

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 28, 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
Cecelia Aldrich, Deputy Clerk

Also present: Michael Hunt, Deputy County Attorney
Allen MacDonald, Finance Director, Clerk of Courts

(10/28/03 - 1 - 9:05 a.m.)

The meeting was called to order by Chairman Bryant.

(10/28/03 - 1 - 9:05 a.m.)

The Invocation was given by Maguire. The Pledge of Allegiance was led by Stern.

(10/28/03 - 1 - 9:06 a.m.)

ROLL CALL

Bryant stated that all five Commissioners were present.

(10/28/03 - 1 - 9:06 a.m.)

PUBLIC COMMENT

There was none.

(10/28/03 - 1 - 9:06 a.m.)

DELETIONS TO CONSENT AGENDA

Adams requested that Item 4 be pulled and placed on the Regular Agenda as Item 9A. Bosanko requested that Items 7, 8, 9, and 10 be pulled and rescheduled at a later date.

(10/28/03 - 1 - 9:07 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:
10/14/03 - BCC Regular Meeting

3. Sheriff's Bonds:
- | | | |
|----------|---------------------|------------------|
| Approve: | Joseph Bennett, Sr. | Tammy Cascio |
| | Kay Newman | Charles Powell |
| | Larry Richardson | Joseph Singleton |
| | Phil Smith | Gayle Williams |
| | Willie Williams | |
| Cancel: | Laura Newman | Michael Casalino |
| | Mary Liegois | |

(Item 4 was pulled from the Consent and placed on the Regular Agenda as Item 9A.)

4. Motion to authorize the County Administrator to refund Impact Fees to IT Land Associates, LLC, in the amounts of \$4,536 for Roads, \$2,532 for Schools, \$2,250 for Parks, \$894 for Public Buildings, \$204 for Police, \$354 for Fire, and \$84 for EMS, and to reduce the Impact Fee Credit balances accordingly
5. Motion authorizing the County Administrator, or his designee, to enter into a locally funded agreement with the FDOT, in the amount of \$30,000, for construction of a 250-foot right turn lane on CR 16A, at its intersection with SR 13

RESOLUTION NO. 2003-201

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A LOCALLY FUNDED AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A 250' RIGHT TURN LANE ON COUNTY ROAD 16A, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAME ON BEHALF OF THE COUNTY, SUCH AGREEMENT, AND ANY SUCH OTHER NECESSARY DOCUMENTS ASSOCIATED WITH THIS AGREEMENT

6. Motion to adopt **Resolution No. 2003-202**, accepting an easement for utilities for water and sewer service to Six Mile Creek North, Unit 3, Parcel 21 and Bill of Sale conveying all personal property associated with the water and sewer system

RESOLUTION NO. 2003-202

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO SIX MILE CREEK NORTH, UNIT 3, PARCEL 21, SUBDIVISION AND ACCEPTING A BILL OF SALE CONVEYING ALL PERSONAL PROPERTY ASSOCIATED WITH THE WATER AND SEWER SYSTEM

(Items 7, 8, 9, and 10 were pulled from the Consent Agenda.)

7. Motion to adopt a Resolution approving the final plat for Cimarrone, Unit 10
8. Motion to adopt a Resolution approving the final plat for Cimarrone, Unit 9
9. Motion to adopt a Resolution approving the final plat for Southlake Plaza

10. Motion to adopt a Resolution approving the final plat for Double Bridges
11. Proofs:
 - a. Proof, Notice to Bidders, Bid No. 03-106
 - b. Proof, Notice to Bidders, Bid No. 03-108
 - c. Proof, Notice to Bidders, Bid No. 04-05
 - d. Proof, Notice to Bidders, Bid No. 04-09
 - e. Proof, Notice of Special Meeting, RFQ 03-101 Water Treatment Plants Upgrade
 - f. Proof, Notice of Meeting, St. Johns County Value Adjustment Board, St. Johns County, Florida, October 1, 2003 at 1:00 p.m.
 - g. Proof, Notice of Cancellation, St. Johns County Water & Sewer Authority, St. Johns County, Florida, October 1, 2003 at 9:00 a.m.
 - h. Proof, Public Notice, Proposed Tax Increase, St. Johns County Board of County Commissioners
 - i. Proof, Certificate of Liability Insurance, Professional Employer Plans
 - j. Proof, Certificate of Liability Insurance, Rowell Contracting, Inc.
 - k. Proof, Certificate of Liability Insurance, Environmental Services, Inc.
 - l. Proof, Certificate of Liability Insurance, Pitman, Hartenstein & Associates, Inc.

