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**MINUTES OF SPECIAL MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
SEPTEMBER 13, 2005 - 1:30 P.M.**

Proceedings of a special meeting of the Board of County Commissioners, held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida.

Proof of publication for the notice of public hearing regarding the Special Meeting of the Board of County Commissioners was received, having been published in *The St. Augustine Record* on August 31, 2005.

Present were:           James Bryant, District 5, Vice Chairman  
                              Cyndi Stevenson, District 1  
                              Karen R. Stern, District 2  
                              Ben Rich, District 3  
                              Ben W. Adams, Jr., County Administrator  
                              Daniel Bosanko, County Attorney  
                              Yvonne King, Deputy Clerk

Absent was:           Bruce Maguire, District 4

(09/13/05 - 1 - 1:36 p.m.)  
Bryant called the meeting to order.

(09/13/05 - 1 - 1:36 p.m.)  
ROLL CALL

Bryant announced that all commissioners were present, with the exception of Commissioner Maguire.

(09/13/05 - 1 - 1:37 p.m.)  
INVOCATION AND PLEDGE OF ALLEGIANCE

Bryant gave the invocation and Stern led the Pledge of Allegiance.

(09/13/05 - 1 - 1:37 p.m.)  
ADDITIONS/DELETIONS TO SPECIAL MEETING AGENDA

There were no additions, or deletions to the Special Meeting Agenda.

(09/13/05 - 1 - 1:38 p.m.)  
APPROVAL OF SPECIAL MEETING AGENDA

**Motion by Stern, seconded by Stevenson, carried 4/0 with Maguire absent, to approve the Special Meeting Agenda.**

(09/13/05 - 1 - 1:38 p.m.)

1. CR 2209 PRELIMINARY ENGINEERING STUDY - ALTERNATIVES AND PREFERRED ALIGNMENT

Joe Stephenson, Public Works Director, explained that the preliminary study would lay out a specific alignment. (1:39 p.m.) Dan Kristoff gave a PowerPoint presentation of the CR 2209 Preliminary Engineering Study (North-South Corridor) by reviewing: the project location; the project history; the 2001 Corridor Study; the 2001 Study recommended typical sections; the major developments since 2001 (approved and pending); future roadway

projects; 2004 daily traffic volumes; Year 2017 traffic forecasts; Year 2027 traffic forecasts; and Year 2037 traffic forecasts. Discussion followed on the traffic forecasts. (1:50 p.m.) Kristoff continued his presentation by reviewing lane requirements. Discussion followed on the 8-lane requirement between SR 16 and CR 210. (1:53 p.m.) Kristoff continued his presentation by reviewing: Year 2037-CR 210 location; design alternative objectives; design criteria; alternative alignments; Rayland Tract Settlement; CR 2209 Alternatives Evaluation Matrix; public involvement; major stakeholder involvement; recommended alignment Alternative 4; and the project schedule. Discussion followed on possibly setting a future date to discuss this issue further. (2:14 p.m.) It was the consensus of the Board to continue this issue to September 20, 2005. Discussion followed regarding the lane requirements and the design criteria.

(2:22 p.m.) Edward Paucek, 970 Irma Way, addressed some possible comp plan changes.

(2:27 p.m.) John Metcalf, 245 Riverside Avenue, representing Whitesford Timber and Investment and SJP Properties, the developers of the Silverleaf project, clarified that the Silverleaf developer had proposed to completely construct CR2209 from CR 210 to International Golf Parkway as a 6-lane facility in phase one of the project. Metcalf also addressed the alignment and the overall right-of-way width.

Discussion followed regarding continuing this issue to a later date. (2:37 p.m.) **Motion by Bryant, seconded by Stern, carried 4/0 with Maguire absent, to continue this issue to October 4, 2005.**

(09/13/05 - 2 - 2:37 p.m.)

## 2. 2005 GROWTH MANAGEMENT LEGISLATION PRESENTATION

Scott Clem, Assistant County Administrator, gave a PowerPoint Presentation regarding the 2005 Growth Management Legislation effective July, 2005, which included: Senate Bill 360, the Infrastructure Planning and Funding Act; Senate Bill 444, Development of Water Supplies; Senate Bill 332; and the Water Protection and Sustainability Trust Fund. Clem then reviewed what SB 360 included: the timelines for its implementation; funding; and commissions and studies. Clem aired that the major emphasis of the bill related to the Capital Improvements Element (financial feasibility), Transportation, School and Water Supply Planning. Discussion followed regarding the adoption deadline for the Capital Improvements Element; transportation concurrency; school planning; annexations; water supply planning; and visioning and urban service boundaries.

The meeting recessed at 3:19 p.m., and reconvened at 3:27 p.m.

Clem continued by reviewing the new funding that would be provided by Senate Bill 360; Transportation Regional Incentive Program (TRIP); and the commissions and studies that resulted from SB 360. (3:52 p.m.) *It was the consensus of the Board to authorize the County Attorney's Office to continue to work on the Flagler Hospital issue.*

(09/13/05 - 2 - 3:54 p.m.)

## 3. OTHER BUSINESS AS NECESSARY

Bryant led a discussion regarding mixed-use districts. (3:56 p.m.) Teresa Bishop, Planning Director, reviewed the mixed-use district category. Discussion followed regarding the density in mixed-use areas.

(4:17 p.m.) Deputy Clerk Lenora Newsome entered the meeting; Deputy Clerk Yvonne King left the meeting.

Bryant spoke on developers wanting more IW zoning. Stern spoke on finding a relocation site for heavy commercial. Bishop spoke on the area that the policy was referring to. Bosanko mentioned that he wanted to bring up another issue regarding the landfill, after

the growth management discussion.

(4:24 p.m.) Ed Paucek, 970 Erma Way, spoke on the locations he recommended taking the railway into consideration. He also spoke on areas that needed to be readdressed. Bryant mentioned the two mixed-use areas that concerned him; one on CR 206 and the other one at Greenbriar and Roberts Road.

(4:28 p.m.) Bosanko spoke on the Auditor General's proposed review of the Solid Waste Department. He asked the Board and Staff to give input on what to tell the Senate. Bryant spoke on getting on the docket to address issues they were concerned about. Bosanko reviewed the process, as he understood it. Bryant stated that he was satisfied that they were addressing the issues at the landfill. Rich, Stern and Stevenson concurred with Bryant.

(4:36 p.m.) Stern spoke on the situation on South Francis Road regarding the road being closed and local traffic being able to go through on it. Scott Clem, Assistant County Administrator, responded.

(4:38 p.m.) Stevenson spoke on a drainage issue in the same area. Stern mentioned that the County had been working on it. (4:38 p.m.) Joe Stephenson, Public Works Director, commented that there was a drainage easement along the eastern edge of the lady's property and that the County maintained it. He spoke on the process of rebuilding South Francis Road and erosion problems.

There were no reports by the Commissioners, Administrator or County Attorney.

(4:41 p.m.) **Motion by Rich, seconded by Stern, carried 4/0 with Maguire absent, to adjourn the meeting.**

The meeting reconvened at 5:33 p.m. with Bryant, Rich, Stern, Stevenson, Bosanko, Barrow, McCormack and Deputy Clerk Lenora Newsome present.

Bosanko requested to add an item to the agenda regarding the Summerhaven area and stated that the item dealt with a lawsuit on preserving a right-of-way behind the homes so people could get to their houses. He stated that he would let the Board know what the homeowners were demanding. Barrow spoke on what the lawsuit involved. Bosanko read the settlement proposal into the record. He stated that the other lawsuit was by the homeowners in the northern section regarding the County not taking care of the roads. He advised the Board to ask if there was any public comment regarding the settlement proposal and that they were not recommending the Board's acceptance of the settlement offer.

(5:41 p.m.) James Dennis, 9289 Old A1A, a homeowner concerned with the northern end of Summerhaven, stated that he wanted to correct the record, that there were homeowners involved in the lawsuit. He addressed the settlement proposal. He proposed that the County buy the land that was unbuildable from the owners and use it as a public park. He stated that the homeowners would put up their own gate at the end of the land that would be used for the park and maintain it as a private road. Stevenson spoke on the cost to the County and what the homeowners were wanting.

(5:47 p.m.) Rich asked if there was anyone who could speak on building a breakwater on Summer Island and what kind of permitting would be needed. Joe Stephenson, Public Works Director, stated that it would be a substantial undertaking to get a permit to put additional rocks on that beach, for any reason. Discussion followed on doing a study and getting appropriate permits.

