board so they could decide which route to take.

(2:50 p.m.)

Commissioner Stern:

No report.

(05/11/04 - 7 - 2:51 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No report.

(05/11/04 - 7 - 2:51 p.m.)

COUNTY ATTORNEY'S REPORT

No report.

(05/11/04 - 7- 2:51 p.m.)

CLERK OF COURT'S REPORT

Cheryl Strickland, Clerk of Courts, spoke on Article V, stating that the County would be allowed to have an Ordinance where they could get money, a \$65.00 court cost split, for Legal Aid, Teen Court, Facilities Maintenance and the Law Library. Jacalone asked Strickland to give them drafts of this legislation. Strickland replied that she would and mentioned that the Clerk's Association was supposed to have put it on their web site.

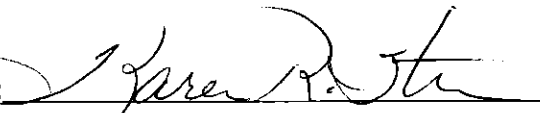
Motion by Jacalone, seconded by Maguire, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 2:55 p.m.

REPORTS:

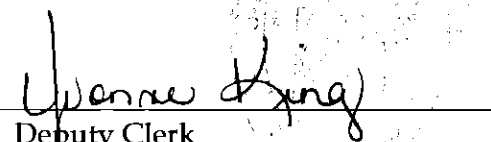
1. St. Johns Board of County Commissioners Check Register, Check No. 350670 through 350698, totaling \$30,403.18 (04/29/04)
2. St. Johns Board of County Commissioners Check Register, Check No. 350699 through 351151, totaling \$1,223,682.01 (05/04/04)

Approved June 1, 2004

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk