

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 23, 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
Daniel Bosanko, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Laura Barrows, Assistant County Attorney; Allen MacDonald, Finance Director

(09/23/03 - 1 - 9:03 a.m.)

The meeting was called to order by Chairman Bryant.

(09/23/03 - 1 - 9:03 a.m.)

The Invocation was given by Bryant and the Pledge of Allegiance was led by Jacalone.

(09/23/03 - 1 - 9:04 a.m.)

ROLL CALL

Bryant stated that four Commissioners were present and that Stern would be here shortly.

(09/23/03 - 1 - 9:05 a.m.)

PROCLAMATION DESIGNATING SEPTEMBER 23-29, 2003 AS UNITED WAY WEEK

Maguire read the proclamation. (9:06 a.m.) Stern entered the meeting. Kramer Upchurch accepted the proclamation and Ann Breidenstein thanked the County for their years of support.

(09/23/03 - 1 - 9:09 a.m.)

PROCLAMATION DESIGNATING THAT THE 2003-2004 CONCERT SEASON BEGINNING OCTOBER 4, 2003 AS EMMA SILVER SEASON

Meiszer read the proclamation. Dr. Billy Ross accepted the proclamation and Charles Doolittle mentioned opening this season with a bang.

(09/23/03 - 1 - 9:15 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Jacalone, seconded by Stern, carried 5/0, to adopt the previously read proclamations.

(09/23/03 - 2 - 9:15 a.m.)

PUBLIC COMMENT

Imogene Godar, 1630 Masters Drive, spoke on the speeding problems on Masters Drive. Bryant questioned the completion of the Holmes Blvd. Extension. Adams replied it would be in February 2004.

(9:22 a.m.) John Sikes, 34 Masters Drive, spoke on people speeding on Masters Drive.

(9:26 a.m.) Debora Williams, 1636 Masters Drive, handed in petitions with signatures from people who live on and around Masters Drive to control traffic and enforce the posted speed limit on Masters Drive, and she also submitted additional information regarding controlling the speed on Masters Drive, Exhibit A. Stern suggested addressing the traffic problems on Masters Drive. Williams stated that this is not just a county issue it is also a city issue. Meiszer spoke on selective enforcement, and sidewalks for the area.

(9:41 a.m.) George Vanderbent, 1655 Masters Drive, spoke on the speeding problems on Masters Drive. He mentioned that the sheriff and city police are working on the speeding problem. Bryant stated that he thought that they could accommodate the signage on Masters Drive.

(09/23/03 - 2 - 9:46 a.m.)

DELETIONS TO CONSENT AGENDA

Maguire requested to move Items 2 and 4 to the Regular Agenda as Items 3A and 3B. Adams requested to move the Cash Report to the Regular Agenda as AA1.

(09/23/03 - 2 - 9:46 a.m.)

APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to authorize the County Administrator or the Board of County Commission Chair to execute a contract with the St. Augustine St Johns County Chamber to support the CORNERSTONE program

Pulled this item and placed it on the Regular Agenda as Item 3A.

3. Motion to approve the transfer of \$13,511 from 4431-51200 (Golf Course Maintenance - Regular Salaries) to Department 4430 (Golf Carts) and Motion to approve the transfer of \$8,093 from 4431-51200 (Golf Course Maintenance - Regular Salaries) to Department 4436 (Debt Service)
4. Motion to approve and authorize the Board of County Commission Chair to sign the Interlocal Agreement between the County and City of St. Augustine dealing with EPA Grant award SAI # FL 200207112381C

Pulled this item and placed it on the Regular Agenda as Item 3B.

5. Motion to establish October 14, 2003 at 1:30 p.m. and October 28, 2003 at 5:30 p.m. as public hearing dates to consider amendments to the Land Development Code
6. Motion to adopt **Resolution No. 2003-178**, approving a final Plat for Saint Johns Creek West Unit 1

RESOLUTION NO. 2003-178

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR SAINT JOHNS SIX MILE CREEK WEST UNIT 1

7. Motion to adopt **Resolution No. 2003-179**, approving the terms and authorizing the execution of a Grant of Drainage and Access easement which is needed to construct a portion of the joint detention and retention facility that will provide storm water treatment for the A1A Beach Blvd. Three-Lane Transportation Project

RESOLUTION NO. 2003-179

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A GRANT OF DRAINAGE AND ACCESS EASEMENT WHICH IS NEEDED TO CONSTRUCT A PORTION OF THE JOINT DETENTION AND RETENTION FACILITY THAT WILL PROVIDE STORM WATER TREATMENT FOR THE A1A BEACH BLVD. THREE-LANE TRANSPORTATION PROJECT

8. Motion to adopt **Resolution No. 2003-180**, accepting Grant of Easements to install a drainage ditch and for future maintenance of the drainage ditch on 1st Street in Ponce de Leon Heights Subdivision

RESOLUTION NO. 2003-180

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING GRANT OF EASEMENTS TO INSTALL A DRAINAGE DITCH AND FOR FUTURE MAINTENANCE OF THE DRAINAGE DITCH ON 1ST STREET IN PONCE DE LEON HEIGHTS SUBDIVISION

(09/23/03 - 3 - 9:47 a.m.)
 ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to swap Item A1 to Item 2 and Item 2 to A1. Stern requested to add as Item A2 discussion of the Deferral of Interest on Connection Fees on the Summerset Village Apartments. Bosanko requested to add as Item 8A the proposed Final Order for the Las Calinas Certificate of Concurrency Appeal.

(09/23/03 - 3 - 9:48 a.m.)
 APPROVAL OF REGULAR AGENDA

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

(09/23/03 - 4 - 9:49 a.m.)