(10/28/03 - 3 - 9:07 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were none. Bryant announced that the Agenda would stop later in the morning, for a special presentation by representatives from the Department of Community Affairs (DCA).

(10/28/03 - 3 - 9:08 a.m.)

APPROVAL OF REGULAR AGENDA

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

(10/28/03 - 3 - 9:08 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF THE PROPERTY FOR FIRE RESCUE HEADQUARTERS AND DIRECTING THE COUNTY'S PARTICIPATION IN THE POOLED COMMERCIAL PAPER PROGRAM AND THE BORROWING OF MONEY TO COMPLETE THE PURCHASE

Robert V. Hall, Fire Chief, reviewed the circumstances leading to the proposed purchase of the building at 1750 Tree of Life Boulevard to be used for a fire rescue headquarters. He talked about the current inadequacies and justified the need for the additional space. Hall stated that there was an additional, contiguous parcel for future use. Hall stated that the negotiated price for the property was \$1.5 million, and the County had 90 days to perform all inspections and due diligence. He reviewed the funding plan and the annual debt service. Hall noted that the amount to be borrowed for renovations was estimated at \$700,000.

(9:11 a.m.) Jacalone noted that he had toured the building and stated that it had promise and possibilities. He talked about the comparison of cost for new construction versus the purchase of the existing building. He received confirmation that the location and

related logistics were favorable. Jacalone referred to a memo from Ray Ashton that indicated that there was an alternate Emergency Operations Center (EOC) at the Agricultural Center. Hall clarified that it was never proposed that the building under discussion for purchase was to be used as an alternate EOC. He said it was proposed to be an alternate communications center, and that there would be additional consoles included in the building for the Sheriff's Department and the City Police Department. (9:14 a.m.) Jacalone further clarified that the EOC was a separate operation and activity, and that the new building was intended to be a regular back-up communications center, separate from EOC communications. Jacalone stressed that the final decision was yet to come, following inspection and due diligence. (9:15 a.m.) Meiszer said he also wanted to clarify the distinction between the communications center and the EOC. He said he had also toured the building. (9:16 a.m.) **Motion by Meiszer, seconded by Stern, to adopt Resolution No. 2003-203, authorizing the execution of a Purchase and Sale Agreement and the use of the Commercial Pooled Paper Program to finance the project.** Maguire asked if there were any changes to the contract. Michael Hunt, Deputy County Attorney, said the only change was to incorporate the \$700,000 of Pooled Paper. (9:17 a.m.) In response to concerns regarding additional staff, Hall commented that there was a five-year growth plan that they planned to follow. (9:17 a.m.) Jacalone noted that staff may want to look at what was done with the acquisition of Flagler West, as an example for dealing with surplus space. Jacalone acknowledged that there were problems with the building and urged staff to inspect it carefully to avoid having to come back to the Board for additional monies. (9:19 a.m.) **The Motion carried 5/0.**

RESOLUTION NO: 2003-203

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A CERTAIN PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF PROPERTY AND BUILDINGS FOR A FIRE RESCUE HEADQUARTERS FACILITY

(Hunt left the meeting at 9:18 a.m.)

(10/28/03 - 4 - 9:19 a.m.)
SPECIAL PRESENTATION

Commissioner Marc Jacalone announced that Colleen Castile, Secretary of the Department of Community Affairs, and Janis Browning, Director of the Florida Communities Trust had a presentation for the Board.

(9:20 a.m.) Castile commented that it was "Capital for a Day" in St. Johns County and St. Augustine. She reported that the Governor, the Cabinet, and all State agencies were in town. Castile referred to the grant programs and recognized the partnership between the DCA and the Florida Communities Trust Program (funded through the Florida Forever Program). She presented a check for \$1.9 million to St. Johns County for the acquisition of the Moultrie Creek project, also called the Vaill Point project. Castile said, with the County's contribution of \$636,000, they were successful in acquiring \$2.5 million for land for park space for that project.

(9:24 a.m.) Jacalone expressed appreciation on behalf of the County. (9:25 a.m.) Adams thanked Janis Browning for her assistance and for the extra funds anticipated for Fort Mosé.

(9:25 a.m.) Castile introduced Stacy Anderson, with the Florida Communities Trust Program, and Ann Rowe, DCA Public Information Director. Castile thanked County staff for their hard work in getting the proposals together. Bryant expressed his appreciation.

(10/28/03 - 5 - 9:27 a.m.)

2. CONSIDER A MOTION TO ADOPT A RESOLUTION OPPOSING WATER RECOMMENDATIONS FROM THE COMMITTEE OF 100

Karen Johnson, Intergovernmental Relations, reviewed that the Board had directed staff to prepare a Resolution opposing two recommendations that were made by the Committee of 100. She said the first recommendation was to transfer authority of water supply issues from the Water Management District to a proposed State commission; the second was to have the State consider transferring water from water-rich counties to water-poor counties. Johnson read the Resolution title.

(9:28 a.m.) Jacalone stated that the County had supported the Water Management District that consisted of appointed directors, who represented their respective districts. He commented that it had worked well and indicated that he agreed with the Resolution. Maguire reported that he attended a Metropolitan Planning Organization (MPO) meeting in Washington, D.C. and spoke with three mayors and two County Commissioners from South Florida. He said they were aggressively pursuing the issue and their position was that Florida water belonged to everybody in Florida. Maguire noted that they saw no problem with moving water from north to south Florida, in lieu of developing their own water treatment systems. He said he was in total support of the Resolution. (9:30 a.m.) Stern agreed that the Resolution stated well, the value of having a water management district comprised of local individuals. **(9:31 a.m.) Motion by Meiszer, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-204, opposing water recommendations from the Committee of 100.** Meiszer said he strongly supported what had already been said and that it was good to join other counties in north Florida that were similarly situated.

RESOLUTION NO: 2003-204

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, OPPOSING THE TRANSFER OF FLORIDAN AQUIFER WATER UNDERLYING ST. JOHNS COUNTY TO BEYOND THE BOUNDARIES OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; OPPOSING THE TRANSFER OF REGULATORY AUTHORITY OVER LOCAL WATER ISSUES FROM THE WATER MANAGEMENT DISTRICT TO A STATEWIDE WATER COMMISSION IN TALLAHASSEE; AND PROVIDING AN EFFECTIVE DATE

(10/28/03 - 5 - 9:32 a.m.)

3. CONSIDER A MOTION TO APPROVE THE FLAGLER COLLEGE APPLICATION AND TO PROCEED WITH EFFORTS TO ISSUE THE BONDS

Jim Sisco, Assistant County Attorney, explained that Flagler College, a 501(C)3 organization, had applied to the County to sponsor \$5.5 million in revenue bonds to finance the construction of a housing facility and parking lot. He said all outside expenses would be paid by Flagler College and he would ask PFM, the County's financial advisor, to review the issue. Sisco said the County would not be liable for any fees and a Letter of Credit would suffice as security for the bonds. He said the Letter of

Credit would expire in three or four years and the bonds would extend 20 to 30 years. In response to questioning, he noted that he had not seen all the details of the structure. He noted that Bob Davis, Financial Advisor for Flagler College, and William Abare, the President of Flagler College, were present.

(9:34 a.m.) Bryant confirmed that there was no obligation on the County for the bond debt. Jacalone asked about the Letter of Credit. Sisco responded that the primary security would be a direct-pay Letter of Credit, issued by a financial institution, for St. Johns County. He said Flagler College would pay for the Letter of Credit as the interest and principal on the bonds came due. Sisco referred to the language of the motion on the Agenda sheet and suggested that if the Board decided to move forward, the word "approve" be changed to "accept" [the Flagler College application]. In response to questions about the Letter of Credit, Sisco explained that the bonds would belong to the County, but it [the County] would not be at risk for the payment of the bonds, unless there was gross negligence.

(9:39 a.m.) Maguire asked Bosanko if he should recuse himself because he served on the President's Council for Flagler College. Bosanko responded that it should not be an issue, unless Maguire had some decision-making role in running the College. (9:40 a.m.) Meiszer asked who would select Bond Counsel. Sisco responded that the College had asked for specific Counsel, but it was the County's choice. (9:41 a.m.) As the result of a recently passed Ordinance, Sisco indicated that he and Bosanko had chosen Chauncy Lever of Foley and Lardner, as Bond Counsel, and Irvin Weinstein of Rogers, Towers, P.A., as Disclosure Counsel. Meiszer clarified that the Bond Counsel would be working for the County. Bosanko confirmed that the College would be responsible for the cost of PFM.

(9:42 a.m.) Bob Davis, Financial Advisor to Flagler College, stated that he worked out of the PFM office in Sarasota. Dr. William Abare, Jr., stated that he was the President of Flagler College, at 74 King Street, St. Augustine. Davis reviewed the bonds rating and process. Discussion followed on various terms of the bonds issue. (9:44 a.m.) Meiszer questioned if there was an issue with Davis being employed by PFM, and serving as Financial Advisor to both the College and the County. Davis clarified that the firm was the Financial Advisor to the County. (9:44 a.m.) Bosanko said he knew of no legal problem. Sisco noted they could get an outside advisor if the Board so desired.

(9:46 a.m.) Abare noted that most of the questions seemed to be geared toward the bond issue and not the project itself. He stressed that the goal was to build a 104-bed dormitory on college-owned property. Abare stressed the need for additional housing on the campus. He said the construction cost would be about \$4.98 million, and the furnishings and other costs related to the issuance of bonds would bring the total to about \$5.5 million.

(9:47 a.m.) Bryant noted that the lack of housing had been a consistent problem at Flagler College. He said he was glad the initiative had been taken to provide more housing for the students. Stern agreed with the need and complimented the approach taken for new growth and building. (9:48 a.m.) **Motion by Maguire, seconded by Meiszer, carried 5/0, to accept the Flagler College application and to proceed with efforts to issue the bonds.**

(10/28/03 - 6 - 9:49 a.m.)

4. WORKSHOP TO EXPLAIN THE ADMINISTRATIVE REZONING PROCESS

Teresa Bishop, AICP, Planning Director, explained that the process had begun more than a year ago and that a series of Public Meetings was about to begin, starting in the

north east area. Bishop introduced Greg Kupperman of Green & Kupperman and noted that he would provide the Board with a briefing on the process.

(9:50 a.m.) Greg Kupperman, explained that his firm was staff's consultant for the rezoning and provided his professional background and the firm's areas of expertise. He gave some background on the zoning and growth patterns in St. Johns County. He explained that it was the objective of the project to identify such parcels where existing zoning district designations were not consistent with the future land use designations. He said that the process would be carried out in each of the four planning districts. Kupperman said most of the tasks for the Northeast Planning District had been completed and they would conduct a workshop with the Planning and Zoning Agency and then schedule a Planning District Workshop. He said they would then come back to the Board with an Ordinance making the appropriate recommendations.

(9:56 a.m.) Jacalone asked how many parcels in the Northeast District would be recommended for rezoning. Kupperman responded that there were about 35 inconsistent zoning districts. Jacalone asked why the County should go through such a process. Kupperman said the County is required to go back to the Department of Community Affairs to show that an exercise had been accomplished to prove that the zoning was consistent with the long-range Future Land Use Map. Discussion followed as to whether or not the County had been negligent. Bishop said the County had not been negligent and pointed out that from a planning standpoint, the zoning should comply with the Comprehensive Plan. There was discussion about the outcome and notification to property owners. (10:01 a.m.) Bosanko said State Statutes require that the land-use districts, pertaining to zoning, comply with the Future Land Use Map. He said there were some inconsistencies and, in his opinion, besides being a State requirement, it had led to some major problems and lawsuits. He cited a specific case that resulted due to contradictions between land use and zoning designation.

(10:03 a.m.) Bryant asked Bishop about resolving zoning issues with property owners. Bishop said they planned to have a workshop for property owners and had been working with them to resolve any conflicts. Discussion followed pertaining to potentially problematic scenarios and possible solutions. Kupperman reiterated that neighborhood workshops would be scheduled.

(10:09 a.m.) Meiszer noted that he was pleased with the progress and expressed a desire to change some of the terminology used for land classifications. Kupperman explained that each zoning district outlined which land categories are allowed within and provided the rationale for the classifications. Bishop noted that some of Meiszer's concerns regarding more precise zoning district titles for specific uses, would require further review. Meiszer said that more zoning districts were needed.

(10:17 a.m.) Stern asked if the other districts would get done in similar timeframes. Kupperman responded that he expected things to go quicker for the other areas.

(10/28/03 - 7 -10:18 a.m.)

5. CONSIDER APPOINTMENTS TO THE PONTE VEDRA ZONING & ADJUSTMENT BOARD

Melissa Lundquist, Administrative Coordinator, reviewed the appointments and noted that there were two vacancies to be filled.

(10:19 a.m.) Maguire stated that the Ponte Vedra Zoning and Adjustment Board recommended Jane Lucker and David Swanson. **Motion by Maguire, seconded by**

Jacalone, carried 5/0, to re-approve Jane Lucker and David Swanson to fill the two positions on the Ponte Vedra Zoning and Adjustment Board. Bryant commented that the two outgoing members, Mr. Phillip Burnaman and Mr. Harry Graham, were two highly professional members of the Ponte Vedra Zoning Board and that they had represented Ponte Vedra very well. He thanked them for their years of service.

(10/28/03 - 8 - 10:20 a.m.)

6. CONSIDER APPOINTMENTS TO THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL

Melissa Lundquist, Administrative Coordinator, noted that there were two vacancies on the Council.

(10:20 a.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to reappoint Ms. [Cleo] Palmer. Motion by Maguire, seconded by Jacalone, carried 5/0, to appoint John Hardman from District 4, to the other position.**

(10/28/03 - 8 - 10:21 a.m.)

7. CONSIDER APPOINTMENTS TO THE A1A SOUTH OVERLAY DISTRICT DESIGN REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, noted that there were two vacancies and that Gordon Lohman and Ann Comiskey were both eligible for reappointment.

(10:21 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to reappoint Gordon Lohman and Ann Comiskey to the A1A South Overlay District Design Review Board.**

(10/28/03 - 8 - 10:21 a.m.)

8. CONSIDER APPOINTMENTS TO THE HISTORIC RESOURCE REVIEW BOARD

Melissa Lundquist, Administrative Coordinator, reviewed the three vacancies. She explained that two of the members were eligible for reappointment and the third, Mary Cornwell, was dismissed for absenteeism.

(10:22 a.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to reappoint Mr. [William] Spencer and Ms. [Marsha] Chance and hold off on the vote for Ms. Cornwell.** (10:23 a.m.) Lundquist commented that Ms. Cornwell felt she should not have to submit a written statement, in response to her absenteeism. Bryant asked that Cornwell be allowed more opportunity to respond. Meiszer stated that he had been the Commission liaison to the Historic Review Board and that no one had been more dedicated than Mary Cornwell. He agreed with Maguire that a decision regarding Cornwell should be delayed until there was more information. Lundquist reviewed the policies and guidelines regarding absenteeism.

(10/28/03 - 8 - 10:28 a.m.)

