

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 13, 2003
(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
 Karen Stern, District 2, Vice Chair
 Nicholas Meiszer, District 1
 Marc Jacalone, District 3
 Bruce Maguire, District 4
 Ben W. Adams, Jr., County Administrator
 Dan Bosanko, County Attorney
 Robin Platt, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts

(05/13/03 - 1 - 9:11 a.m.)

Chairman Bryant called the meeting to order.

(05/13/03 - 1 - 9:11 a.m.)

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

(05/13/03 - 1 - 9:12 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(05/13/03 - 1 - 9:13 a.m.)

PROCLAMATION DESIGNATING MAY 15, 2003, AS TOURISM AWARENESS DAY

Meiszer presented the Proclamation to Dale Haney, Chairman of the Tourist Development Commission, Sandy Craig, Chairperson of the Visitors and Convention Bureau, and Jane Morris, President of the Attractions Association.

(05/13/03 - 1 - 9:18 a.m.)

PROCLAMATION DESIGNATING MAY, 2003, AS BETTER HEARING AND SPEECH MONTH

Bryant presented the Proclamation to Darrell Volz and Susan Bishada, who accepted it on behalf of the Sertoma Club of St. Augustine.

(05/13/03 - 1 - 9:21 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Stern, seconded by Jacalone, carried 5/0, to accept both Proclamations

(05/13/03 - 1 - 9:21 a.m.)

PUBLIC COMMENT

Edwin Taylor, 3665 Crazy Horse Trail, Chairman of the St. Johns Veterans Council, commended the Board, and the County, for its support of the troops, and their families, involved in Operation Iraqi Freedom. He stated further that there would be a celebration at the National Cemetery on Memorial Day. He also encouraged the Commission to consider purchasing the Ponce Golf Course.

(9:27 a.m.) Tom Callahan, 5840 A1A South, stated that he lives at the corner of Butler Park East, and he questioned when his road would be paved, as he is having problems with all of the dust.

(05/13/03 - 2 - 9:28 a.m.)

DELETIONS TO CONSENT AGENDA

There were none.

(05/13/03 - 2 - 9:29 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Jacalone, seconded by Stern, carried 5/0, to approve the Consent Agenda

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
4/23/03 - Joint BCC/School Board Meeting
3. Motion to authorize the Sheriff's Office to submit an application for participation in the Department of Justice's Bulletproof Vest Partnership Grant Program for Fiscal Year 2004
4. Motion to authorize the Chairman to sign a grant agreement with the St. Johns River Water Management District to perform an investigation of feasibility for developing brackish well fields in north-central St. Johns County
5. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 03-54
 - b. Proof, Notice to Bidders, Bid No. 03-72
 - c. Proof, Notice to Bidders, Bid No. 03-78
 - d. Proof, Notice to Bidders, Bid No. 03-80
 - e. Proof, Notice of Public Hearing, St. Johns County Settlement and Compliance Agreement
 - f. Proof, Notice of Public Hearing, Petition to Vacate Subdivision of Hilden, Portions of Fifth & Seventh Avenues
 - g. Proof, Notice of Public Hearing, St. Johns County Towing Rates Ordinance
 - h. Proof, Notice of Public Hearing, St. Johns County Ordinance No. 2002-47, Business Incentives Program
 - i. Proof, Notice of Joint Special Meeting, St. Johns County Board of County Commissioners and School Board
 - j. Proof, Notice of Meeting Cancellation, May 7, 2003, 9:00 A.M., St. Johns County Water and Sewer Authority
 - k. Proof, Request for Proposals, Proposal No. 03-69, Audit Services, St. Johns County, Florida
 - l. Proof, Certificate of Liability Insurance, Econowaste, Inc. and Econosweep, Inc.
 - m. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC

- n. Proof, Certificate of Liability Insurance, Southeast Restoration Group
- o. Proof, Certificate of Liability Insurance, Alpha Staff Group, Inc.
- p. Proof, Certificate of Liability Insurance, Shapell's, Inc.
- q. Proof, Certificate of Liability Insurance, Woolpert, LLP
- r. Proof, Certificate of Liability Insurance, T B Landmark Construction, Inc.
- s. dba Comfort Control Heating & Air

(05/13/03 - 3 - 9:29 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Stern requested that a transmittal item be reconsidered from last week, regarding the Wolfe Ranch, at the end of the day. Dan Bosanko, County Attorney, stated that per the Department of Community Affairs, if one of the items were reconsidered, all of the items would have to be readvertised and reconsidered. Discussion followed as to how to handle this request. (9:38 a.m.) **Bryant called for a vote on the Agenda, as amended by Commissioner Stern, adding 15A, reconsideration of the transmittal hearings from last Tuesday. The motion failed 2/3, by roll call vote.**

Roll Call:

Jacalone **nay**
Maguire **aye**
Bryant **nay**
Meiszer **nay**
Stern **aye**

(9:38 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to readdress the Regular Agenda.**

Bryant added as Item A1, an amendment to an Interlocal Agreement with the Northeast Florida Regional Planning Council to change their name to the Northeast Florida Regional Council, and to correct the titles of the officers. Discussion followed regarding membership in the Council.

Adams requested that Item 5 be rescheduled to the May 20th meeting, and also that Items 12 and 15, be pulled.

Bosanko requested that Item 14 be continued until the first or second meeting of the next month.

Adams requested that Item 9 be moved to Item 5A.

(05/13/03 - 3 - 9:44 a.m.)

APPROVAL OF REGULAR AGENDA

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

(05/13/03 - 3 - 9:44 a.m.)

