

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 18, 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
Michael D. Hunt, Assistant County Attorney
Cecelia Aldrich, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts, Allen MacDonald, Finance Director

(03/18/03 - 1 - 9:08 a.m.)

The meeting was called to order by Chairman Bryant.

(03/18/03 - 1 - 9:08 a.m.)

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

(03/18/03 - 1 - 9:09 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(03/18/03 - 1 - 9:10 a.m.)

RECOGNITION OF THE ST. JOHNS COUNTY UTILITY DEPARTMENT'S RECEIPT OF THE NORTHEAST REGION/FLORIDA SECTION OF THE AMERICAN WATER WORKS ASSOCIATION'S "BEST TASTING WATER AWARD."

Ben Adams, County Administrator, explained that a contest had been held and St. Johns County received first place for having the best tasting water in the northeast region. He presented the award to members of the Utility Department and said they will now compete for the State title.

(03/18/03 - 1 - 9:12 a.m.)

PUBLIC COMMENT

There was no public comment.

(03/18/03 - 1 - 9:12 a.m.)

DELETIONS TO CONSENT AGENDA

Meiszer requested that Item 4 be pulled and placed on the Regular Agenda as 4A.

Adams requested that Item 3 be pulled and rescheduled next week.

(03/18/03 - 2 - 9:13 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. Approval of Minutes:
2/18/03 - Regular BCC Meeting
3/04/03 - Regular BCC Meeting
3. Motion to transfer \$31,124 from 4415-51200 and related personal services line items (i.e.-FICA, retirement, insurance and workers compensation) to 4409-51200 and related line items for the purpose of hiring an Engineer

(This Item was pulled and will be rescheduled.)

4. Motion to approve the position request for a Land Management Coordinator

(This Item was pulled and placed on the Regular Agenda as Item 4A. See page 7)

5. Motion to adopt **Resolution No. 2003-53**, accepting an Easement for Utilities to provide water and sewer at the intersection of State Road 312 and Old Moultrie Road

RESOLUTION NO. 2003-53

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES TO PROVIDE WATER AND SEWER AT STATE ROAD 312 AND OLD MOULTRIE ROAD

6. Motion to adopt **Resolution No. 2003-54**, accepting an easement for construction of a public sidewalk along State Road 16

RESOLUTION NO. 2003-54

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR CONSTRUCTION OF A PUBLIC SIDEWALK ALONG STATE ROAD 16

7. Motion to allow the County Administrator, or his designee, to piggyback on Citrus County's Bid No. 050-03, for the purchase of Two (2) Mobile Air Refill Systems from Channel Innovations Corporation
8. Motion to allow the County Administrator, or his designee, to enter into contract with Florida N-Viro, L.P., the low responsive bidder, for Bid No. 03-46 (*Attachment A*)

(03/18/03 - 3 - 9:13 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested that a License Agreement be added to the agenda as Item 4B.

(03/18/03 - 3 - 9:14 a.m.)

APPROVAL OF REGULAR AGENDA

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

(03/18/03 - 3 - 9:14 a.m.)

1. CONSIDER MOTION TO APPROVE A RESOLUTION EXPRESSING THE COUNTY'S INTENTION TO BE REIMBURSED FROM PROCEEDS OF TAX-EXEMPT OBLIGATIONS FOR CERTAIN CAPITAL EXPENDITURES

William G. Young, Utility Director, explained that approval of the resolution before the Board would allow the Utility Department to move ahead with critical CIP projects. (9:16 a.m.) Meiszer asked why there was a "not to exceed amount" in the resolution. Young explained that the amount could change by the time it gets to bond issuance. (9:17 a.m.) Hunt said the format being used is approved by the Internal Revenue Service. (9:18 a.m.) Meiszer said his concern was setting a limit that may not cover the cost. **Motion by Meiszer, seconded by Stern, carried 5/0, to approve Resolution No. 2003-55 expressing the County's intention to be reimbursed from proceeds of tax-exempt obligations for certain capital expenditures.** (9:20 a.m.) Jacalone clarified that the resolution allows for the ability to be reimbursed from bond money, for capital improvements already expended, should reserve funds become very low. (9:22 a.m.) Meiszer explained the different language of a bond indenture. (9:23 a.m.) In response to questions from Maguire, Hunt said according to Mr. Weaver, 60 days is the maximum timeframe that one can go back under this particular plan. (9:24 a.m.) Maguire asked Hunt to check the wording on the 60-day issue, as it was confusing.