(5:51 p.m.) Anne Garcia, 56 Water Street, spoke on the proposal that the homeowners came up with, wanting to eliminate the County's responsibility for the road, the land being beautiful ocean front property with no place to park vehicles, and that the proposal was a compromise. Bryant spoke on a CRA not working in that area. Garcia spoke on property value, and not receiving notices of the hearings. Barrow mentioned that Garcia did have notice of this hearing and notices were mailed out on the prior hearings. Stern requested that the settlement proposal be provided to the audience.

(09/13/05 - 4 - 6:04 p.m.)

4. PUBLIC HEARING - SUMMER HAVEN BUILDING PERMIT MORATORIUM ORDINANCE - AUGUST 9, 2005 WAS THE FIRST PUBLIC HEARING OF THIS ORDINANCE. THIS SECOND AND FINAL PUBLIC HEARING WILL BE IN CONJUNCTION WITH A DISCUSSION OF FINANCING OPTIONS. ON MAY 4, 2005, THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DIRECTED COUNTY STAFF TO CEASE APPROVALS OF BUILDING PERMITS IN A PORTION OF THE AREA DESCRIBED AS SUMMER HAVEN (BLOCKS 3 THROUGH 65), AND ON JUNE 6, 2005, THE BOARD DIRECTED STAFF TO PREPARE A BUILDING PERMIT MORATORIUM ORDINANCE FOR THE SUBJECT AREA AND REQUESTED THAT STAFF RESEARCH ENGINEERING AND CONSTRUCTION FINANCING OPTIONS. THE MORATORIUM SHALL REMAIN IN EFFECT UNTIL THE COUNTY RECEIVES, FINDS FEASIBLE, AND IMPLEMENTS A SUMMER HAVEN INFRASTRUCTURE FINANCING PLAN, AND INFRASTRUCTURE REASONABLY REQUIRED TO MEET THE HEALTH, SAFETY AND WELFARE OF THE SUBJECT AREA TO THE REASONABLE SATISFACTION OF THE COUNTY ENGINEER IS IN PLACE, BUT NO LATER THAN MIDNIGHT ON SEPTEMBER 8, 2006 WITH THE PROVISIO THAT THE BOARD, SHALL BY ORDINANCE(S), TERMINATE ALL OR PORTIONS OF THE MORATORIUM AT SUCH PORTIONS(S) NO LONGER EXISTS; AND THE PROVISIO THAT THIS MORATORIUM MAY BE EXTENDED BY ORDINANCE IF REASONABLY REQUIRED TO MEET THE HEALTH, SAFETY AND WELFARE OF THE SUBJECT AREA

Proof of publication for the notice of public hearing regarding the Summer Haven Building Permit Moratorium Ordinance was received, having been published in *The St. Augustine Record* on August 30, 2005.

Patrick McCormack, Assistant County Attorney, gave a background on this issue, stating that he always viewed all comments by the public, and would review the planning and zoning aspects of this issue. He stated that he added several whereas clauses, findings of fact, basically setting out more particularly what the public purpose was behind this proposed ordinance, and set out very briefly some aspects of what the legal requirements were for moratoriums and how this particular ordinance met those requirements. He mentioned that in the body of the ordinance, Section 1, he added paragraph a, "The above whereas clauses and recitals are hereby adopted as findings of fact." He spoke on Section 3, Exclusions, Exhibit A, and the Planning and Zoning review of the ordinance. Discussion followed regarding taxes on the properties in this area.

(6:21 p.m.) Laura Barrow, Assistant County Attorney, spoke on the location of the area affected by this ordinance and on the ocean washing away a lot of the beach.

(6:26 p.m.) Frank McElroy, Fire Prevention Chief and Fire Marshall for St. Johns County Fire Rescue, stated that he had been with the Fire Rescue Service for 21 years, and he reviewed the emergency access standards. Barrow questioned the types of vehicles used by Fire Rescue and their weight. McElroy responded. He spoke on the required width of a fire access road and the required turning radius to turn the fire apparatus around on a dead end road.

(6:32 p.m.) Robert Hall, St. Johns County Fire Rescue Chief, stated that he had been in the Fire Rescue business for almost 30 years; spoke on the traffic on A1A in the this area; the road width; and the types of fire rescue vehicles that could go on this road. He spoke on the turnaround point and radius. Barrow questioned the possible damage to the equipment trying to get in and out of the area. Hall responded, explaining the danger. He stated that they have had serious assess problems in that area for years. Barrow asked if there was possible danger to the personnel. Hall responded certainly and he explained.

(6:51 p.m.) Baron Bartlett, 185 North Roscoe Blvd., presented rebuttal evidence to some of the issues he had with Chief Hall's testimony. He pointed out for the commission that they didn't have much of an opportunity to address the issues. He spoke on two lots; 58 and 59, Exhibit B. He entered his strong objection to removing Section 3, subparagraph C, stating that it didn't make sense to have a moratorium on this property and he entered evidence into the record regarding surveyed lots. He spoke on property taxes, considering placing the exclusion back into the ordinance and considering the property as safe. Bryant mentioned that he thought the resale of the lots was higher than what they paid for them, which was contributing to the problem.

(7:09 p.m.) McCormack read into the record the clause he added into the Ordinance; "*A temporary building moratorium does not rise to the level of a regulatory taking, if the moratorium is rationally related to advancing a legitimate public purpose.*" The next whereas he added was; "*I think our legitimate public purpose is greater than, was even in that case.*" He stated that he did not believe that a temporary moratorium to promote a public purpose was any kind of taking and vesting depended on how much activity he did and how much had been spent on the lot. McCormack stated that there was a public safety exception for vesting and that the County's special fire service personnel would respond no matter where the situation was. He spoke on why he took out the exclusion and stated that he did not have a big objection to putting it back in. Rich asked if the Board decided to implement a moratorium, was there a possibility that there could be an exclusion put into the moratorium for anyone who wished to build, to hold the County harmless in reference to any kind of emergency response that may have to take place on their property. (7:18 p.m.) Barrow stated that she didn't think that was a good idea and explained. Discussion followed on improving the roadway to make it a livable area for the residents who live there, and this situation being a major issue for the County for years.

The meeting recessed at 7:24 p.m. and reconvened at 7:32 p.m.

(7:32 p.m.) McCormack mentioned opening the floor up for public comment, as this was a legislative decision, and to check to see if any member of the public had any questions for the two witnesses who spoke earlier.

(7:34 p.m.) James Dennis, 9289 Old A1A, mentioned that his house was one of the last seven houses that were inaccessible, and asked Chief Hall if he could, in a timely fashion, provide adequate medical attention. Chief Hall responded that there would be an extended response time, but they would respond to the emergency. Dennis asked Fire Marshall McElroy if his house had a small fire would they be able to put it out before it became a big fire and destroyed his house because of the location. McElroy responded that anytime there was a significant delay in getting a fire apparatus close to the building, that there was certainly a great likelihood that there would be an increase in the damage caused. McCormack asked Hall and McElroy about responding as quickly as they could to an emergency. Both answered yes. McCormack responded that some of the evidence was not subject to rebuttal.

(7:43 p.m.) Bartlett stated, that in his opinion, they did not live on a sandbar, and this was not a one way in and one way out road. McCormack stated, that in his opinion and considering the comments made tonight, that Exception C should be put back in the ordinance.

(7:46 p.m.) John Hankinson, 9150 Mellon Court, spoke in favor of the moratorium with the original version, as amended, presented by McCormack.

(7:50 p.m.) Rick Gleason, 5198 Holly Road, spoke on the turtle nesting in the area.

(7:55 p.m.) Anne Garcia, 56 Water Street, spoke on the turtle nesting. Garcia asked if they were able to get medical help to the people using the beach area and the dock. Hall replied yes. McCormack spoke on the hold harmless agreement.