A1. INTERLOCAL AGREEMENT AMENDMENT WITH THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL

Motion by Meiszer, seconded by Maguire, carried 5/0, to approve the amended contract.

(05/13/03 - 4 - 9:45 a.m.)

1. DISCUSSION OF ISSUES RELATED TO THE COUNTY'S CONCURRENCY MANAGEMENT SYSTEM, DEVELOPMENT AGREEMENTS, THE POSSIBLE USE OF FAIR SHARE AGREEMENTS TO ADDRESS CONCURRENCY, AND THE RELATIONSHIP OF THE COUNTY'S IMPACT FEE ORDINANCES WITH DEVELOPMENT AGREEMENTS AND OTHER FORMS OF AGREEMENTS ADDRESSING CONCURRENCY

Scott Clem, Director of Growth Management Services, introduced some new Staff members and gave a presentation on the current Concurrency Management System, and the related statutes. Discussion followed regarding impact radius comparisons, with St. Johns County using four miles, trip calculations, and alternative routes. Clem continued by stating projects are reviewed by Planning Staff and then brought to the Concurrency Review Committee, explaining who the committee members are and when they meet. Discussion followed on the functions of the committee versus the Impact Fee Review Committee. Clem explained that concurrency review is now required before rezoning approval. He also addressed the inequalities in the current system, and how it affects some projects, and impact fee credits. (10:05 a.m.) Jacalone stated that some developers have been partnering to get concurrency improvements done, and he questioned if there was any mechanism in place to help the developers recoup some of their transportation improvement monies. Clem responded that there are two: 1) with a voluntary arrangement with another developer or, 2) to be able to sell their excess credits outside of the project, which is something that this county does not do. Discussion followed regarding the possibility of allowing the credits to be sold and the litigation with Julington Creek, and Bosanko cited a scenario in which the credits could be sold. (10:13 a.m.) Meiszer questioned how many cases per year come before the Committee. Clem stated more than one hundred, and in the past year less than five were denied. He further explained how the approval process works and discussion followed regarding the perception of capacity and impact. (10:20 a.m.) Jacalone asked for clarification on the point of developers having a mechanism to utilize credits beyond their approved unit number and the road impact fee unit price. Clem explained that the Impact Fee Ordinance allows for the exchange, or sale, of credits outside of the project boundary with the Board's approval. Discussion followed as to what constitutes an Impact Fee Credit. (10:23 a.m.) Maguire stated the he feels the impact is felt by the smaller developers who cannot generate enough sales to recoup expenses as the larger developers can. Clem responded in agreement. Meiszer stated that he would be reluctant to set a secondary market in Impact Fee Credits with developers selling them back and forth, as it is up to the developers, not the County, to make projects economically feasible. Clem continued the presentation with an explanation, a brief history, and the benefits of pipelining. Bosanko elaborated on the deficiencies of the pipelining system. (10:34 a.m.) Bryant stated that Fair Share Agreements could augment pipelining. Clem then addressed transportation exemption areas and long-term concurrency management systems. (10:36 a.m.) Maguire questioned how concurrency is handled for expansion projects. Clem responded that the entire project would have to be considered and readdressed. He continued by reviewing the various transportation agreements, including Fair Share Agreements, citing Jacksonville's system as an example and discussion followed. (10:44 a.m.) Bosanko stated that a better example of what the statute allows would be the system in Orlando, as opposed to Jacksonville. He does not see where Jacksonville's Ordinance addresses the financial feasibility of the plan, as required by the statute. Clem addressed some of the key points of Jacksonville's Fair Share Ordinance and discussion followed regarding DRIs. (10:51 a.m.) Bryant stated that if the County did this, that it should follow the Florida Statutes, and Jacalone commented that the Board is uncomfortable with timing of some developments that breeze through because concurrency is there, opposed to the developer who comes along and is required to do the improvements. He questioned

how the statutes address that issue. Clem stated that he would check, but he believed that it was not addressed in the statute. Discussion followed on the advantages and disadvantages of Fair Share Agreements, as they would apply to this county. (10:58 a.m.) Stern suggested looking at what Orlando is doing instead of Jacksonville. (11:59 a.m.) Meiszer stated that he would have to be convinced that there is a problem with impact fees before he would consider Fair Share Agreements and asked for an explanation of how this would be an effective growth management tool, more so than impact fees. (11:01 a.m.) Bosanko stated that he is of the opinion that impact fees and Fair Share Agreements do not have to be mutually exclusive.

The meeting recessed at 11:03 a.m. and reconvened at 11:08 a.m.

(11:09 a.m.) John Metcalfe, 1104 Mill Creek Drive, spoke in favor of having Staff explore Fair Share Agreements, as well as other alternatives that would allow for more flexibility in the Concurrency Management System. He reviewed some of his past experiences with impact fees and credits related to development agreements, and suggested the Board consider raising impact fees in lieu of, or in conjunction with, Fair Share Agreements.

(11:14 a.m.) Bryant stated that there was going to be an in depth workshop to address this issue. Jacalone asked that this item be scheduled, as a workshop, with enough time allotted to fully discuss the issue.

(11:16 a.m.) Karen Taylor, 3070 Harbor Drive, stated that she typically represents the smaller developers, so she looks at concurrency from a different perspective, and explained. She stated that she would also like to have more of a round table discussion on this issue, as opposed to a more formal workshop. She also addressed inequity in concurrency, the four-mile area of influence radius and "ghost trips".

(11:22 a.m.) Jacalone stated that the Concurrency system was put into effect for a reason and that the County has to be responsible for transportation, therefore the Board has to prioritize development against its responsibility to the transportation system.

(11:23 a.m.) Mary Kohnke, 29 S. Roscoe Blvd., disagreed with the prospect of selling impact fee credits, and stated she likes impact fees. She also commented that the four-mile radius is not set in concrete.

(11:26 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., addressed the issue of water concurrency and stated that he would like to see more stringent water concurrency regulations regarding potable water in the county. Jacalone responded that is an issue for the SJRWMD and discussion followed.

(11:29 a.m.) George McClure, 10276 U.S. 1 South, stated that concurrency was never intended to be a vehicle to prevent development. It was intended to be a vehicle to coordinate the activities of local government to fulfill its responsibilities in providing public services, and the timing of development. He concurs that the Duval County model is not the one that this county should follow. He also feels that it would be beneficial to include Joe Stephenson in this process. He stated further, that if a financially feasible CIP Program was adopted, the improvements could be preformed in a more coordinated and cost-effective manner.

(11:34 a.m.) Bryant stated that the roundtable discussion was set for the afternoon of June 24th.

(05/13/03 - 6 - 11:34 a.m.)

2. DISCUSSION OF OPPORTUNITY TO PURCHASE PROPERTY ON LANDRUM LANE

Mary Ann Blount, Real Estate Manager, gave a brief history of the subject property and stated that the purchase price of the property is \$250,000. The seller has agreed to lift the deed restrictions that state the property must be used for a fire station. She asked for direction from the Board as to how to proceed. (11:37 a.m.) Jacalone stated that the property would serve the County well, and the County should move to buy the property. (11:38 a.m.) Meiszer suggested that the County sell its two acres to the adjoining property owner, as the County has no use for the land. (11:41 a.m.) Maguire stated that the four acres has no value at all for development, and suggested that a skateboard park be put on the property. Discussion followed regarding surplusing the property, deed restrictions and having a need for the property before purchasing it, not purchasing it and then figuring out what to do with it. (11:49 a.m.) Dan Weimer, Director of Parks and Recreation Department, stated he has been working with a group in the northeast to build a skatepark in that area for over a year. He stated that there is definitely a need in this area for a skatepark, and that there is no better location in the area. He outlined the type of equipment that would be used at the park, and explained that they have some funding in next year's budget for the park, and that the organization has already started raising funds. Discussion followed regarding ownership of the proposed park.

(11:53 a.m.) Mary Kohnke, 29 S. Roscoe Blvd., stated that there are problems with the site, including access, and that there would only be a ditch separating the park from a residential neighborhood. She questioned whether the County would have to comply with concurrency, and if concurrency would be available for a skateboard park at this location. (12:00 p.m.) Bryant questioned if there was room at Davis Park for a skateboard park. Weimer stated that it could possibly be squeezed in and that they have not looked at it in depth. He explained that the park would be buffered and that a skatepark is not noisy.

(12:02 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, stated that the residents of Odom Mill will not be thrilled with a skatepark at this location. She stated that she works at Landrum Middle School and that the traffic in that area is appalling. She feels that the residents should be allowed more "heads up" time than was given today. (12:03 p.m.) Jacalone stated that a decision as to what to do with the property was not being made today, just the decision as to whether to purchase it or not. He explained the current problems with the adjoining property the County already owns and the residents would be informed when a decision was made.

(12:04 p.m.) George McClure, 170 Malaga St., representing the 800 Acre Partnership, commented that he agreed with Jacalone's former comments and addressed the current deed restrictions on the property and discussion followed on why a fire station was not built on the site.

(12:09 p.m.) **Motion by Maguire, seconded by Jacalone, to direct staff to proceed with acquiring the adjoining property.** Discussion followed regarding concurrency, appraisals and site estimates, the commercial square footage still available within the PUD, and what action is being requested today.

(12:12 p.m.) **The motion carried 3/2, by Roll Call vote, with Bryant and Meiszer dissenting.**

Roll Call:

Maguire **aye**
Bryant **nay**
Meiszer **nay**
Stern **aye**
Jacalone **aye**

Bryant moved the balance of the Agenda Items to the afternoon session, and the meeting recessed at 12:13 p.m. and reconvened at 1:32 p.m. with Bryant, Meiszer, Stern, Jacalone, Maguire, Adams, Hunt, Strickland, and Cecelia Aldrich, Deputy Clerk present.

The afternoon items were heard in the following order: 3, 4, 13, 7, 6, 8, 5A (formerly 9), 11, and 10.

(05/13/03 - 7 - 1:32 a.m.)

3. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS [OF] AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CERTAIN PURCHASE AND SALE AGREEMENT TO PURCHASE 15 ACRES IN FLAGLER ESTATES FOR A PARK

Mary Ann Blount, Real Estate Manager, reviewed the intent of the Resolution and the terms of the Purchase and Sale Agreement.

(1:34 p.m.) Stern noted that the Fire Department is also looking for a site in the Flagler Estates area and asked if the Real Estate Department was looking at other sites. Blount said as the community grows there will be other sites. She noted that the existing park is in a secluded area and there have been problems with vandalism. Blount said it has been difficult to find larger parcels that are available for purchase. (1:36 p.m.) Meiszer referred to correspondence received from the President of the Flagler Estates Road and Water Control District, which is the only elected body that represents the residents of that area. He said the Board voted to encourage the County not to purchase this site and according to the document the site is not located within Flagler Estates. He noted that he had not previously heard about plans to place a park there and didn't think 15 acres was adequate. He stated that he objected to the procedure and asked about plans for other parks in the area. (1:37 p.m.) Dan Weimer, Parks & Recreation, noted that a County park does not have to be located within Flagler Estates. Weimer stated that this is a highly visible piece of property and would likely yield less vandalism. He stated that Blount had performed an exhaustive search of property in the area. (1:40 p.m.) Meiszer asked if this had been discussed with the Flagler Estates Road and Water Control District. Weimer responded that it had not. Discussion followed on the size and location of the subject parcel. (1:44 p.m.) Stern reviewed that a land use change on this particular parcel had been previously approved and said she understood the concern about having a park within Flagler Estates. Because there have not been any larger parcels located within Flagler Estates, thus far, she suggested this may be a first step. Stern also reiterated the need for fire protection in the Flagler Estates area and queried the possibility of a park in conjunction with a fire station. Stern commented that there is a newly formed Community Redevelopment Agency (CRA) at Flagler Estates and that one of its' members was present.

(1:48 p.m.) Derek Hankerson, Housing and Community Services, is the Staff person designated to the Flagler Estates CRA. He stated that there are a number of people present who have been recently elected to the CRA. He said parks and recreation is one

of the issues they have discussed and establishing a park in Flagler Estates is a concern. He also mentioned other concerns.

(1:50 p.m.) Jacalone spoke in favor of the site, stating that he believes the location of the proposed park is ideal and also that a lot could be done with 15 acres. He suggested that doing this in stages might be a good way to proceed. (1:51 p.m.) Maguire requested clarification on the location and referred to the map. He complimented Blount on the short and concise contract and asked about the timber cutting. (1:53 p.m.) Blount said she was reassured by the sellers that the County could sign off on the timber cutting plan and that a sufficient buffer would be left. (1:54 p.m.) Maguire asked that approval by the County on timber removal, and buffering, be added into the contract. (1:54 p.m.) Meiszer asked if the CRA and Road and Water Control District boundary is coterminous. (1:55 p.m.) Tom Crawford, Director, Housing and Community Services, said they are identical boundaries. (1:55 p.m.) Meiszer said he thought it was inappropriate to involve the CRA, since the parcel is not in the CRA boundary and any funds generated through Tax Increment Financing by this project could not be used. Meiszer stated that there is a need for a program that includes activities for the youth. (1:57 p.m.) Bryant suggested this might qualify for a grant. Weimer responded in the affirmative and he noted that Ms. DuPont (the owner) had just informed him that they would increase the acreage from 15 to 20 acres for the park.

(2:00 p.m.) Jackie Van Horn, 10610 Zigler Ave., Hastings, District Office Manager for Flagler Estates Road and Water Control District, noted that she is also a member of the CRA committee and was present on behalf of the Board of Supervisors of Flagler Estates. She said the concern is that it [the proposed site] is not centrally located within Flagler Estates. She commented about other pieces of property that are listed for sale with realtors. Van Horn stated that there are four entrances into Flagler Estates and asked the Board to consider other options that would benefit everyone. See map used, Exhibit A.

(2:05 p.m.) Jacalone asked about the duties of the Road and Water Control District. Van Horn said its' authority is to maintain roads and drainage within Flagler Estates. She also responded that recreation was the County's obligation. Discussion followed regarding other properties that might be for sale. It was noted that it would be desirable to continue to look for and purchase more property. (2:07 p.m.) Stern said she would forward the realtors name and number to Blount and Weimer. Maguire asked where the largest percentage of residents are located within Flagler Estates and the area was identified on the map. He said he did not see that buying this 15 acres would preclude buying more next year. (2:11 p.m.) Meiszer said he would like to see a bigger park in that area and said the CRA is a vehicle for financing improvements and producing money. Meiszer emphasized the necessity of recreational programs and said he would applaud and support a complete plan.

(2:14 p.m.) Joyce DuPont, PO Box 847, Hastings, stated that she did not offer this property, but was approached to sell it. She noted that the crime is so bad that they are having a difficult time finding insurance for a church. DuPont emphasized the need for a place for the children to go and said there is a desperate need for recreation. She reviewed the events leading to her offering the property and confirmed that they would add five acres at \$5,000 per acre. She identified, on the map, where the additional acreage is located.

(2:18 p.m.) Stern stated that the purchasing of this property would not preclude looking for additional property within Flagler Estates. She said she hopes that one of the CRA's committees would be looking into recreation. *Motion by Stern, to adopt Resolution No. 2003-92, approving the terms and authorizing the County Administrator to execute a certain*

Purchase and Sale Agreement to purchase 15, possibly 20 acres at Flagler Estates. Meiszer said he would second the motion to buy 20 acres as phase one of a great program. (2:20 p.m.) On behalf of the County Attorney's Office, Hunt recommended that the Board table the vote and bring the Purchase and Sale Agreement back when it has the appropriate acreage (20 acres), as well as the buffer language in the section dealing with timber. He said even though there has been an offer of another five acres a price has not been determined. There was discussion that the Resolution, and related Exhibits, would also need to be revised. (2:21 p.m.) Stern withdrew the motion and Meiszer withdrew the second. (2:22 p.m.) Bryant asked that it be brought back on the Consent agenda with the changes discussed. **Motion by Jacalone, seconded by Maguire, carried 5/0, to table the vote.** Adams left and David Halstead, Assistant County Administrator, entered the meeting.)

(05/13/03 - 9 - 2:22 p.m.)