RESOLUTION NO. 2003-55

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXPRESSING THE COUNTY'S INTENTION TO BE REIMBURSED FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS FOR CERTAIN CAPITAL EXPENDITURES TO BE PAID BY THE COUNTY PRIOR TO THE ISSUANCE OF SUCH TAX EXEMPT OBLIGATIONS AND PROVIDING AN EFFECTIVE DATE

(03/18/03 - 3 - 9:25 a.m.)

2. CONSIDER DIRECTING THE COUNTY ADMINISTRATOR TO INVESTIGATE THE FEASIBILITY OF ACQUIRING ST. JOHNS SERVICE COMPANY

Ben W. Adams Jr., County Administrator, explained that he was presented with the proposal to acquire the St. Johns Service Company. He reviewed the request and updated the Board on discussions that had taken place previously with staff and Public Financial Management (PFM). As a result, he said staff believes it has merit and suggests that due diligence be done. He distributed Florida Statute, Chapter 125.3401, regarding the procedure for purchasing a water and sewer utility by a county (Exhibit A). Adams said the County doesn't really have a financial obligation, because the St.

Johns Service Company will reimburse the County for costs associated with the preliminary due diligence if the County does not go through with the purchase. He added that if the County does go through with it, the costs could be recovered during the bond process. He explained the reasons for the due diligence. Prior to Chapter 125 proceedings, Adams said there should be a purchase and sales contract and asked for the Board to move forward. (9:29 a.m.) Maguire asked how much the feasibility of the due diligence would cost. Adams said he thought around \$40,000. **Motion by Maguire, seconded by Meiszer, carried 5/0, to direct the County Administrator to investigate the feasibility of acquiring St. Johns Service Company.** (9:30 a.m.) Jacalone expressed concern about the current owners operating the utility, should the County purchase it. (9:31 a.m.) Hunt reported that he and former County Attorney, Jim Sisco, have reviewed this and since it is untried in this State, there is no case law to guide them on the specifics. He said they have concerns regarding the bonding and the franchise, but indicated it warrants consideration. (9:34 a.m.) Jacalone questioned how the bond holders would react. Sisco said the whole structure is complicated, though it doesn't mean it's wrong. He explained part of the process and said the rates would have to be raised. Discussion followed about Constitutional issues with regard to the County being a shareholder or owning the utility. (9:37 a.m.) Jacalone noted that the County has staff with the necessary expertise and raised concern about the County owning it and another entity being the operator. (9:39 a.m.) Jacalone expressed concern about the price, given the size of the utility, customer base, and the current rate. (9:40 a.m.) Bryant asked Sisco if the County would have to go through a rate case hearing to raise the rate. Sisco said it would be done like the County's regular utilities. He also said his office would provide opinions on several of the matters in question. (9:43 a.m.) Stern asked about notification to the customers and said she wouldn't want the County Utility Department to become the bad guy. (9:45 a.m.) Meiszer stated that the first issue is to ensure that the revenue stream will cover the expenses. He said if the County were to issue debts to acquire the utility, all the bond holders would care about is whether the revenue would be adequate to service that debt. Meiszer said the management structure would be up to the County and the State. He said he would be in favor of a management agreement with St. Johns Service Company. He also said he thought the best protection for the customers would be for the County to own it, as they would have recourse. (9:50 a.m.) Referring to a franchise, Hunt said his opinion is that a franchise has no worth to the County, though they are still looking at it. (9:53 a.m.) Sisco talked about the magnitude of bond documents and the time involved in reviewing the documents. There was discussion regarding the cost and Bryant urged staff to keep this in mind. (9:57 a.m.) Bryant made reference to the likelihood that the rates would be raised and that the customers would not be happy. (9:58 a.m.) Young said he agreed that due diligence needs to be done. Young said he is not familiar with the utility's infrastructure. He said St. Johns Service Company has a good record of running the utility, and the County could oversee the operation, and acknowledged the need to look into the issues. (10:01 a.m.) Jacalone stated he was uncomfortable with the proposal and suggested that a new proposal be submitted with a different acquisition structure and different method of operation, or management. (10:02 a.m.) Bryant agreed with Jacalone and noted that the motion is about looking at various possibilities. Meiszer agreed and stated he was not in favor of the proposal before them, but is in favor of checking out the possibilities. (10:04 a.m.) Sid Ansbacher, representing the applicant, said he understood the concerns, and reiterated that it is subject to due diligence, which the utility would pay for. He said it is the Board's prerogative whether, or not, it decides to continue after that. (10:06 a.m.) Meiszer commented that this has come up before and at one time the goal was for the County to be the utility service provider. He suggested that if the Board has an interest in acquiring utility companies, it might want to look into other providers. (10:08 a.m.) Stern suggested the Board approve the feasibility study to get some of the questions answered and called the question. **Motion by Stern, seconded by Jacalone, carried 5/0, to call the question.**

(10:09 a.m.) Bryant called for a vote on the open motion, **motion carried 4/1, with Jacalone voting nay.**

(03/18/03 - 5 - 10:09 a.m.)

3. CONSIDER MOTION TO DIRECT COUNTY ADMINISTRATOR TO ISSUE AN RFP AND EVALUATE PROPOSALS FOR AUDIT SERVICES

Joe Vonasek, Director for Office of Management & Budget, reviewed the item and the rationale for procedure. (10:11 a.m.) Bryant commented that there were very few respondents at the last search. Jacalone stated that he didn't want to exclude anyone as the Board has the ability to choose the best firm. (10:12 a.m.) **Motion by Jacalone, seconded by Meiszer, carried 5/0, to direct the County Administrator to issue an RFP and evaluate proposals for audit services.** Maguire said he would like to see a change due to the fact that the nature of the business is accounting. (10:13 a.m.) Stern agreed with Jacalone that none should be excluded.

(10:15 a.m.) Bryant called a break and the meeting reconvened at 10:26 a.m.

(03/18/03 - 5 - 10:26 a.m.)

4. UPDATE ON THE PUBLIC WORKS DEPARTMENT AND ITS CAPITAL IMPROVEMENT PROGRAM

Joe Stephenson, Public Works Director, stated that the richest part of the County is the staff. He introduced each department head to give their individual presentations. (10:27 a.m.) Gary Emerson, Fleet Maintenance Manager, stated that the department is ranked high due to a team effort. He reviewed the departments mission statement and gave a general review of the department's functions. Emerson said they maintain 900 pieces of equipment. Using charts and graphs, he demonstrated the productivity and cost effectiveness of the staff. He gave a comparison of competitive charges and commented that a short-range goal is to test some alternative fuels. Emerson said a future goal is to maintain a cost effective facility. (10:32 a.m.) Jacalone commented on the rates and gave an example that there has to be a financial advantage for the Sheriff's department to use Fleet Maintenance for its' vehicles. He said this department shouldn't be self-sufficient, that it has to cost in order to provide the services it should. (10:34 a.m.) Meiszer commended staff on the impressive statistics and determined that the source of the statistics is the National Association of Fleet Administrators. (See Exhibit A) (10:36 a.m.) Gail Oliver, County Surveyor, Public Works Department, is head of Surveying and Mapping, and the Geographic Information Section (GIS). She is currently the President-elect of the National Association of County Surveyors. Oliver read her division's mission statement and reviewed the different types of surveys that they perform. She gave an overview of the staff and its growth and reported on the website. She reviewed some of the projects and talked about the countywide contour-mapping project and gave examples of the advanced technology being used. She reviewed the mission statement for GIS and provided an overview of its' functions. Oliver talked about the website development and noted that staff is identified on the site. She commented on the Internet mapping capabilities, including the inter-active maps on the website and reviewed some of the technology being used. She reported that the GIS printed approximately 14,000 maps last year. Oliver noted that the department submitted one of its' maps (as one of over 1,000 submissions from around the world) to the ESRI Map Gallery contest at last year's conference and GIS won second place as best instructional presentation. She talked about computer aided dispatch and GIS mapping as a tool for use with the laptops in the Sheriff's patrol cars. Oliver stated their goal is to proceed with GIS development and she expressed gratitude for having such a qualified staff. (Exhibit B) (10:48 a.m.) Jacalone asked Oliver about her Board affiliation. She responded that she served on the State

Regulatory Board for eight years, two years as Chair. She said she is very active at the State and National level and the list of affiliations is long. (10:49 a.m.) Jacalone congratulated Oliver on her involvements and accomplishments. (10:50 a.m.) Meiszer also commended Oliver on her leadership. (10:51 a.m.) Mary Ann Blount, Real Estate Division, has been a real estate broker for over 20 years, appraiser for over 10 years, and she is also certified in property management. Blount read the mission statement and identified members of the Real Estate staff, including their duties. She reviewed ongoing projects of land acquisitions, including wetland mitigation, and affordable housing and CDBG properties. Blount reported that they research property titles for the Dirt Road Improvement Program (DRIP), and they've been researching and working on land acquisition for new County department locations and expansion. She reported on the Municipal Service Benefit Units (MSBU), and noted that they manage and lease property in the Health and Human Services Center. She gave an overview of all services provided and noted that staff services have saved the County over \$960,000 that would otherwise have been paid in outside fees and services. (10:57 a.m.) Ken Scher, County Engineer, read the department mission statement, reviewed the organizational chart, and expressed pride in his staff. He reported that the expenditures for capital improvement projects have doubled as of last year. Scher reviewed the budget expenditures, as well as, sources of funding. He reviewed some of the traffic operations that contribute to improving safety. Scher reported on new equipment and the real time monitoring system of traffic signals. He reported that there are 79,000 signs throughout the County and they replace over 300 signs a month. Scher reviewed the responsibilities of the Right-of-Way Division and some of the sidewalk projects underway, as well as, those completed. He reported on stormwater improvements, drainage construction and roadway work. Scher stated that the department paved 19 miles of dirt road last year and 14 miles this year. He said 102 miles have now been completed and 48 miles are planned. He reviewed the major corridor studies and key goals and needs of the department. (See Exhibit D.) (11:09 a.m.) Ivan Burrell, Superintendent, Road & Bridge Division, read the mission statement, reviewed the organizational chart and explained that the department is split in two, by north and south County. He reviewed some of the 60 ongoing projects. Burrell commented that the inmate work crews are a big help to the department. Burrell also reported on the DRIP program. He noted that they maintain 705 miles of paved roadway, 48 miles of unpaved roadway and all the stormwater facilities. Burrell reviewed the department's goals and noted that there is a need for additional maintenance personnel. He reviewed the January monthly report that demonstrates the performance and activity of the department. (11:15 a.m.) Stephenson reported that his immediate staff consists of three, including himself. He explained the different phases of Capital Improvement Projects (CIP) from establishing a need, through the construction, and finally the completion of a project. Stephenson gave an overview of CIP objectives and identified project categories as: actives, programmed, candidate, and new projects. He gave some examples of active projects and provided a list (Exhibit F) as part of his presentation. He reviewed the programmed projects and talked about the budgeting process in relation to planning the projects. Stephenson clarified that candidate projects have been identified as a need, but are ranked too low for funding. He also reviewed some of the new projects. Stephenson talked about the possibility of using bonds and debt to add to the financing component of the CIP. He explained that there is a penalty if the bond dollars are not spent within three years and that not all construction projects can be completed in that amount of time. Stephenson commented that a disciplined management process would be necessary to use debt financing effectively and the workload is likely to increase dramatically. (11:30 a.m.) Jacalone questioned the three-year time requirement to spend the gas tax capacity monies for construction projects that take longer than that. Stephenson said he had asked about that and understands there is a penalty. (11:31 a.m.) Meiszer suggested to get around the three-year rule by not issuing all the debt at the same time. He

explained that the United States Treasury makes those bonds tax exempt and if not used, any interest earned must go to the Treasury.

(03/18/03 - 7 - 11:34 a.m.)

4A. NEW POSITION REQUEST - LAND MANAGEMENT COORDINATOR

Meiszer stated that he had an objection to placing new positions on the Consent Agenda. He said he wasn't necessarily opposed to it, but thought it warranted discussion. He referred to a letter from the Department of Environmental Protection and its proposed acquisition of 28,000 acres of land. (11:36 a.m.) Mary Ann Blount, Real Estate Manager, explained the proposed acquisition, as well as the rationale and need for a Land Management Coordinator. Discussion followed about where the person would be physically located and what some of the responsibilities of the position would entail. (11:38 a.m.) Meiszer questioned why the position wasn't in the current, or next year's budget. Blount explained that the plan was to include this position in next year's budget. She further explained that the need is immediate and the State is actually holding up with acquisition of a couple of parcels. The qualifications of the position were discussed. (11:40 a.m.) Adams stated there are currently funds available to fill the position. (11:41 a.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to approve the new position request for a Land Management Coordinator.**

(03/18/03 - 7 - 11:41 a.m.)

4B. RESOLUTION APPROVING THE TERMS AND EXECUTION OF A LICENSE AGREEMENT AUTHORIZING TEMPORARY USE OF RIGHTS-OF-WAY WITHIN PINECREST AND SURFSIDE SUBDIVISION

Kathy Neilson, Development Review Applications Review Coordinator, explained that the request is to use some rights-of-way for access to accomplish some redevelopment in the Marsh Landing area. (11:42 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to approve Resolution No. 2003-56.**

RESOLUTION NO. 2003-56

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND EXECUTION OF A LICENSE AGREEMENT AUTHORIZING TEMPORARY USE OF RIGHT OF WAYS WITHIN PINECREST AND SURFSIDE SUBDIVISIONS

(03/18/03 - 7 - 11:43 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

Meiszer noted that more than 300 volunteers turned out for the 2003 river celebration and clean-up. He gave an overview of the days events said the clean-up covered an area from Julington Creek to Deep Creek. Meiszer reported that 1,500 pounds of tires and 10,000 pounds of litter were removed from the river area. He said this is the fourth year it has been done and commended the participants.

(11:44 a.m.)

Commissioner Stern:

Stern echoed the commendation of the hard-working volunteers. She also referred to an article in the *Florida Times Union* about affordable housing and encouraged the other Commissioners to read it.

Commissioner Bryant:

Bryant noted that Dr. Walker of the Public Health Department will be retiring in May. He also reported that he and Adams met with Dr. Bonnie Sorensen, State Public Health Department and were assured that the State offers more collaboration than the County has been receiving. Bryant also commented that the Board would be in full control of who is approved as the next Director of the local Public Health Department.

(11:46 a.m.)

Commissioner Jacalone:

Jacalone commented that the lobbying effort in Tallahassee was well received and congratulated the other members of the Commission and staff for their hard work.

(11:48 a.m.)

Commissioner Maguire:

Maguire reported on his trip to Tallahassee and expressed concern about Health and Human Service mandates that may be coming back to the County. Bryant said with a better spirit of cooperation in the future, from the Health Department, he believes there will be an increase in productivity and reduce some costs.

(03/18/03 - 8 - 11:50 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams thanked the County employees, and all five Commissioners, for making the lobbying effort a success. He reported that Fort Mosé would be put on the following week's agenda. He said the State wants to come in and talk about the regional Metropolitan Planning Organization (MPO). Adams said that St. Johns County has not received anything for the last four years from the funding split. (11:52 a.m.) Referring to Fort Mosé, Bryant asked that Adams have someone check on mitigation. Adams said he thinks the LAMP Committee has some funding for this project.

(03/18/03 - 8 - 11:53 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

(03/18/03 - 8 - 11:53 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 11:53 a.m. and reconvened at 1:40 p.m. with Jacalone, Bryant, Meiszer, Stern, Maguire, Adams, Bosanko and Deputy Clerk Lenora Newsome present.

(03/18/03 - 8 - 1:40 p.m.)

5. PUBLIC HEARING - NORTHRIDGE LAKES COMMUNITY DEVELOPMENT DISTRICT PETITION -THE NORTHRIDGE LAKES PUD WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 15, 2002 PURSUANT TO ORDINANCE 2002-60 AND COVERS APPROXIMATELY 200.5 ACRES OF LAND LOCATED NORTH OF WOODLAWN ROAD AND WEST OF ITS INTERSECTION WITH LEWIS SPEEDWAY. THERE ARE SEVEN (7) PARCELS WITHIN THE EXTERNAL BOUNDARIES OF THE PROPOSED DISTRICT THAT ARE TO BE EXCLUDED FROM THE DISTRICT. THESE EXCLUDED PARCELS CONSIST OF WETLANDS AND PRESERVATION AREAS TOTALING APPROXIMATELY 40.10 ACRES AND THE NET ACREAGE OF THE CDD WILL BE APPROXIMATELY 160.39. THE PROJECT IS PLANNED FOR APPROXIMATELY 687 RESIDENTIAL UNITS AND 14.55 ACRES OF PASSIVE AND ACTIVE RECREATION INCLUDING A