(8:04 p.m.) **Motion by Rich, seconded by Stern, to adopt the moratorium on Summerhaven, as presented by Staff, to include Section C that was formerly deleted, as Ordinance No. 2005-85.** McCormack stated since Section C was deleted, they had changed the phrase *County Engineer* and it now read *County Administrator*. He asked that if the maker of the motion and the second had interpreted the language that was presented before them during this hearing, was that Section and Rich responded yes. Stevenson stated that the language of "*County Engineer*" made her feel more comfortable. Bryant stated that he would like to see the County Attorney's Office, the attorney representing the homeowners and interested parties, and the Property Appraiser and her attorney get together and explore some solutions to this, whether it be some form of what the next item number was going to be, or that those people needed some tax relief, if there was not going to be any solution to their problem. McCormack replied that they would take that as direction. **The motion carried 4/0 with Maguire absent.**

(09/13/05 - 6 - 8:07 p.m.)

5. REPORT ON SUMMER HAVEN COMMUNITY INFRASTRUCTURE FINANCING OPTIONS

McCormack reviewed this item and introduced David Tucker from Nabors, Giblin Nickerson, P. A.

(8:08 p.m.) David Tucker, 1500 Mason Drive, Suite 200, Tallahassee, spoke on submitting a letter with general recommendations and discussions of the law and how the Board might want to proceed in terms of finding a way to generate the revenue. He stated their bottom line recommendation was to create a dependence special district that would encompass the geography of the immediately affected community. Bryant spoke on getting the cooperation of the Property Appraiser to get the appraised values down low enough, and then use the difference in some form to fund a debt service for the improvements down there. Tucker replied that the Property Appraiser's cooperation would be needed to reduce the property values to maximize the amount of money received, if using an increment. However, legally one didn't need to deal with the Property Appraiser at all if one could find a funding just for special assessments that was no relation to the value to the ad valorem of the property, but did have a relationship to the cost of the improvement and how the improvement benefited that property. Bryant spoke on not having the property owners pay premium taxes, then put an assessment on top of their current tax assessment. Tucker spoke on the distinction. (8:18 p.m.) Stern spoke on working with the Property Appraiser in getting some tax relief to the property owners in the Summerhaven area, and on being very interested in what Tucker had to say about the Tax Increment Financing (TIF). Tucker spoke on TIF. Bryant stated that he didn't want the County taking the risk, but did want to find a solution.

(8:26 p.m.) Bryant asked if a motion was needed, or if this was for information only. McCormack responded. Discussion followed on Staff developing an ordinance, getting a report back from the Property Appraiser, and putting a package together in two to four weeks.

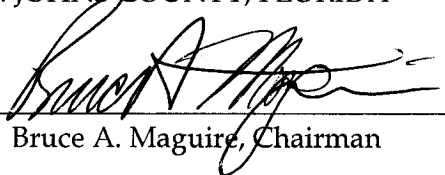
(8:31 p.m.) Stephenson stated that they had an active project down there that had been adversely affected by last week's events and that he needed some direction on how the Board wanted him to proceed. He stated that the existing project was about 80% complete and 90% of what they had built as a protected berm, had now been destroyed by the ocean. Their contract will cause them to finish the other 20% that they hadn't built and that was what they would do barring any other direction. The contract also called for them to do some paving and improvements to the unpaved road and they would do that. He stated that it was possible that they could obtain some additional FEMA money and explained. Stephenson asked for direction on pursuing what he had mentioned. Discussion followed on pursuing the items mentioned by Stephenson, not using any more of the County's money, and moving forward to find out what the match would be with FEMA. Stephenson stated that he would pursue it within reason and not make any commitments until coming back to the Board. He stated for the short term they would complete the project as it was originally funded and they were going to determine what the options were for the future without making any commitments or spending any great resources doing so. He questioned if the Board wanted him to immediately begin contracting for the development of alternatives to be worked through a process to determine which alternatives were most reasonable and most acceptable to the public, so they could make an effort to permit them. Bryant stated that getting the information from the Property Appraiser, if she was willing to work with them, would be critical to his decision. Stephenson stated that for the long-term solution, they would take no action until further direction from the Board.

(8:38 p.m.) Motion by Stevenson, seconded by Stern, carried 4/0 with Maguire absent, to adjourn the meeting.

Approved \_\_\_\_\_ November 1 \_\_\_\_\_, 2005

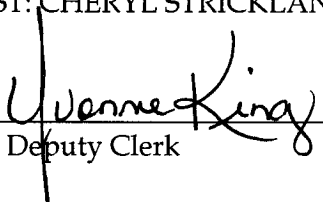
BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_

  
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: \_\_\_\_\_

  
Deputy Clerk