9. CONSIDER A REQUEST FOR EXCEPTION TO THE ATTENDANCE REQUIREMENTS FOR A DISMISSED MEMBER OF THE CHILDREN'S COMMISSION

Melissa Lundquist, Administrative Coordinator, explained that a letter of explanation was received from Rachel Labrecque.

(10:28 a.m.) Bryant noted that he had read and accepted the explanation. **Motion by Jacalone, seconded by Stern, carried 5/0, to excuse Ms. Rachel Labrecque from the [missed] meetings that she identified in her letter to the Board, July 2 - August 26th, 2003, and reinstate her because of the letter of explanation.**

(10/28/03 - 9 - 10:29 a.m.)

9A. MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO REFUND IMPACT FEES TO IT LAND ASSOCIATES, LLC, IN THE AMOUNTS OF \$4,536 FOR ROADS, \$2,532 FOR SCHOOLS, \$2,250 FOR PARKS, \$894 FOR PUBLIC BUILDINGS, \$204 FOR POLICE, \$354 FOR FIRE, AND \$84 FOR EMS, AND TO REDUCE THE IMPACT FEE CREDIT BALANCES ACCORDINGLY

Scott Clem, Director of Growth Management, explained that he had requested the item be pulled from the Consent Agenda to change the motion, as there were amounts that should not have been included. Clem read the corrected motion for the Board's consideration: *"to authorize the County to refund Impact Fees to IT Land Associates, LLC in the amounts of \$4,356 for Roads, \$2,532 for Schools, \$2,250 for Parks, and to reduce the Impact Fee Credit Balances accordingly."* **Motion by Jacalone, seconded by Maguire, carried 5/0, to alter the credits to the amounts that were described by the Growth Management Director, Scott Clem.**

(10/28/03 - 9 - 10:31 a.m.)

COMMISSIONERS' REPORTS

Commissioner Meiszer:

No report.

(10:31 a.m.)

Commissioner Stern:

No report.

(10:31 a.m.)

Commissioner Bryant:

No report.

(10:31 a.m.)

Commissioner Jacalone:

No report.

(10:31 a.m.)

Commissioner Maguire:

Maguire reported on a meeting held the previous evening at Ponte Vedra regarding the vacuum sewer system. He said there was good attendance and a good presentation. Bryant commended the attendees at the meeting for their professional demeanor.

(10:32 a.m.) Meiszer noted that he had attended another meeting the night before, at the Mill Creek School. He reported that the neighborhood group was addressed by the developers of the World Commerce Center. He said there were a lot of questions about the World Commerce Center project. (10:33 a.m.) Maguire commented on the number of requests he receives to attend various events and asked the public to understand that

the Commissioners' schedules were especially busy this time of year and unfortunately, they are not always available to attend functions.

(10/28/03 - 10 - 10:34 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams referred to a request from the St. Johns County School District, relating to the hurricane shelter upgrades at the two new elementary school sites. He noted that the cost for the two shelters at schools "I" and "J," totaled \$318,000. Bryant reminded Adams that it was stipulated that there would be no extra cost for the upgrade to County hurricane standards, for the Aberdeen/Durbin Crossing school. In another matter, Adams reported that the County had received notification from the Florida DCA that FEMA had granted funds to the First Coast Technical Institute North Campus Pet Shelter Project. He noted that the County currently did not have a pet friendly shelter for its citizens.

(10/28/03 - 10 - 10:36 a.m.)

COUNTY ATTORNEY'S REPORT

Bosanko asked Laura Barrow, Assistant County Attorney, to report on events with the City of St. Augustine. Barrow reviewed that the Board had directed legal staff to file a lawsuit against the City pertaining to the Ponce Community Redevelopment Agency (CRA), which the City had approved, despite the fact that the purchase of the golf course was voted down. She said that she had attended a City Commission meeting the previous evening, and reported that the City Attorney briefed the City Commission on the County's lawsuit. Barrow said the City Commission voted unanimously to pass a Resolution to dissolve the Ponce CRA. She said once the Resolution was received, Bosanko would make the decision regarding dismissal of the lawsuit. (10:37 a.m.) Bosanko asked for the Board's direction to dismiss the lawsuit once the Resolution was official. **Motion by Jacalone, seconded by Meiszer, carried 5/0, to dismiss the lawsuit against the City of St. Augustine upon the execution and signing of the Resolution that dissolves the Community Redevelopment Agency for the area known as the Ponce.**

(10/28/03 - 10 - 10:37 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 10:37 a.m. and reconvened at 5:35 p.m. with Bryant, Stern, Jacalone, Maguire, Meiszer, Adams, Bosanko, and Deputy Clerk Lenora Newsome.