COMMUNITY CENTER. THE RESIDENTIAL UNITS WILL INCLUDE TOWNHOMES, SINGLE FAMILY AND MULTI-FAMILY UNITS WITH APPROXIMATELY 69% OF THE HOUSING TO BE AFFORDABLE. ON DECEMBER 18, 2002 A PETITION WAS SUBMITTED TO ESTABLISH THE NORTHRIDGE LAKES COMMUNITY DEVELOPMENT DISTRICT (CDD). PURSUANT TO SECTION 5.06.00.D OF THE LAND DEVELOPMENT CODE, A CDD PROCESSING GROUP WAS PREVIOUSLY CREATED ON DECEMBER 5, 2002 TO REVIEW CDD PETITIONS. THE PROPOSED CDD BOUNDARY IS COTERMINOUS WITH THE PROPERTY BOUNDARIES OF THE APPROVED PUD WITH THE EXCEPTION OF THE ROW FOR WOODLAWN ROAD WHICH WILL BE DEDICATED TO ST. JOHNS COUNTY

Proof of Publication Notice of Public Hearing on Northridge Lakes Community Development District, was received having been published in *The St. Augustine Record* on February 18, February 25, March 4, and March 11, 2003.

Bruce Ford, Chief Planner, stated that this was a petition to establish a Community Development District within the Northridge Lakes PUD and is located on the north side of Woodlawn Road, just west of Lewis Speedway. He mentioned that the Board's determination to approve or deny the petition, should be based on the six Statutory Factors in Chapter 190 and summarized what the Processing Group found when they reviewed the six factors. He mentioned that Tom Crawford had reviewed this project and given his opinion. Ford mentioned, at the top of the Ordinance where it mentions Northridge Lakes L.L.C., the periods were deleted from behind the LLC. Maguire questioned, if the applicant could legally acquire wetlands not inside the CDD. Ford replied that he assumed that they could come back and ask to add it in. Bosanko stated that his understanding is, that they could buy them later and that there is no prohibition on them. Maguire stated that in the appraisal letter, they appraised the wetlands at \$1,500 an acre as part of the package for bonding. Bosanko responded that he would think that would not be covered as security for the bonded amount. Bryant mentioned that in the last CDD, they had a separate agreement that they would not purchase the wetlands. Bosanko spoke on buying the wetlands. Meiszer asked what the current definition of affordable housing was. (1:51 p.m.) Tom Crawford, Director of Housing and Community Services, responded that it pertains to which program one is using to finance any particular development or for the purchase of a house. He also mentioned that the sale price of the homes would be considered using the same guidelines as the SHIP Program. Bosanko explained the affordable housing income and stated that it was not a condition on the CDD. (1:56 p.m.) Teresa Bishop, Director of Planning, explained affordable housing. Maguire spoke on Exhibit 6, regarding buffers.

(2:00 p.m.) George McClure, 170 Malaga Street, on behalf of Florida Low Income Housing Associates, gave a brief introduction on the CDD. He answered the specifics on the questions asked by the Commissioners. Crawford spoke on the Lien. Jacalone spoke on the CDD. Discussion followed on funds for the CDD.

(2:24 p.m.) Dan Wilson, Florida Low Income Housing, spoke on the CDD funds, the affordability of the houses and deed restrictions. (2:32 p.m.) **Motion by Jacalone, seconded by Maguire, to approve Ordinance No. 2003-18, adopting Findings of Fact 1 through 6 contained within the packet.** Bosanko mentioned that the pretrial testimony should be included for the record, Exhibits A and B.

(2:34 p.m.) John Chapman, 4212 Oak Lane, expressed that he supported the petition. **The motion carried 5/0.**

ORDINANCE NO. 2003-18

AN ORDINANCE ESTABLISHING THE NORTHRIDGE LAKES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2002); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

(03/18/03 - 10 - 2:34 p.m.)

6. PUBLIC HEARING - REZ 2003-33 LEDUC LOUNGE REZONING - THIS REQUEST SEEKS TO REZONE APPROXIMATELY .61 ACRES, LOCATED AT 2446 HIGHWAY US 1 SOUTH FROM COMMERCIAL GENERAL (CG) WITH CONDITIONS TO COMMERCIAL GENERAL (CG) W/O CONDITIONS. THE CONDITIONS ARE DESCRIBED IN ORDINANCE NUMBER 99-31 INCLUDED WITH THIS STAFF REPORT. THE CONDITIONS IMPOSED INCLUDE, BUT ARE NOT LIMITED TO, THE EXCLUSION OF BILLIARD PARLORS AS A USE, A TWENTY-FIVE (25) FOOT NON-BUILDING BUFFER ALONG THE EASTERN PROPERTY LINE, AN EIGHT (8) FOOT OPAQUE VISUAL BARRIER FENCE ALONG THE EAST PROPERTY LINE, LIGHTING REQUIREMENTS AND INGRESS/EGRESS SITE PLAN APPROVAL BY F.D.O.T. AND COUNTY STAFF. THIS ITEM APPEARED BEFORE THE PLANNING AND ZONING AGENCY AT THEIR FEBRUARY 6, 2003 PUBLIC HEARING WHERE IT RECEIVED A 6-1 VOTE OF APPROVAL

Proof of Publication Notice of Public Hearing on notice of Proposed Rezoning on File # REZ 2002-33, Leduc Lounge, 2466 U.S. 1 South, was received having been published in *The St. Augustine Record* on March 3, 2003.

Ford stated that this is a request to rezone from Commercial General (CG) with conditions to Commercial General (CG) without conditions, utilizing visual display of the site plan, Exhibit A. He mentioned that there were 42 responses in favor of this rezoning and 116 against it, 10 against the Special Use, and that Leduc had 102 additional responses in favor of the Special Use, Exhibit A. (2:36 p.m.) Bosanko left the meeting and Isabelle Lopez, Assistant County Attorney, entered the meeting. Discussion followed on how the petitions are provided, when and why the conditions were placed on the property, what the applicant would do if this request was not approved, and on concurrency.

(2:50 p.m.) Henry Leduc, 121 Creekside Drive, responded to questions asked by the Commissioners regarding a drive thru, a restaurant, pool tables, and live music. Discussion followed on the conditions. Maguire asked if Leduc wanted to keep the property and lease it out, and that person wanted to make changes, as long as it didn't sell could he make the changes. Lopez mentioned that if he leases it to another entity, then they would have to go back before the Planning and Zoning Agency and do exactly what Leduc had to do.

(3:06 p.m.) Lorin Austin, 327 Segovia Road, spoke in favor of this request (3:08 p.m.)

Motion by Jacalone, seconded by Bryant, carried 5/0, to approve Ordinance No. 2003-19, and adopting Findings 1 through 4 on page 2 to support that motion.

ORDINANCE NO. 2003-19

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG) WITH CONDITIONS TO COMMERCIAL GENERAL; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The meeting recessed at 3:08 p.m. and reconvened at 3:20 p.m.

(03/18/03 - 11 - 3:20 p.m.)

7. PUBLIC HEARING - REZ 2003-03 FLAGLER VILLAGE APARTMENTS - THIS REQUEST SEEKS TO REZONE APPROXIMATELY 5.98 ACRES LOCATED AT 200 SOUTH WOODLAWN STREET FROM COMMERCIAL GENERAL (CG) AND RESIDENTIAL SINGLE FAMILY THREE (RS-3) TO RESIDENTIAL GENERAL TWO (RG-2). THE REQUESTED ZONING CHANGE WOULD ALLOW FOR THE SITE TO REMAIN IN COMPLIANCE WITH THE COMPREHENSIVE PLAN AND FOR THE REHABILITATION OF THE EXISTING LOW INCOME HOUSING, WHICH HAS FALLEN INTO A STATE OF DISREPAIR. THIS ITEM APPEARED BEFORE THE PLANNING AND ZONING AGENCY AT THEIR FEBRUARY 20, 2003 PUBLIC HEARING WHERE IT RECEIVED A UNANIMOUS VOTE OF APPROVAL

Proof of Publication Notice of Public Hearing on Notice of Proposed Rezoning on File # REZ 2003-03, 200 South Woodlawn Street, Flagler Village, was received having been published in *The St. Augustine Record* on March 3, 2003.

Danielle Mayoros, Planner II, stated that this is a request that seeks to rezone approximately 5.98 acres located at 200 South Woodlawn Street from Commercial General (CG) and Residential Single Family Three (RS-3) to Residential General Two (RG-2).

(3:22 p.m.) Karen Taylor, 3070 Harbor Drive, explained why it needed to be rezoned. (3:23 p.m.) **Motion by Jacalone, seconded by Stern, to enact Ordinance No. 2003-20, known as REZ 2003-03 Flagler Village Apartments Rezoning, adopting Findings 1 through 4 contained within the package to support that motion.** (3:23 p.m.) Dan Wilson, Florida Low Income Housing Associates Inc., applicant, spoke on the project. **The motion carried 5/0.**

ORDINANCE NO. 2003-20

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG) AND RESIDENTIAL, SINGLE-FAMILY TO RESIDENTIAL GENERAL TWO (RG-2); PROVIDING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(03/18/03 - 12 - 3:27 p.m.)

8. PUBLIC HEARING - PUD 2002-27 PONTE VEDRA INDOOR/OUTDOOR SERVICES - THIS REQUEST SEEKS TO REZONE 0.75 ACRES FROM AN EXISTING PLANNED SPECIAL DEVELOPMENT (PSD) TO A PLANNED UNIT DEVELOPMENT (PUD) DUE TO THE NEED TO EXTEND THE PLANNED SPECIAL DEVELOPMENT'S (PSD) COMPLETION DATE. MINOR MODIFICATION RESOLUTION 2000-12 ADOPTED SEPTEMBER 21, 2000 PERMITTED FOR THE "DEVELOPMENT TO PROCEED IN A SINGLE PHASE INCLUDING CONSTRUCTION OF ALL HORIZONTAL AND VERTICAL IMPROVEMENTS AND SHALL BE COMPLETED NO LATER THAN OCTOBER 10, 2002 WITH COMPLETION BEING DEFINED AS ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY. COMMENCEMENT OF DEVELOPMENT SHALL BE DEFINED AS APPROVAL OF CONSTRUCTION PLANS." THIS ITEM APPEARED BEFORE THE PLANNING AND ZONING AGENCY AT THEIR FEBRUARY 20, 2003 PUBLIC HEARING WHERE IT RECEIVED A UNANIMOUS VOTE OF APPROVAL

Proof of Publication of Notice of Public Hearing on Notice of Proposed Rezoning on File # PUD 2002-27, Palm Valley Indoor/Outdoor Services, was received having been published in *The St. Augustine Record* on March 3, 2003.

Mayoros mentioned that this is a request that seeks to rezone 0.75 acres from an existing Planned Special Development (PSD) to a Planned Unit Development (PUD) due to the need to extend the Planned Special Development's (PSD) completion date. She stated that she distributed a revised Ordinance because the County Attorney made some revisions to Section 1. (3:30 p.m.) **Motion by Maguire, seconded by Jacalone, to enact Ordinance No. 2003-21, known as PUD 2002-27 Palm Valley Indoor/Outdoor Services adopting Findings of Fact to support the motion.**

(3:31 p.m.) Steve Randall Riley, 135 Professional Drive, Ponte Vedra Beach, requested that the Board approve this request. **The motion carried 5/0.**

ORDINANCE NO. 2003-21

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

(3:31 p.m.) **Motion by Jacalone, seconded by Bryant, carried 5/0 to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 3:31 p.m.

REPORTS:

1. Interoffice Memorandum dated March 6, 2003 from Ben Adams, Jr., regarding the 2002 Annual Reports of Boards, Committees, Commissions & Authorities.
2. St. Johns Board of County Commissioners Check Register, Check #331750 totaling \$700.00. (03/07/03)

3. St. Johns Board of County Commissioners Check Register, Check #331751-332056 totaling \$842,558.63. (03/11/03)

CORRESPONDENCE:

1. Letter dated March 7, 2003 to Liz Cloud, Chief, Bureau of Administrative Code, regarding filing St. Johns County Ordinance Nos. 2003-13 through 2003-15.
2. Letter dated March 11, 2003 to Cheryl Stuart, regarding certified copies of Ordinance 2003-12 and the Developer Agreement on St. Johns Forest CDD.
3. Letter dated March 13, 2003 to Liz Cloud, Chief of Bureau of Administrative Code, filing St. Johns County Ordinance Numbers 2003-16 and 2003-17.

Approved April 1, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Wonne King
Deputy Clerk