4. CONSIDER A MOTION TO ADOPT A RESOLUTION DEFERRING THE PAYMENT OF 75% OF THE WATER AND SEWER UNIT CONNECTION FEES FOR SIX YEARS FOR 216 AFFORDABLE SENIOR AND FAMILY RENTAL APARTMENTS TO BE CONSTRUCTED BY REGENCY DEVELOPMENT AND SET AN EFFECTIVE DATE

Tom Crawford, Director of Housing and Community Services, gave a brief overview of the project and explained that the financing would go through the County Housing Finance Authority. He said the total development costs would be just over 18 million dollars. He said the deferment of three quarters of the water and sewer connection fees is a key part of the initial cash flow. Crawford noted that the Utility Ordinance calls for a 5% rate and he had previously given an estimate of 2½%, and the actual interest would be 5%, pulled out of the unpledged funds from the County sales tax receipts. This totals \$163,936 over six years, at a rate of \$27,323 per year, if the County pays the interest due to the Utility Department. He noted that the previous deferrals have been for two-thirds and this one is for three-quarters. He said the difference is due to the additional amenities offered to make the units user friendly for the deaf and blind communities.

(2:25 p.m.) Jacalone asked what criteria the developer will have to meet in order to keep the deferrals intact and/or ensure that they do what they say they will do. Crawford said there are numerous requirements, for compliance within the tax credits and bond documents under State and Federal statutes, which relate to low-income housing. (2:26 p.m.) Jacalone asked how the Board could be sure that the benefits promised will come to fruition. Crawford said it would be monitored annually by the bond trustees. Discussion followed on the amount of deferral being requested and what it would actually cost the Utility Department and the County. (2:30 p.m.) Maguire asked what the difference in cost is from the prior approval and this request. Crawford said the prior approval was for a 132-unit complex and this is for a total of 216 units, and he did not have the monetary value at hand. (2:32 p.m.) Maguire expressed concern about breaking away from what has been traditional, and increasing the deferral from two-thirds to three-quarters, which equals about \$60,000. It was noted that the additional benefits would be to the deaf and blind communities. Discussion followed on what percentage of possible occupants would likely be from the deaf and blind communities. (2:35 p.m.) Meiszer asked if there would be debt involved. Crawford said that there would be bonds issued by the Housing Finance Authority. Meiszer asked why the interest wouldn't be paid by the revenue from the debt, rather than from the General Fund, and said he thought there was a problem with inter-fund loans. Meiszer said he thought using the proceeds from the debt to pay the interest should be explored. He added that the way to check compliance with the terms would be to perform an audit at the end of the year, which would include performance. (2:36 p.m.) Bosanko entered the

meeting. (2:38 p.m.) Jacalone acknowledged that this is a good project, and he would agree to help with the fee, but not at the level being requested.

(2:40 p.m.) Ben Jackson, Georgia, representative of Deaf Senior Housing, commented that he had done extensive research on the deaf population in Florida. He said there are over 300,000 deaf residents in Florida.

(2:42 p.m.) Renee Sandell, Regency Development, Melbourne, Florida, stated that they do not want to compound the interest. She explained that they asked for the 75% deferral because they are wiring all the units and they are trying to provide some housing for families at 40% to 50% of the median income. In regard to the interest payments, she said they could try to build it into the pro forma, but she wasn't sure.

Discussion followed on what the extra costs would be, i.e., the difference in wiring and special amenities. (2:48 p.m.) Maguire asked for more specific information on the difference in construction cost. Sandell said she would be happy to get the information. (2:49 p.m.) Bryant noted that there was not enough information for the Board to act on this request today. Jacalone indicated he would be willing to assist with unit connection fees to the level it has been done in the past, but not to the 75% level.

(2:51 p.m.) George McClure, 170 Malaga St., stated this his father was President of the Florida School for the Deaf and the Blind for 15 years. He noted that for the last 20 years he has had deaf friends come to his office for assistance in trying to attract a retirement community, specialized for the deaf, to this area. McClure stated that it is highly likely that the density suggested will be satisfied.

(2:53 p.m.) Maguire applauded the developer for the plan to wire 100% of the units. He expressed concern about underwriting private endeavors and suggested that there are other ways to do it without taking so much risk. He agreed with reduction of the deferral.

(2:54 p.m.) Meiszer said he would support the request, as submitted, with the exception of the interest payment. *Motion by Meiszer to support the request as presented except for the interest.* Motion failed due to lack of a second. (2:55 p.m.) Jacalone suggested the item needed to be tabled and brought back to the Board with a two-thirds percent deferral, with no obligation to the interest that is due to the Utility Department. (2:56 p.m.) In regard to time constraints, Crawford reported that the project is currently in the underwriting process. (2:56 p.m.) In regard to the deferral percentage, Sandell said she would take what she could get. (2:58 p.m.) Bryant stated that Crawford would revise the documents to reflect the changes discussed, contact the Commissioners, and put it on the Consent Agenda; **moved by Jacalone, seconded by Maguire, carried 5/0.**

(2:58 p.m.) Bryant announced that the Board would take a break and start back with the Parker Automotive Public Hearing. The meeting reconvened at 3:03 p.m. with Item 13.

5. PRESENTATION CONCERNING THE WATER RESOURCES FOR THE JACKSONVILLE ELECTRIC AUTHORITY (JEA) SERVICE AREA

(Item 5 was pulled from the Agenda.)

(05/13/03 - 10 - 3:29 p.m.)

5A. MOTION TO APPOINT DENISE EDWARDS TO THE ST. JOHNS VISION STEERING COMMITTEE TO COMPLETE A TERM SCHEDULED TO EXPIRE JUNE 27, 2003

James Bryant, Chairman, County Commission, reviewed that one of his appointees to the St. Johns Vision Steering Committee had to resign. (3:30 p.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to appoint Denise Edwards, to replace Bill Robinson on the St. Johns Vision Steering Committee.**

(05/13/03 - 11 - 3:27 p.m.)

6. CONSIDER APPOINTMENTS TO THE CHILDREN'S COMMISSION

Patricia Heiss, Assistant to the Administrator, explained the vacancies.

(3:28 p.m.) Jacalone asked Heiss to recite the names of re-appointees. Heiss stated the applicants as: **Karen Selig, Kathy Drake, and William Shetler. Motion by Jacalone, seconded by Stern, carried 5/0, to move the aforementioned members be reappointed to their previous positions.**

(3:29 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to appoint Margaret Brady to the remaining slot on the Children's Commission.**

(05/13/03 -11 - 3:12 p.m.)

7. CONSIDER APPOINTMENTS TO THE LAMP CONSERVATION BOARD

Patricia Heiss, Assistant to the Administrator, reviewed the vacancies. She announced that the Town of Hastings named Deborah Cata as its' representative.

(3:13 p.m.) **Motion by Stern, seconded by Bryant, carried 5/0, to confirm Deborah Cata as the Town of Hastings representative for an initial four-year term, scheduled to expire May 13, 2007.**

(3:14 p.m.) **Motion by Meiszer, seconded by Stern, to appoint Lee Gerald as a resident of District 1.**

(3:14 p.m.) Motion by Maguire, seconded by Stern, to appoint Kathryn Whittington as a resident District 3.

(3:15 p.m.) Roger Van Ghent, thanked the Board for his reappointment to the LAMP Board and recommended Mark Middlebrook and Mike Adams as candidates. There was discussion on the requirements and criteria for filling the vacancies.

(3:19 p.m.) Heiss noted that there are two people who meet the specified criteria: James Kowalski and Michael Adams. (3:21 p.m.) Bosanko stated that an authorized representative is not just a member, and gave an example that if someone is a member of the Sierra Club, the Sierra Club is authorized to be its' representative to the LAMP Board. Bosanko said if information regarding what non-profits they are authorized representatives for is not in the agenda packet, a decision should be delayed. He said another option would be to revise the Ordinance governing appointments. (3:22 p.m.) Bryant said Cata could be confirmed for Hastings and asked Heiss to bring the other two back after resolving the issues. (3:23 p.m.) Heiss said one other seat could be filled, and clarified which seats need to be filled. (3:25 p.m.) Bosanko suggested the wording be "*authorized non-profit representative*" and not even consider filling the position until there are candidates who are authorized by qualified non-profits. (3:26 p.m.) Jacalone suggested the wording of the Ordinance be changed as it is very difficult to fill the positions.

(3:26 p.m.) Bryant stated that the Board would vote for one more today, Lee Gerald first and then Kathryn Whittington, and called the vote. **The motion carried 5/0 for Lee Gerald.**

(05/13/03 - 12- 3:29 p.m.)

8. CONSIDER AN APPOINTMENT TO THE MID-ANASTASIA OVERLAY DISTRICT DESIGN REVIEW BOARD

Patricia Heiss, Assistant to the Administrator, stated that the current member is eligible for reappointment and there were no new applications received.

Motion by Bryant, seconded by Jacalone, carried 5/0, to re-appoint Ruth Bloom to the Mid-Anastasia Overlay District Design Review Board for a second, full two-year term, scheduled to expire May 15, 2005.

9. MOTION TO APPOINT DENISE EDWARDS TO THE ST. JOHNS VISION STEERING COMMITTEE TO COMPLETE A TERM SCHEDULED TO EXPIRE JUNE 27, 2003

(Item 9 was moved and heard as Item 5A.)

(05/13/03 - 12- 3:32 p.m.)

10. CONSIDER A MOTION TO DIRECT THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO PREPARE AND ADVERTISE AN ORDINANCE FOR ENACTMENT ESTABLISHING A \$3.00 SURCHARGE ON CIVIL TRAFFIC VIOLATIONS TO FUND DRIVER EDUCATION

Daniel Bosanko, County Attorney, explained that this item is not to pass an Ordinance, but to select one of the three Ordinance forms provided, that would be put on an Agenda in the near future. He reviewed the purpose of the proposed Ordinance, as well as, the differences. Bosanko asked Cheryl Strickland, Clerk of Courts, if there would be enough time for implementation if the Ordinance went into effect on June 1st. Strickland responded in the affirmative.

(3:36 p.m.) Jacalone expressed his support and stated that this would provide revenue for traffic education. He said he was in favor of the first form. (3:37 p.m.) Stern said she also preferred Ordinance "A." (3:38 p.m.) Maguire also supported form "A" and noted that he did not like to see the private schools excluded. (3:39 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to direct the County Administrator and the County Attorney to prepare and advertise an Ordinance for enactment establishing a \$3.00 surcharge on civil traffic violations to fund driver education; being the "A" version contained in packet.**

(05/13/03 - 12- 3:30 p.m.)

11. MOTION TO ENACT AN ORDINANCE AMENDING ORDINANCE 2002-47 (BUSINESS INCENTIVE PROGRAM)

Proof of Publication of the Notice of Public Hearing regarding the Business Incentives Program was received, having been published in *The St. Augustine Record* on April 25, 2003.

Michael D. Hunt, Assistant County Attorney, explained that certain procedural elements came to light after the Ordinance was adopted. He said this Ordinance simply conforms to a more explicit procedure on going through the process itself. Hunt noted that initially Exhibit "C" was incorrect and has been replaced. (3:31 p.m.) **Motion by Stern, seconded by Jacalone, carried 5/0, to enact Ordinance No. 2003-45.**

ORDINANCE NO. 2003-45

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING ORDINANCE NO. 2002-47, WHICH CREATED A BUSINESS INCENTIVE PROGRAM; THIS AMENDMENT MAKES FINDINGS OF FACT; AMENDS SECTIONS 7, 8, 11 AND 12 OF THE ORDINANCE WHICH ARE THE SECTIONS TITLED "CREATION OF THE COUNTY'S PUBLIC ECONOMIC DEVELOPMENT AGENCY," "THE APPLICATION," "THE GRANT AGREEMENT," AND "APPROVAL AND EXECUTION OF GRANT AGREEMENT" RESPECTIVELY; PROVIDES A NEW SECTION 16 WHICH ADDRESSES SEVERABILITY; SUBSTITUTES A NEW EXHIBIT "C" FOR EXISTING EXHIBIT "C"; PROVIDES SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE

12. PUBLIC HEARING - NZVAR 03-006, BRADLEY RESIDENCE - THIS IS A NON-ZONING VARIANCE REQUEST TO THE DRIVEWAY DESIGN REQUIREMENTS (SECTION 6.04.05.C) OF THE LAND DEVELOPMENT CODE. THE APPLICANT'S PROPERTY IS LOCATED AT 215 TWENTY THIRD STREET IN THE NORTH BEACH SUBDIVISION. THE APPLICANT OBTAINED AN APPROVED SITE PLAN FOR THE SINGLE FAMILY RESIDENCE IN SEPTEMBER OF 2001, SHOWING A NON-COMPLIANT DRIVEWAY. COUNTY STAFF DID NOT QUESTION THE DRIVEWAY WIDTH UNTIL THE DRIVEWAY HAD BEEN CONSTRUCTED TO THE RIGHT-OF-WAY LINE. THE DRIVEWAY IS 40' WIDE. NO CULVERT IS NECESSARY SINCE THIS SITE IS AT THE TOP OF DRAINAGE BASIN. CURRENTLY THE APPLICANT HAS NOT EXTENDED THE DRIVEWAY TO CONNECT TO THE ROAD PAVEMENT

(Item 12 was pulled from the Agenda.)

(05/13/03 - 13 - 3:04 p.m.)

13. PUBLIC HEARING - PUD 2003-06 PARKER AUTOMOTIVE - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 6.23 ACRES LOCATED AT 2725 AND 2755 US 1 SOUTH FROM OPEN RURAL (OR) AND COMMERCIAL GENERAL (CG) TO PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR 18,503 SF OF COMMERCIAL USES WITHIN TWO BUILDINGS AND 4,492 SF OF CANOPY TO BE UTILIZED FOR CAR DEALERSHIPS. THE SUBJECT PROPERTY IS LOCATED WITHIN THE MIXED USE DISTRICT (MD) OF THE 2015 FUTURE LAND USE MAP. THE PROJECT WILL BE ACCESSED VIA US 1. CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY AND UTILITIES WILL BE UNDERGROUND. THE PROJECT WILL BE DEVELOPED IN A SINGLE PHASE TO BE COMPLETED WITHIN FIVE YEARS FROM APPROVAL OF COMMENCEMENT. A FINAL CERTIFICATE OF CONCURRENCY (FCOC) CONMAJ 2003-06 WAS APPROVED ON APRIL 23, 2003, FOR 28,537 SF OF NEW CAR SALES. AT THE TIME THE BCC AGENDA PACKAGE WAS PREPARED, THE OFFICIAL CONCURRENCY CERTIFICATE WAS STILL BEING PREPARED. IT WILL BE PROVIDED AS AN ADDENDUM TO THIS MATERIAL, AS SOON AS IT HAS BEEN COMPLETED

Proof of Publication of the Notice of Public Hearing regarding a proposed re-zoning at Parker Automotive, 2725 U.S. 1 South was received, having been published in *The St. Augustine Record* on April 28, 2003.

Nicole Clayton, Planner II, located the site and reviewed the request. She noted a copy of the Concurrency Determination was distributed after the break, as it was not ready at the time the packets were compiled. She indicated on the map (Exhibit A), the locations of the areas related to the two waiver requests.

(3:07 p.m.) Jacalone noted that he is familiar with this site, has no problem with the waivers, and supports the request.

(3:08 p.m.) George McClure, 170 Malaga Street, Ste. A, St. Augustine, stated he was speaking on behalf of Parker Automotive. He introduced B.C. Parker, noting the investment he has made in this community over the last year. McClure also introduced Jim Williams with Sun Coast Auto Builders, who specializes in the construction of auto dealerships. McClure reviewed the proposed project.

(3:11 p.m.) Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2003-44, known as PUD 2003-06 Parker Automotive, adopting Findings contained within the packet to support the motion.

ORDINANCE NO. 2003-44

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OR (OPEN RURAL) AND COMMERCIAL GENERAL (CG) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

14. PUBLIC HEARING - REZ 2002-15 HUGHES - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 3.1 ACRES, LOCATED AT 3865 MICKLER ROAD FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG). THE REQUESTED ZONING CHANGE WOULD ALLOW FOR THE SITE TO COME INTO COMPLIANCE WITH THE EXISTING COMPREHENSIVE PLAN DESIGNATION OF COMMERCIAL. CONMAJ 2002-30 WAS HEARD BEFORE THE CONCURRENCY REVIEW COMMITTEE HOWEVER DUE TO NOTICING DISCREPANCIES THE APPLICANT REQUESTED THAT THE CRC REHEAR THIS APPLICATION. IT WAS RE-SCHEDULED FOR CRC ON APRIL 9, 2003 WHERE IT RECEIVED APPROVAL FOR 55,000 SQUARE FEET OF SHOPPING CENTER SPACE. THE PLANNING DIVISION HAS ROUTED THIS REQUEST TO ALL APPROPRIATE REVIEWING DEPARTMENTS. THERE ARE NO OUTSTANDING COMMENTS RELATED TO THE REZONING. IN THE CASE THAT THE REZONING IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, ALL SITE ENGINEERING, DRAINAGE AND REQUIRED INFRASTRUCTURE IMPROVEMENTS WILL BE REVIEWED PURSUANT TO THE ESTABLISHED DEVELOPMENT REVIEW PROCESS TO ENSURE THAT THE DEVELOPMENT HAS MET ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS AND PERMITTING REQUIREMENTS. NO PERMITS AUTHORIZING DEVELOPMENT SHALL BE ISSUED PRIOR TO COMPLIANCE WITH ALL APPLICABLE REGULATIONS

(Item 14 was continued to a future date.)

15. PUBLIC HEARING - PROPOSED ORDINANCE TO REPLACE ORDINANCE 2000-60, WHICH IS AN ORDINANCE FOR THE REGULATION OF FERTILIZERS IN THE GUANA MARSH BASIN - ON JANUARY 25, 2000, THE BOARD OF COUNTY COMMISSIONERS PASSED ORDINANCE 2000-6 PROVIDING FOR THE REGULATION OF FERTILIZER APPLICATION ON GOLF COURSES AND LAWNS IN THE GUANA MARSH BASIN. THAT ORDINANCE WAS AMENDED TWICE THAT YEAR ENDING WITH THE CURRENT ORDINANCE 2000-60. IN THE SPRING OF 2001, THE FLORIDA PROFESSIONAL APPLICATORS ALLIANCE (ALLIANCE) FILED A COMPLAINT SEEKING REPEAL OF THE ORDINANCE 2000-60. THE ALLIANCE AND THE COUNTY AGREED TO VOLUNTARILY MEDIATE THE COMPLAINT WITH THE DESIRE TO FIND A RESOLUTION OUTSIDE OF THE COURT SYSTEM

(Item 15 was pulled from the Agenda.)

(05/13/03 - 15 - 3:39 p.m.)
COMMISSIONERS' REPORTS

(3:39 p.m.)

Commissioner Maguire

Maguire noted that he had received an email from Representative Kravitz, which stated that crime labs will be fully funded through the FDA budget and assistance will not be sought from counties. He said they also voted to continue to pick up the entire cost of Juvenile Pretrial Detention. Maguire noted that the Hurricane Zeek meeting would be held the following day, Wednesday, May 14, 2003. He reported that he had received a phone call from one of Congressman Mica's organizers, who asked Maguire to be a member of Congressman Micas' Veterans' Committee and he accepted. He reported that the Chairman, and one of the members, of the Metropolitan Planning Organization (MPO) proceeded to verbally attack the person who sent a letter to the governor at the last meeting. Maguire said he was accused of sending a letter to the Governor without MPO approval (which he did not do). He said he explained exactly what he had done and the MPO Board denied the draft letter he composed regarding the Regional MPO. Maguire said this is not a dead issue with him and he is re-focusing on putting together the County's MPO.

(3:45 p.m.)

Commissioner Meiszer

No report.

(3:45 p.m.)

Commissioner Jacalone

No report.

(3:45 p.m.)

Commissioner Stern

No report.

(3:45 p.m.)

Commissioner Bryant

Bryant reported on the Administrative Budget Hearing held last week and noted that approval for the funding of the Primary Care and the Hastings Clinic was held up temporarily. He noted that he and Adams had a positive meeting with Dr. Sorenson

and he had gotten answers to previously asked questions. He noted that the Public Health Department's average balance has been 2.4 million dollars and it is only required to have about a half million dollar balance. He commented that it is the only department in the State that can carry over money from one budget year to the next. Bryant also commented that the local doctors who serve the indigent have not been able to receive Sovereign Immunity and it has come to light that two counties have found a way to do it. In that regard, St. Johns Health Services, Inc. has filed for a Federal Qualified Look Alike Health Center status. He said it would give access to new monies for the less fortunate and indigent in the community. Bryant commended Dr. Carver and reported that they are trying to pre-certify as many clients as possible with identification cards, which are made in-house. He showed an example of an ID card, which includes a picture, category of pay status, ID number, etc. He expressed optimism in lessening visits to the Emergency Room (ER), which would result in the program saving money. Bryant noted that the Flagler Hospital ER experiences about 3,600 visits per month, and about 82% are for primary care.

(05/13/03 - 16 - 3:57 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Halstead noted that the concurrency workshop is scheduled for June 24, 2003.

(05/13/03 - 16 - 3:57 p.m.)

COUNTY ATTORNEY'S REPORT

There was no report.

(05/13/03 - 16 - 3:57 p.m.)

CLERK OF COURT'S REPORT

There was no report.

Motion by Jacalone, seconded by Maguire, carried 5/0, to adjourn. With there being no further business to come before the Board, the meeting adjourned at 3:57 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 334014 through 334486 totaling \$1,938,300.05 (05/06/03)

Approved July 1, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Uwanna C. King
Deputy Clerk