(10/28/03 - 10 - 5:35 p.m.)

10. PUBLIC HEARING - AMENDMENTS TO ARTICLE V OF THE LAND DEVELOPMENT CODE - THIS IS THE SECOND PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO ARTICLE V OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THESE AMENDMENTS ADDRESS VARIOUS ISSUES ASSOCIATED WITH PLATTING REQUIREMENTS, PUDS, PRDS, AND AFFORDABLE HOUSING PROJECTS. SOME OF THE MAJOR ISSUES ADDRESSED BY THESE AMENDMENTS INCLUDE THE FOLLOWING: 1. ELIMINATING THE REQUIREMENT FOR PLATTING NON-RESIDENTIAL PROJECTS; 2. ADDRESSING REPLATTING REQUIREMENTS FOR EXISTING PLATTED SUBDIVISIONS; 3. ALLOWING COMMENCEMENT AND COMPLETION DATES FOR PUDS TO BE EXTENDED UP TO ONE YEAR WITH A SMALL ADJUSTMENT; 4. ALLOWING FOR AN ALTERNATIVE

METHOD OF PHASING PUDS; 5. RECOGNIZING AND ALLOWING FOR INCREMENTAL MASTER DEVELOPMENT PLANS; 6. ADDRESSING HOW SPECIAL USES ARE TREATED WITHIN PUDS AND PRDS; 7. ELIMINATING THE REQUIREMENT FOR AFFORDABLE HOUSING PROJECTS TO BE SUBMITTED TO A HOUSING ADVISORY COMMITTEE (THAT NO LONGER EXISTS); AND 8. ELIMINATING THE "DISPERSAL" REQUIREMENTS FOR AFFORDABLE HOUSING PROJECTS. BASED ON BOARD DIRECTION AT THE FIRST PUBLIC HEARING, CHANGES WERE MADE TO SEVERAL SECTIONS RELATING TO SIDE YARD SETBACKS, EXTENSIONS OF COMMENCEMENT AND COMPLETION DATES FOR PUDS, AND ALLOWANCES FOR PRD PARCELS TO BE DIVIDED BY ROADS

Proof of publication of the Notice of Public Hearing on Ordinance/Regulations of Land Use was received, having been published in *The St. Augustine Record* on October 1 and October 15, 2003.

Scott Clem, Director of Growth Management Services, stated that this was the second public hearing to consider amendments to Article V of the Land Development Code. He reviewed a couple of the changes that were recommended at the first hearing; on page 4, paragraph B, a grammatical correction to clarify there wording; on page 13, the extensions for commencement and completion dates of a PUD to limit it to a one year extension; on page 16, paragraph B, changing side yard setbacks to a straight 5 foot side yard setback; and on page 27, PRD parcel being contiguous and located in the same area, with language recognizing that a road/utility easement may split that parcel. Meiszer questioned the language on page 52, Section 5.08.01; *it is not the intent of this provision to require the preservation of wetlands, absent such an election by the owner or developer.* He questioned why it would say that it was not the Board's intention to preserve wetlands. Clem stated that it was poor wording and that it was intended to say that it's not in the intent to require preservation wetlands for wetland density bonus purposes. Meiszer questioned eliminating the sentence. Clem stated that it was not part of the advertised hearing. (5:43 p.m.) Bosanko replied that this part had not been advertised for amendments and they would have to bring it back in a couple of weeks with some proposed language to amend it. Jacalone stated that the intent was understandable. Meiszer questioned if there were any other changes. Clem stated there were no other changes currently scheduled on this part, but that he could make this a stand-alone change. Bosanko mentioned that they would have to advertise which part would be changed, and stated that even a clarification would be considered a change. Discussion followed on how specific the advertisements had to be on the amendments. Jacalone recommended allowing flexibility when advertising for amendments. Bosanko replied that state law required that when changing an Ordinance one had to give reasonable notice to the public on what was being changed. Discussion followed on the flexibility of advertising amendments.