AA1 CASH REPORT (*Originally Consent 1*)

Joe Vonasek, Office of Management and Budget, stated that Glenn Hastings, Executive Director of the TDC, asked them to add to the Financial Requirement Report a check in the amount of \$18,962.50 payable to Kohl-Lindsey Entertainment for the production of television commercials for the TDC. (9:49 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to approve the Cash Requirement Report as amended.**

(09/23/03 - 4 - 9:50 a.m.)

A1. CONSIDER MOTION TO APPROVE A RESOLUTION AWARDED \$100,000 TO SUMMERSET VILLAGE LLC SUBJECT TO APPROVAL BY THE FL HOUSING FINANCE CORP. GUARANTEE PROGRAM AND AUTHORIZING THE PREPARATION AND EXECUTION OF THE APPROPRIATE FINANCIAL DOCUMENTS ONCE THE DESIGNATED UNITS ARE OCCUPIED BY INCOME ELIGIBLE HOUSEHOLDS (*Originally Item 2*)

Tom Crawford, Director of Housing and Community Services, spoke on achieving very low-income housing units in the County. Jacalone spoke on State Housing Initiative Partnership money, it being common for the loan applicants to have zero interest, and what budget year the loan would come from. Maguire voiced concern with the length of time of the zero interest rates. Jacalone stated that he did not support this. (10:07 a.m.) Meiszer spoke on the low-income housing project not going any further without the loan. Bryant mentioned that St. Augustine was the location of the School for the Deaf and Blind and there are unmet needs here in the County for housing. Stern mentioned that there is a large demand for low income housing in St. Johns County. (10:15 a.m.) **Motion by Stern, seconded by Bryant, to approve Resolution No. 2003-181 loaning \$100,000 to Summerset Village, LLC, subject to approval by the Florida Housing Finance Corp. Guarantee Program, and authorizing the preparation and execution of the appropriate financial documents once the designated units are occupied by income eligible households.** Meiszer spoke on this being restricted revenue that could only be spent on housing. Jacalone stated that he didn't support governmental entities building these things for these corporations, giving them all kinds of incentives and then them profiting at the end. Crawford stated that the Federal Government's program was designed for private developers to build affordable housing and take it out of the public housing business. (10:20 a.m.) **Motion by Maguire, seconded by Jacalone, to amend the motion to drop it down from a 20 year down to a 10 year and revisit the interest rate issue after 5 years and go with 10 years at zero percent if we re-look at the five year point.** Bosanko mentioned that the first motion did not include the revisiting of it every five years. (10:21 a.m.) **Maguire suggested to change the amendment to a 10-year loan at zero percent interest, across the full 10 years. Stern accepted Maguire's amendment.**

(10:22 a.m.) Ben Jackson, 534 Perry Farm Road, spoke on the interest. Jacalone questioned if impact fee payment, or assistance, from the County was requested. Crawford mentioned that on the elderly portion there was an exemption for the transportation portion of the impact fee. Maguire questioned the total cost of the project and the equity position being put in by Jackson's company. Jackson responded that the cost is \$18.3 million and the bond rate is 11.4%. The deferred amount is 75%. Discussion followed on the total cost, the bond amount, and the financing.

(10:33 a.m.) Bob Thompson, 5060 Vogel Road, Shannon Simon, interpreter, spoke about the deaf community and the program associated with them. The deaf had to move out of this community because of not having a place to live and because of the cost. The area needs special features because of the people being deaf and blind. Cathy Brown from the Counsel on Aging has been very interested in helping them and is very willing to be involved as much as possible. (10:37 a.m.) **The amended motion for the 10-year, no interest, carried 5/0. The original motion for Resolution No. 2003-181, carried 5/0.**

RESOLUTION NO. 2003-181

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AWARDING \$100,000 IN SHIP FINANCING TO SUMMERSET VILLAGE, LLC, TO PROVIDE 12 VERY-LOW INCOME UNITS AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY SHIP PROGRAM

The Meeting recessed at 10:38 a.m. and reconvened at 10:44 a.m.

(09/23/03 - 5 - 10:44 a.m.)

A2. DISCUSSION OF SUMMERSET VILLAGE DEFERRAL CONNECTION FEES

Stern stated that she wanted to have a discussion of the deferral of interest on the connection fees for the Summerset Village Apartment. She mentioned that Resolution No. 2003-113 previously approved the deferral of two-thirds of the connection charges for six years for this unit with the total being \$478,206. The interest rate on tax exempt bonds have increased since then, from an estimated 4.8 percent to 5.8 percent, and this has increased the annual interest on the bonds by over \$72,000 per year and the interest on the utility deferral is \$23,910.30 based on the County's five percent rate. She brought this up for discussion so the Board could discuss allowing the owners of Summerset Village LLC to pay the simple interest for the first two years, and when year three is due to allow for the property to be built and have the history of stabilized rents and operating expenses. She asked that the Board consider approving a deferral of the first two years of simple interest due under Resolution No. 2003-113 on Summerset Village LLC to year six when the deferred fees are due. She requested to place this item on the October 7 Agenda for discussion. Jacalone suggested that this be reviewed by the Budget Office and by the Attorney's Office. Maguire requested to see a report to include line-by-line items of expenses and suggested for them to talk to their management company to see if they would reduce their fees from 5% to 4%. Adams stated that he would place it on the Agenda for October 7 in the morning.

(09/23/03 - 5 - 10:50 a.m.)

1. CONSIDER 2003 REFUNDING OF CONVENTION CENTER BONDS

Joe Vonasek, Director of Management and Budget, utilizing visual display, reviewed the Convention Center refinancing, Scenario 1, 2, and 3, Exhibit A. He stated that Scenario 1 provides no benefit to St. Johns County, Scenario 2 provides some benefit to St. Johns County, and Scenario 3 would be difficult to implement. Staff recommended following Scenario 2. Jacalone questioned the difference in the scenarios. Vonasek responded that if there is any shortfall at all, the first entity in line to make up that shortfall is the County. The County would have to pay approximately the first \$200,000 of that shortfall and anything over that amount is distributed to the participants. (11:00 a.m.) Allen MacDonald, Finance Director, explained that after the first two scenarios

were discussed with the Board members, they took this to the members at the World Golf Village, explained it to them and stated that they were in favor of Scenario 2. Meiszer read the last line in the memo from David Miller to James Sisco, *Alternative 3 is to take the debt service savings as an upfront payment and use it as new money for the project. Under this scenario the County would not realize any annual debt service savings but it would receive \$1,495,000 at closing, that it could use for capital projects.* Vonasek stated that the \$1,495,000 needed to be used for capital projects related to the Convention Center and stay within the project. Vonasek stated that the practical option is Scenario 2.

(11:06 a.m.) Jean Mangu, Attorney with Edwards Cohen Firm, stated that the County had retained her to work with the County and the Commission in connection with looking at the refinancing in a different alternative that has been suggested. She explained to pull this new money out, it has to be used for a capital project. Mangu explained the different scenarios. Discussion followed on the different scenarios. (11:13 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to direct Staff to pursue Scenario 2.**

(09/23/03 - 6 - 11:14 a.m.)

2. PUBLIC HEARING - ORDINANCE REPEALING 1990 ORDINANCE WHICH CREATED A CRA (COMMUNITY REDEVELOPMENT AGENCY) AND RESOLUTION RESCINDING 1990 RESOLUTION WHICH CREATED A CRA - LAST YEAR THE BOARD OF COUNTY COMMISSIONERS ESTABLISHED THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY (SJC CRA) WHICH INCORPORATED WITHIN IT THE BOUNDARIES OF THREE COMMUNITY REDEVELOPMENT AREAS: WEST AUGUSTINE, FLAGLER ESTATES, AND VILANO BEACH. HOWEVER, BACK IN 1990, A CRA WAS ESTABLISHED ALSO NAMED THE ST. JOHNS COUNTY COMMUNITY REDEVELOPMENT AGENCY (SJC CRA). ACCORDING TO THE COUNTY'S FINANCE DEPARTMENT, THE 1990 CRA WAS NEVER FUNDED, AND DISSOLVED WITHOUT BEING UTILIZED. THE 1990 ORDINANCE AND THE 1990 RESOLUTION WHICH CREATED THE 1990 SJC CRA NEED TO BE REPEALED AND RESCINDED, RESPECTIVELY, BECAUSE THE 1990 CRA IS DEFUNCT AND NO LONGER NECESSARY SINCE WE HAVE A CURRENT CRA. ALSO, THE RECORDS OF THE STATE DEPARTMENT OF COMMUNITY AFFAIRS SHOULD ACCURATELY REFLECT THE EXISTENCE OF ONLY THE CURRENT SJC CRA, WHICH IS BEING FULLY UTILIZED (*Originally Item A1*)

Laura Barrows, Assistant County Attorney, stated that the old 1990 Ordinance needed to be repealed and the old 1990 Resolution needed to be rescinded to make the records accurate in Tallahassee. (11:15 a.m.) **Motion by Jacalone, seconded by Stern, to enact Ordinance No. 2003-79 repealing St. Johns County Ordinance No. 90-67 and Motion by Stern, seconded by Maguire, to adopt Resolution No. 2003-182 rescinding St. Johns County Resolution No. 90-201. The motion to repeal Ordinance No. 90-67, carried 5/0. The motion to repeal Resolution No. 90-201, carried 5/0.**

ORDINANCE NO. 2003-79

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA,
THAT REPEALS ST. JOHNS COUNTY ORDINANCE NO.
90-67 WHICH CREATED A COMMUNITY
REDEVELOPMENT AGENCY AND THAT IS NO
LONGER NECESSARY DUE TO CREATION OF THE
CURRENTLY UTILIZED ST. JOHNS COUNTY
COMMUNITY REDEVELOPMENT AGENCY;

PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE

RESOLUTION NO. 2003-182

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA,
THAT RESCINDS ST. JOHNS COUNTY RESOLUTION
NO. 90-201 WHICH CREATED A COMMUNITY
REDEVELOPMENT AGENCY; FINDING THAT
RESOLUTION NO. 90-201 IS NO LONGER NECESSARY
DUE TO CREATION IN 2002 OF THE CURRENTLY
UTILIZED ST. JOHNS COUNTY COMMUNITY
REDEVELOPMENT AGENCY; PROVIDING FOR AN
EFFECTIVE DATE

(09/23/03 - 7 - 11:17 a.m.)

3. DISCUSSION CONCERNING APPEAL OF PERMIT DENIAL FOR BILLBOARD
SIGN STRUCTURES

Sherri Smith, Court Reporter, was present. Dan Bosanko, County Attorney, stated that this case had to do with some signed applications and introduced the staff involved.

(11:18 a.m.) William Brinton, Special Counsel for Staff, utilizing the County location map, Exhibit A, explained the different packages.

(11:23 a.m.) Gary Edinger, 305 N.E. First Street, Gainesville, Attorney for petitioner, spoke on the sign war his client is having with the County. He stated that the permit should be on what the sign is made of instead of what is written on it. He spoke on the sign permit Ordinance. Edinger stated that they are requesting a remand, send this back to Staff to give the applicant an opportunity to correct the technical deficiencies, and then have the permit decided up or down. He reviewed what he thought the benefit was to the County by returning this to Staff. Discussion followed on the request made by Edinger.

(11:34 a.m.) Brinton remarked on several points made by Edinger. He stated that the current Sign Ordinance has not been declared unconstitutional and the Florida Building Code has not been declared unconstitutional. He distributed and reviewed a notebook containing the backup material for the decision by Staff and consultation with their counsel, as well as some of the recommended Final Orders and Final Orders from DOT, Exhibit B. (11:42 a.m.) MacDonald left the meeting. He requested that an appropriate appeal be made to deny each of the appeals on the grounds that the appellants have not been able to rebut the provisions in the denial letters. Brinton urged the Board to deny the appeals and not to remand it. Bosanko mentioned that there is a request for remand but there is also an appeal for the denials. (11:48 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to deny the appeal.** Edinger waived his rebuttal.

(09/23/03 - 7 - 11:50 a.m.)

- 3A. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR THE BOARD
OF COUNTY COMMISSION CHAIR TO EXECUTE A CONTRACT WITH THE
ST. AUGUSTINE ST JOHNS COUNTY CHAMBER TO SUPPORT THE
CORNERSTONE PROGRAM (*Originally Consent Item 2*)

Maguire stated that he pulled this item because he had some verbiage issues with the contract. The changes he requested were: on page 1, last paragraph, after the wording, *but no less than quarterly, to the County Administrator, or his designee, add and the BCC; on page 2, under Article IV Payments, after the wording *shall entitle*, strike the words *the St.**

*Augustine & St. Johns County Chamber, or its assignee and add the BCC; under Article V Evaluation, after the wording shall provide the County Administrator, strike the wording or his designee and add the wording the BCC; under Article VIII Assignability, after the wording may not assign this Agreement, strike the wording without prior written consent of the County; under Article VII Contractual Relationship Between the Parties, requested more clarification about being a spokesperson; under Article X Termination, agreement may be terminated by either party for cause and list what the cause is, and after the wording, reimbursable expenses, strike the word actually, and add the words approved by the BCC. (11:53 a.m.) Barrows left the meeting and Michael Hunt, Assistant County Attorney, entered the meeting. (11:54 a.m.) **Motion by Maguire, seconded by Stern, to approve this document with the recommended changes.** Meiszer questioned how long it would take to get a revised version of this document. Hunt stated that he talked to Ted Zebrowsky, Intergovernmental Relations, this morning and the Chamber is suppose to be doing it today, so it should be ready by the end of day. Zebrowsky spoke on the changes and the time it would take to get them done. (11:56 a.m.) **Maguire restated the motion was to incorporate the changes that I previously mentioned and for signature by the County Administrator as soon as this is completed. The motion carried 4/1 with Meiszer in opposition.***

(09/23/03 - 8 - 11:56 a.m.)

3B. MOTION TO APPROVE AND AUTHORIZE THE BOARD OF COUNTY COMMISSION CHAIR TO SIGN THE INTERLOCAL AGREEMENT BETWEEN THE COUNTY AND CITY OF ST. AUGUSTINE DEALING WITH EPA GRANT AWARD SAI # FL 200207112381C (*Originally Consent Item 4*)

Maguire suggested to strike on page 5, paragraph D, the last sentence, *outstanding City invoices more than thirty (30) days late will be subject to a monthly interest charge of 1.5%.* (11:57 a.m.) **Motion by Jacalone, seconded by Stern, to approve and authorize you Mr. Chairman, to execute the Inter-local Agreement between the County and City dealing with EPA grant award SAI #FL200207112381C with the deletion of the last sentence in Section 5, Subsection D.** Bosanko mentioned that this has not been reviewed by legal. **That motion is conditional upon that review, carried 5/0.**

(09/23/03 - 8 - 11:59 a.m.)

COMMISSIONERS' REPORTS

Commissioner Jacalone:

No report.

(11:59 a.m.)

Commissioner Maguire:

Maguire mentioned that the First Coast MPO is about to submit their list and the Board needs to take a look at their list.

(12:00 a.m.)

Commissioner Stern:

No report.

(12:00 a.m.)

Commissioner Meiszer:

Meiszer spoke on the Annual Coastal Cleanup held last weekend.

Meiszer questioned the process for tracking Ordinances. (12:03 p.m.) Jacalone left. Cheryl Strickland, Clerk of Court, explained how it was done.

(12:04 p.m.)

Commissioner Bryant:

Bryant mentioned that Vilano Beach has been designated as the Florida Main Street Community.

Bryant mentioned that the Counsel on Aging is taking over "Our House".

Bryant stated that the Democratic Party has made a request to have a link to the St. Johns County website. *It was the Consensus of the Board to allow the Democratic Party to have a link to the St. Johns County website.*

(09/23/03 - 9 - 12:06 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams mentioned that the Southeast Branch Library will be dedicated and opened officially on Wednesday, October 1 at 10:00 am.

Adams mentioned receiving an email from Brian Teeple announcing that the Elected Official's Reception and Awards Ceremony will be held at the World Golf Village on October 17 at 6:30 p.m.

(09/23/03 - 9 - 12:06 p.m.)

COUNTY ATTORNEY'S REPORT

Bosanko spoke on the unusual circumstances involving a PZA order. He stated that Administration had appealed a PZA decision, believing in good faith that it was incorrect. Teresa Bishop, Planning Director, gave a brief status report, stating that they felt like the PZA went against what the Comprehensive Plan allowed. The situation is a borrow pit being allowed in a residential area. She stated that they were asking for some direction from the Board on whether to allow these types of mining and extracted uses in residential areas, and if so, they would have to do a Comprehensive Plan amendment to allow that. Bosanko stated that this was brought up to make the Board aware of this upcoming item, and the possible need to change the Comp Plan. He stated that this would require a noticed public hearing. Discussion followed on this situation. Bryant told them to bring it to the Board and they will cure it.

(09/23/03 - 9 - 12:16 p.m.)

CLERK OF COURT'S REPORT

No report.

The Meeting recessed for lunch at 12:16 p.m. and reconvened at 1:40 p.m., with Bryant, Stern, Jacalone, Meiszer, Adams, Bosanko, Barrow, MacDonald, and Robin Platt, Deputy Clerk, present. Maguire was not yet present.

(09/23/03 - 9 - 1:40 p.m.)

4. CONSIDER A MOTION TO APPROVE THE TRANSFER OF \$300,000 FROM THE GENERAL FUND RESERVE TO THE MENTAL HEALTH FUND

Maria Colavito, Mental Health Director, distributed a print out to illustrate the number of clients they were targeted to serve, and budgeted for, versus the actual number of clients who were treated. The actual figures far exceeded the targeted number of clients. She explained further that their contracted funds from the State of Florida did not cover the actual number of clients who were served, and that their computerized billing system was not yet operational and therefore they did not have a mechanism in place to bill clients for their balances.

(1:42 p.m.) Jacalone questioned why they did not do any manual billing. Colavito explained that they just did not have the manpower to do the billing manually, due to sheer volume, and how data is routed through their various departments. She stated that there was a cap on the amount of money that they receive from the State and that the services they have provided exceeded that reimbursement from the State, but they still have to provide services.

(1:47 p.m.) Joe Vonasek, Director of Management and Budget, explained that there was money coming from the State, but that it would not be received until the next fiscal year, but the fund must be balanced before the end of this fiscal year. The shortfall totals \$300,000 and the only way to balance the fund is to transfer funds from the General Fund. He explained that next year's funding to the Mental Health Department would be reduced by that amount. (1:49 p.m.) Stern questioned the status of the computer system and Colavito replied that they are planning to go live with the accounting portion of the system in November.

(1:51 p.m.) Motion by Stern, seconded by Bryant, to approve the transfer of \$300,000 from the General Fund Reserve to the Mental Health Fund.

(1:52 p.m.) Meiszer questioned if the problem with the computer system was related to the hardware, the software or the data. He stated that moving the shortfall from the '03 budget to the '04 budget was not solving the problem, just deferring it. Discussion followed regarding the problems with the computer system and devising a business plan to alleviate the shortfall problem. (1:58 p.m.) Bryant explained the state of the Mental Health Department when Dr. Colavito took over as Director.

(2:04 p.m.) The motion carried 4/0, with Maguire absent.

(09/23/03 - 10 - 2:04 p.m.)

5. CONSIDER RESOLUTIONS, AMENDING PRIOR RESOLUTIONS, TO MAKE STEERING COMMITTEES FOR COMMUNITY REDEVELOPMENT AREAS OF WEST AUGUSTINE AND FLAGLER ESTATES OPTIONAL, RATHER THAN MANDATORY

Laura Barrow, Assistant County Attorney, explained that in July the issue was discussed as to whether the West Augustine and Flagler Estates CRAs should have steering committees mandated by the BCC, which would require them to comply with the Sunshine Law. The Board voted to make them optional, rather than mandatory. She stated that the Board could pass a Resolution that would make the steering committees optional, or could rescind its' previous vote and they would remain mandatory.

(2:06 p.m.) Bryant stated that he received letters from the CRAs that stated they would prefer to remain under the guidelines of the Sunshine Law. (2:06 p.m.) Stern questioned if the various CRAs could have different guidelines, as the Vilano Beach CRA would like their steering committee to remain optional. Barrow stated they could. (2:07 p.m.) Meiszer commented that the motive behind the steering committees being optional was

to evade the Sunshine Law, and that that was not a proper way to do business. Discussion followed regarding the diversity of the three different communities.

(2:11 p.m.) Motion by Stern, seconded by Bryant, carried 4/0 with Maguire absent, to rescind the vote of July 8, 2003.

(09/23/03 - 11 - 2:12 p.m.)

6. CONSIDER A MOTION TO APPROVE THE CONTRACT BETWEEN THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF HEALTH FOR OPERATION OF THE ST. JOHNS COUNTY HEALTH DEPARTMENT FOR CONTRACT YEAR 2003-2004

Maguire entered the meeting.

Dottie Hudson, Assistant Director of the SJC Health Department, stated that this was their annual contract and she reminded the Board that last year there was an amendment to the contract removing the Social Services and Mental Health Departments from supervision by the Health Department's Medical Director. She stated there needed to be a change in the amount from \$287,424 to \$286,322 on page 2 of the contract. Discussion followed regarding filling the Medical Director's position, the Community Based Care Program, the services provided for in the contract and the amendments to the contract.

(2:18 p.m.) Motion by Stern, seconded by Bryant, carried 5/0, to approve the contract between the St. Johns County Board of County Commissioners and the State of Florida Department of Health for operation of the St. Johns County Health Department for contract year 2003-2004, changing the amount from the County to \$286,322.

(09/23/03 - 11 - 2:19 p.m.)

7. CONSIDER APPOINTMENT OF A DEPUTY COUNTY ATTORNEY AND A NEW POSITION OF "SENIOR" ASSISTANT COUNTY ATTORNEY

Jacalone left the meeting.

Dan Bosanko, County Attorney, nominated Michael Hunt to be the Deputy County Attorney, with Isabelle Lopez as a secondary nominee. He reviewed Hunt's qualifications for the position and stated that the position would receive a 2.5% non-cumulative annual pay supplement that has already been budgeted.

(2:21 p.m.) Motion by Meiszer, seconded by Stern, to approve the nomination of Michael Hunt as Deputy County Attorney, as recommended by Mr. Bosanko. Discussion followed regarding the duties of the Deputy County Attorney position.

(2:23 p.m.) The motion carried 4/0, with Jacalone absent.

(2:23 p.m.) Bosanko also requested a new position title be created for Senior County Attorney that would award an extra 1% supplement.

(2:24 p.m.) Motion by Bryant, seconded by Maguire, carried 4/0 with Jacalone absent, to create the Senior County Attorney position and nominate Isabelle Lopez to fill that position.

(09/23/03 - 12 - 2:24 p.m.)

8. CONSIDER THE COUNTY'S OPTIONS WITH REGARD TO THE PROPOSED COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR THE PONCE GOLF COURSE AREA IN LIGHT OF CITY OF ST. AUGUSTINE'S RECENT VOTE NOT TO PURCHASE THE PONCE GOLF COURSE

Jacalone returned to the meeting.

Dan Bosanko, County Attorney, reviewed that his office was given direction from the Board to take action to oppose the creation of the CRA for the Ponce, if it were not tied to the preservation of the golf course. He stated that the City Commission took action to drop their plans to preserve the golf course, but voted to form a CRA anyway. He explained that the document that was voted on did not give the County the statutory notice that it had a right to. They also claimed in that document that they met all six factors for a blighted area, which he doubted, and that gave the Board grounds to challenge that decision. He stated that if the CRA went through as planned, it could ultimately cost the County over \$15 million in tax revenue over 20 years. He informed that Board that one option to stop the creation of the CRA would be to file a lawsuit.

(2:28 p.m.) Stern questioned if there was a time constraint relating to filing the complaint. Bosanko replied that he believed that it was 30 days, and he recommended giving his office the authority to file the complaint. Stern stated that she would like to wait to give the City time to give a presentation on their plans.

(2:31 p.m.) *Motion by Stern to table this item until October 7, so that they [the Board] have the opportunity to meet with, and get this information from, the City.* The motion failed for lack of a second.

(2:31 p.m.) Jacalone stated that he did not want to wait, even one day, to file the action to do away with the establishment of the CRA. He also stated that he wanted the Chairman to send the City a letter asking them exactly what their intent was by trying to establish a CRA when the original purpose of the CRA was to service the debt on the golf course that they were going to buy and improve. Meiszer and Maguire concurred.

(2:33 p.m.) Stern clarified that she too agreed with Jacalone, but that she was trying to give the City ample opportunity to explain their intent.

(2:34 p.m.) Jim Wilson, City Attorney for the City of St. Augustine, 75 King St., stated that the City did not want to be involved in litigation with the County. He explained that the City was not trying to fund \$15 million worth of infrastructure, but was trying to fund the purchase of the golf course. The City has now decided not to purchase the golf course, but rather they are considering the possible purchase a 25 acre oak hammock, to be developed as a park, with the CRA funds and a matching grant from the State.

(2:38 p.m.) Jacalone commented that a CRA was not the right vehicle for park land acquisition as there were other forms of financing available. Maguire concurred and offered alternative sources of funding the purchase, other than a CRA. Discussion followed regarding the City having an opportunity to present their plans to the Board. Bosanko stated that he thought that it was prudent to file the documents, and Maguire agreed.

(2:41 p.m.) Barrow pointed out that the Resolution that the City passed made findings of blight and she referred to the legal description of the boundaries, which included the entire area with the golf course, not just an oak hammock.

(2:43 p.m.) Motion by Jacalone, seconded by Bryant, carried 5/0, to do everything possible to oppose the establishment of a CRA within those boundaries, because the original intent [of the CRA] has gone away, and to direct the County Attorneys Office to draft a letter, signed by the Chairman, to be sent to the City to outline what the Board's position is on this item, including rescinding Resolution No. 2003-108 and to authorize the County Administrator to request the City rescind its Resolution No. 2003-21.

RESOLUTION NO. 2003-183

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, OF ST. JOHNS COUNTY, FLORIDA, THAT RESCINDS RESOLUTION NO. 2003-108, THAT EXPRESSED CONCEPTUAL SUPPORT FOR THE CITY OF ST. AUGUSTINE'S EFFORTS TO PRESERVE THE PONCE DE LEON GOLF COURSE AND EXPRESSED SUPPORT OF A CITY CREATED COMMUNITY REDEVELOPMENT AGENCY TO FUND THE PURCHASE OF THE PONCE DE LEON GOLF COURSE, DUE TO THE CITY'S RECENT VOTE NOT TO PURCHASE THE PONCE DE LEON GOLF COURSE; PROVIDING FOR AN EFFECTIVE DATE

(2:46 p.m.) Jacalone addressed an appeal regarding an existing borrow pit and requested that Staff drop that appeal regarding a decision made by the PZA, and do whatever necessary to amend the Comp Plan to allow the expansion of the existing borrow pit and discussion followed.

(2:48 p.m.) Motion by Jacalone, seconded by Bryant, to direct Staff to drop the appeal on the decision that the PZA made on that matter.

(2:48 p.m.) Meiszer stated that a development should have to comply with the Comp Plan, not the Comp Plan conforming to a development. Discussion followed regarding borrow pits in residential areas, buffering and expansion of borrow pits.

(2:48 p.m.) The motion carried 4/1, with Meiszer dissenting.

(09/23/03 - 13 - 2:50 p.m.)

8A. APPROVAL OF AN ORDER UPHOLDING THE LAS CALINAS PRD CERTIFICATE OF CONCURRENCY APPEAL DENIAL

Dan Bosanko, County Attorney, stated that he needed a motion from the Board to implement an Order regarding the appeal of the Certificate of Concurrency (CONMAJ 2002-36A) for the Las Calinas PRD, as the Board found that the Certificate was in proper compliance with the requirements, and affirmed the concurrency permit and denied the appeal.

(2:52 p.m.) Motion by Jacalone, seconded by Maguire, carried 5/0, to approve the Order of the Board of County Commissioners of St. Johns County, Florida, regarding File No. Appeal - Las Calinas PRD Certificate of Concurrency.

The meeting recessed at 2:52 p.m. and reconvened at 5:32 p.m. with Bryant, Stern, Jacalone, Maguire, Meiszer, Adams, Michael Hunt, Assistant County Attorney; and Cecelia Aldrich, Deputy Clerk, present.

(09/23/03 - 14 - 5:33 p.m.)

9. ADOPTION OF FINAL MILLAGE RATES AND FINAL BUDGET FOR FY 2004 - FLORIDA STATUTES 129.03 AND 200.065 REQUIRE THAT, EACH YEAR THE BCC MUST ADOPT ITS MILLAGE RATES AND BUDGET FOR ITS NEXT FISCAL YEAR AT A PUBLIC HEARING. THAT HEARING MUST BE HELD AFTER 5:00 P.M., IF SCHEDULED ON A DAY OTHER THAN A SATURDAY. THERE ARE TWO PUBLIC HEARINGS REQUIRED. THE FIRST HEARING, TO ADOPT THE TENTATIVE MILLAGE RATES AND THE TENTATIVE BUDGET FOR FY 2004, WAS HELD ON SEPTEMBER 16, 2003. THIS PUBLIC HEARING IS FOR THE PURPOSE OF ADOPTING THE FINAL MILLAGE RATES AND THE FINAL BUDGET FOR FY 2004. THE FLORIDA STATUTES PRESCRIBE A SPECIFIC ORDER FOR THE CONSIDERATION OF ITEMS AT THE PUBLIC HEARING. THE FIRST SUBSTANTIVE ISSUE OF DISCUSSION MUST BE THE PERCENTAGE INCREASE IN THE AGGREGATE MILLAGE RATE OVER THE ROLLED BACK RATE. PUBLIC COMMENT ON THE PROPOSED MILLAGE RATES AND BUDGET MUST ALSO BE HEARD. PRIOR TO THE CLOSURE OF THE MEETING, THE BCC WILL NEED TO ADOPT RESOLUTIONS SETTING FORTH THE FINAL MILLAGE RATES AND BUDGET FOR FY 2004

Proof of publication regarding the Notice of Public Hearing to adopt the Final Millage Rates and Final Budget for FY 2004, was received, having been published in *The St. Augustine Record* on September 20, 2003.

Joe Vonasek, Management & Budget Director, explained the purpose of the Public Hearing and reviewed the procedure. He stated that the percentage increase over the rolled back rate has been set at 16.05%, as of January 1, 2003.

(5:34 p.m.) Ben Rich, 136 Moses Creek Blvd., St. Augustine, noted that he was present at the previous budget meeting and returned, by request of the people that had contacted him. He talked about how the increase in millage will adversely affect the elderly and fixed-income people. He encouraged the Board to look at cutting the budget within the administrative costs.

(5:37 p.m.) Bryant reported on an additional option for those on fixed incomes. He noted that application could be made to the Tax Appraiser's Office as there is a possibility of another \$25,000 exemption. (5:40 p.m.) Stern also referred to the additional homesteaders exemption and urged Rich to encourage people to contact the Property Appraiser's Office.

(5:41 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. S., Fruit Cove, stated that she wanted to go on record as being opposed to the current millage rate. She encouraged the Board to cut the adopted budget and look at other income sources. Whitmer referred to another time when a budget was cut following adoption.

(5:43 p.m.) Louise Thrower, 288 Orange Ave., asked where the monies generated from the Northwest Tower, and all others, are being appropriated. Bryant responded that all others are not on County property. Thrower talked in opposition to the adopted millage rate and referred to two recent news articles, Exhibit A. She summed up with four suggestions: conduct workshops on alternative revenue sources, initiate proportional PUD payments, institute employee idea program, and seek residents' input.

(5:47 p.m.) Edwin Brackett, 313 Genoa Rd., Vilano Beach, St. Augustine, stated that he was speaking as a taxpayer and voter. He talked about the economic downturn over the last several years and how it has affected people on fixed incomes.

(5:48 p.m.) John Clegg, 827 Ponte Vedra Blvd., Ponte Vedra, FL 32082, commented that there was widespread disappointment in the property tax increase. He noted that many working residents are not able to attend Board meetings. Clegg said that rampant development is being approved and that it is placing too much burden on the infrastructure and existing residents. He urged the Board to find other ways to raise revenue.

Dan Bosanko entered the meeting at 5:50 p.m.

(5:51 p.m.) George Rutolo, 30 Valencia St., Ponte Vedra Beach, stated that he would like to reaffirm what Mr. Clegg said. He acknowledged that the Commissioners had a difficult job and said he had no particular expertise in public government, though he does run a business and a household, and does not spend what he cannot afford.

(5:53 p.m.) Thomas Polizzi, 716 Ponte Vedra Blvd., talked about the ramifications on the middle class people. He gave examples of what has been happening in other parts of the country, talked about the teetering economy and the current generation never having been through adversity.

(5:57 p.m.) Charles Stevens, 3500 Red Cloud Trail, St. Augustine, noted that he is really disturbed this year. He said the revenues for this County have been increasing at double digit rates and there has not been any reduction in millage rates. He said that the rate on commercial properties is going up at a rate of 10% per year. Stevens suggested that the Board look internally and re-evaluate where money is being spent. He commented that most of the nurses at Flagler Hospital live in Palm Coast because they cannot afford to live in St. Johns County.

(5:59 p.m.) Edward Houston, 98 Ancilla Ct., Ponte Vedra Beach, stated that he was representing the St. Johns County Professional Firefighters, as their Business Agent. He thanked the Board for helping to provide safety for the firefighters.

(6:01 p.m.) Carle Elkins, 64 Water St., St. Augustine, asked about the property tax increases on undeveloped waterfront property. He expressed his dissatisfaction that it has risen from \$1,000 to \$3,000 a front foot. Bryant explained how and why property values have increased and noted that the Property Appraiser must follow State guidelines. Elkins expressed frustration at being told the sizable increase was due to the fact that it was overlooked in the past. (6:04 p.m.) Meiszer noted that property must be appraised at 100% of market value, and elaborated on how the system works and provided several scenarios for assessing/appraising property. (6:07 p.m.) In response to questioning, Vonasek noted that the increase in property taxes has generated \$8 million in revenue.

(6:10 p.m.) Bryant commented that the Board members are also taxpayers and he reassured that they take these things very seriously. He explained that the budget process is long and difficult and stressed that the public is invited and encouraged to participate in the process. Bryant explained why it would be impractical to use the Rollback rate.

(6:13 p.m.) Vonasek reviewed the procedure and asked that the Board first adopt the Final Millage Rate Resolution, and the Final Budget Resolution second. (6:14 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-184.**

RESOLUTION NO. 2003-184

RESOLVED, that the following FINAL MILLAGE RATE is hereby set by the Board of County Commissioners of St. Johns County, Florida, for all property in St. Johns County, as of January 1, 2003.

General Fund	5.101
County Transportation Trust Fund	.900
County Health Unit Trust Fund	.021
Fire District, County-wide Except City of St. Augustine	1.125
Vilano Street Lighting District	.102
St. Augustine South Street Lighting District	.207
Julington Creek Municipal Service District	.000
Jail Debt Service Refunding Fund	.000
AGGREGATE MILLAGE RATE	7.066
Rolled-back Rate	6.065
Percentage increase over rolled-back rate:	16.505%

(6:15 p.m.) Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-185, the Final Budget Resolution.

RESOLUTION NO. 2003-185

RESOLVED, that the following FISCAL YEAR 2004 FINAL BUDGET of the Board of County Commissioners of St. Johns County, Florida, developed using the certified taxable value of \$12,496,070,643, generating an estimated \$88,291,824 in taxes, is hereby adopted, resulting in a total budget of \$356,303,869 as follows:

General Fund	\$104,588,046
Special Revenue Funds	
County Health Unit Trust Fund	286,322
Court Facilities Trust Fund	309,107
Building Services Fund	10,455,589
Law Enforcement Trust Fund	59,438
State Housing Init. Part Program (SHIP)	2,393,632
Mental Health Unit trust Fund	4,394,772
Community Based Care	178,894
Utility Regulation Fund	223,847
County Transportation Trust Fund	35,317,916
Additional Court Cost Trust Fund	612,207
Beach Fund	1,373,659
Pier Operations Fund	181,272

Tourist Development Fund	4,992,413
Tree Bank Fund	5,444
Galimore Center Fund	202,940
Alcohol & Drug Abuse Trust Fund	26,662
Communications Surcharge Fund	491,682
Choose Life License Fund	11,775
Driver Education Safety Fund	60,000
W. Augustine CRA Fund	282,423
Flagler Estates CRA Fund	481,141
Vilano Beach CRA Fund	4,419,287
FL Boating Improvement Trust Fund	1,377,891
Housing Abatement Fund	86,758
Impact Fee Funds	15,285,348
FL Arts License Plate Fund	13,816
Davis Park Fund	5,170
E-911 Communications	1,047,769
Fire District Fund	13,660,613
Sidewalk Mitigation Fund	28,971
World Commerce Center DRI Fund	30,220
Vilano Street Lighting District	22,614
Elkton Drainage District	31,575
Executive Cove M.S.B.U.	0
St. Augustine South Lighting District	46,613
Julington Creek M.S.D.	1,534
Treasure Beach M.S.B.U.	0
Thompson Bailey Road M.S.B.U.	24,652
Private Roads M.S.B.U.	13,496
C. H. Arnold Road Grading M.S.B.U.	15,134
Rusty Anchor/Wendover Rd. M.S.B.U.	3,875
Northwest Tower Fund	112,829
Debt Service Funds	
Jail Refunding Debt Service	0
\$12,185,000 Refunding Debt Service	1,112,263
03 Transportation Improvement Debt Service	1,281,286
\$21,095,000 Refunding Debt Service	1,531,221
Ponte Vedra Sewer Debt Service	737,127
Commercial Paper	5,106,618
Capital Project Funds	
Northwest Road Project Fund	3,220,036
Library Building Fund	952,798
Palm Valley Bridge Fund	0
Park Projects Fund	4,339,006
Master Plan Building Recreation Projects	0
NW Gov't. Services Center	608,999
N. Holmes Blvd. Fund	0
Bond Transportation Projects Fund	2,539,647
Sewer Construction Fund	30,000,000
	7,909,225
Enterprise Funds	
Solid Waste Fund	25,716,728
St. Johns County Utility Fund	46,666,698
Convention Center Fund	4,337,329

Golf Course Fund	2,798,327
Amphitheater Fund	2,187,482
Internal Service Funds	
Workers Compensation Fund	2,720,976
Group Health Insurance Fund	9,380,757

(6:15 p.m.) Vonasek noted that there were others who had helped with the budget process that he would like to thank: Doug Timms, Assistant Director, Dawn Cardenas, Budget Analyst, Retired Lt. Bill Scott, Danny Phillips, Connie Kwiecien, Karen Van Volkinburg, Terri Marcum, David Halstead, Assistant County Administrator; and Ben Adams, County Administrator.

(6:15 p.m.) Jacalone noted that this year's budget process seemed more difficult than in years past. He commended Staff for a job well done and suggested airing Vonasek's 5:00 p.m. presentation again. Vonasek said their job is not just to prepare a budget, but to explain it.

(6:17 p.m.) Bryant referred to a headline in *The St. Augustine Record* that there was no tax increase for St. Augustine Beach. He clarified that they kept the same millage rate, which the County had done for the past seven years, but there was in fact a tax increase.

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 6:18 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check 339646 through 339673 totaling \$46,203.78 (09/04/03)
2. St. Johns County Board of County Commissioners Check Register, Check 340136 through 340419 totaling \$1,648,260.64 (09/16/03)
3. St. Johns County Board of County Commissioners Check Register, Check 340420 through 340446 totaling \$44,457.61 (09/18/03)

CORRESPONDENCE:

1. Letter dated September 15, 2003 to Mrs. Liz Cloud, Chief, Bureau of Administrative Code, regarding a certified copy of Ordinance No. 2003-75.

Approved _____ October 7 _____, 2003

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