(5:49 p.m.) Glenda Thomas, 600-A Shannon Road, voiced concern on allowances for PRD parcels to be divided by roads.

(5:54 p.m.) Maguire announced that the St. Johns County Timber Growers Association was having their last annual fish fry at the St. Johns County Fairgrounds tomorrow, between 5:00 p.m. and 7:00 p.m. It would be catered by Sonny's Bar-B-Q and would be free. He invited everyone to come out and enjoy it. He also announced that the Food Bank was starting their first annual Food Fight Program, which would run for two weeks. Four high schools in the county would be collecting food for four weeks and on November 8th they would have a food fight. Invitations would be sent to the Commissioners.

(5:58 p.m.) Thomas stated that the wording was different and she comprehended it another way. Thomas stated that she was concerned about a road going through her property. Discussion followed on a road going through the Thomas' property. (6:03 p.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to enact Ordinance No. 2003-90.**

ORDINANCE NO. 2003-90

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE V OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING PART 5.01.00 SUBDIVISION; SPECIFICALLY REVISING SECTION 5.01.01 GENERALLY; ADDING NEW SECTION 5.01.00 SUBDIVISIONS; SPECIFICALLY REVISING SECTION 5.01.01 GENERALLY; ADDING NEW SECTION 5.01.03 REPLATS AND VACATIONS; AMENDING PART 5.03.00 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS; SPECIFICALLY REVISING SECTION 5.03.02 GENERAL STANDARDS; REVISING SECTION 5.03.03 SPECIFIC STANDARDS; REVISING SECTION 5.03.05 CHANGES IN APPROVED PLANNED UNIT DEVELOPMENTS; ADDING NEW SECTION 5.03.12 SPECIAL USES WITHIN PUDS; AMENDING PART 5.04.00 PLANNED RURAL DEVELOPMENT (PRD) DISTRICT; SPECIFICALLY REVISING SECTION 5.04.02 DESIGN RULES; REVISING SECTION 5.04.03 DEVELOPMENT AREA; ADDING NEW SECTION 5.04.08 SPECIAL USES WITHIN PRDS; AMENDING PART 5.07.00 AFFORDABLE HOUSING DENSITY BONUS; SPECIFICALLY REVISING SECTION 5.07.03 GENERAL; REVISING SECTION 5.07.04 STANDARDS FOR APPROVAL; REVISING SECTION 5.07.05 REVIEW AND APPROVAL PROCESS; REVISING SECTION 5.07.06 EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Motion by Jacalone, seconded by Stern, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:03 p.m.

REPORTS:

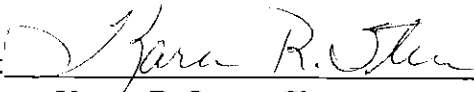
1. St. Johns County Board of County Commissioners Check Register, Check No. 341435 through 341701 totaling \$2,551,157.99 (10/15/03)
2. St. Johns County Board of County Commissioners Check Register, Check No. 341737 through 341764 totaling \$49,863.56 (10/16/03)
3. St. Johns County Board of County Commissioners Check Register, Check No. 341765 through 342224 totaling \$5,310,463.13 (10/21/03)

CORRESPONDENCE:

1. Letter dated October 21, 2003 to Liz Cloud, Chief, Bureau of Administrative Code, filing St. Johns County Ordinance Numbers 2003-83 through 2003-88.
2. Letter dated October 21, 2003 to Nell Porter, City Clerk, regarding a filed original Amendment to the Interlocal Agreement on the Local Option Fuel Tax.

Approved November 18, 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen R. Stern, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk