

**MINUTES OF MEETING
ST. JOHNS COUNTY SPECIAL MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 2, 2005
9:00 A.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 U.S. 1 North, St. Augustine, Florida.

Present were: Bruce A. Maguire, Chairman, District 4
 James Bryant, Vice Chair, District 5
 Ben Rich, District 3
 Karen R. Stern, District 2
 Cyndi Stevenson, District 1
 Ben W. Adams Jr., County Administrator
 Isabelle Lopez, Assistant County Attorney
 Diane Gorski, Deputy Clerk

Also present: Scott Clem, Assistant County Administrator; Dan Bosanko, County Attorney

(03/02/05 - 1 - 9:00 a.m.)
Maguire called the meeting to order.

(03/02/05 - 1 - 9:00 a.m.)
ROLL CALL

Maguire announced that Stern would be a few minutes late and that Bryant, Rich and Stevenson were present.

(03/02/05 - 1 - 9:01 a.m.)
Stevenson gave the invocation and Bryant led the Pledge of Allegiance

(03/02/05 - 1 - 9:02 a.m.)
ADDITIONS/DELETIONS TO THE SPECIAL MEETING AGENDA

Bosanko requested that a discussion regarding the renovation project in Hastings and the possible affects it might have on the community, be added to the beginning of the agenda and that emergency relief for North Beach property owners adversely affected by storms be added to the end of the agenda.

(03/02/05 - 1 - 9:04 a.m.)
APPROVAL OF THE SPECIAL MEETING AGENDA

Motion by Bryant, seconded by Stevenson, carried 4/0, with Stern absent to approve the agenda as amended.

(03/02/05 - 1 - 9:04 a.m.)

1a. RENNOVATION PROJECT IN HASTINGS THAT IS A GIFT FROM A NATIONAL COMPANY

Bosanko explained that the television show, "Extreme Makeovers" was in Hastings and would be reconstructing a home and doing improvements on other homes in the area

needing repairs over the next week. He stated that the work would be going on for twenty-four hours a day for one week, and that the County's plan to deal with any adverse affects to the neighbors caused by the ongoing work, would be to send a team consisting of a Sheriff's Officer, Special Officer, and Code Enforcement Office to meet with the neighbors to address their needs or concerns. He asked the Board to set aside at least \$1,000 from the General Reserve Fund as a contingency fund, in the event that money was needed to assist neighbors in dealings with adverse affects. He said that if the County incurred any expenses they would seek reimbursement from the program.

(9:07 a.m.) Scott Clem, Assistant County Attorney stated that the show's producers had committed to assist any residents who were adversely affected by the project. Maguire stated that funding could be approved as a secondary source in the event the primary source of funding doesn't occur and Bosanko concurred. (9:08 a.m.) Rich asked that the motion include transportation costs. **Motion by Rich, seconded by Stevenson, to approve secondary funding if necessary to relieve some of the stress of the neighbors, to include temporary lodging as well as providing transportation to and from such lodging if necessary in the amount of \$1,000.** (9:09 a.m.) Bryant stated that the Council on Aging was subsidized by the County and that arrangements could be made for them to provide transportation if necessary. (9:10 a.m.) Bosanko said that the County Administrator or his designee would oversee the fund. **The motion carried 4/0, with Stern absent.**

(03/02/05 - 2 - 9:10 a.m.)

1. PUBLIC HEARING - LAKE BELUTHAHATCHEE COMMUNITY DEVELOPMENT DISTRICT PETITION - THE LAKE BELUTHAHATCHEE CDD COVERS APPROXIMATELY 49.5 ACRES OF LAND LOCATED EAST OF S.R. 13, WEST OF ROBERTS ROAD AND NORTH OF GREENBRIAR ROAD IN NORTHWEST ST. JOHNS COUNTY. THE CDD ENCOMPASSES 41 SINGLE-FAMILY LOTS, THE DAM SITE AND THE LAKEBED OF LAKE BELUTHAHATCHEE. ONE PARCEL (#33) LOCATED WITHIN THE EXTERNAL BOUNDARIES OF THE CDD IS TO BE EXCLUDED FROM THE CDD BUT IT IS HOPED THAT EVENTUALLY THE CURRENT OR FUTURE OWNERS WILL AGREE TO BE INCLUDED. THE PURPOSE OF INCLUDING IT WITHIN THE EXTERNAL BOUNDARIES OF THE CDD IS THAT ONCE IT IS INCLUDED, THE BOUNDARY OF THE CDD WILL NOT NEED TO BE AMENDED. THE PURPOSE OF THE CDD IS TO FUND THE RESTORATION AND MAINTENANCE OF LAKE BELUTHAHATCHEE AND THE REPLACEMENT OF THE EXISTING DAM THAT WAS DAMAGED FOLLOWING THE HURRICANES THAT AFFECTED NORTHEAST FLORIDA IN THE FALL OF 2004. THE LAKE LEVEL HAS BEEN SEVERELY LOWERED AND THE LAKEBED IS NOW EXPOSED IN SOME PLACES

Proof of publication of the Notice of Public Hearing on SJC BCC Lake Beluthahatchee COM Dev Dist was received, having been published in *The St. Augustine Record* on February 7, 9, 14 and 21, 2005.

Bruce Ford, Chief Planner, stated that he had nothing to add to the material that had been presented to the Board.

(9:11 a.m.) Andrew Boothe, 1558 Beluthahatchee Road, was in favor of the request and announced that he had presented pre-hearing testimony and was sworn in by the Deputy Clerk.

(9:12 a.m.) Pete Claflin, 1629 Pond Gannett Lane, was in favor of the request and announced that he had presented pre-hearing testimony and was sworn in by the Deputy Clerk.

(9:13 a.m.) Charles Wilson, 1448 Cricket Hollow Lane, was in favor of the request and announced that he had presented pre-hearing testimony and was sworn in by the Deputy Clerk.

(9:14 a.m.) Stevenson acknowledged the efforts of the residents trying to save Lake Beluthahatchee and thanked them for their commitment. She commended Commissioner Nick Meiszer saying that he was an asset to the community. (9:16 a.m.) Rich thanked Commissioner Nick Meiszer for the tremendous amount of time and effort he had given to the residents to get the job done. (9:16 a.m.) **Motion by Stevenson, seconded by Maguire, carried 4/0, with Stern absent, to approve Ordinance No. 2005-17, approving the petition for Lake Beluthahatchee Community Development District, adopting Findings of Fact to support the motion.**

(9:17 a.m.) Claflin thanked the Board and County Staff.

ORDINANCE NO. 2005-17

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE LAKE BELUTHAHATCHEE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2004); NAMING 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

(03/02/05 - 3 - 9:17 a.m.)

2. PUBLIC HEARING - IMPACT FEE UPDATE ADOPTION HEARINGS - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER ADOPTION OF THE PROPOSED UPDATED IMPACT FEES, AS CALCULATED BY THE IMPACT FEE UPDATES PERFORMED BY DR. JAMES C. NICHOLAS, AND TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT CODE BY READOPTING AND CONSOLIDATING THE EXISTING IMPACT FEE ORDINANCES AND MODIFYING THE CONSOLIDATED ORDINANCES, AS LISTED: ADOPTING THE REVISED IMPACT FEE SCHEDULE; MODIFYING THE DEFINITION OF FEE PAYER; MODIFYING THE BOUNDARIES OF THE IMPACT FEE DISTRICTS 2 AND 3; REVISING THE RESIDENTIAL FEES TO BE CHARGED ON A HEATED AND AIR-CONDITIONED SQUARE FOOTAGE BASIS; COMBINING THE FIRE AND EMS IMPACT FEES AND THE FUNDS; PROVIDING FOR AUTOMATIC UPDATING OF IMPACT FEES BASED ON INDEXING; PROVIDING FOR REVIEW AND UPDATING OF IMPACT FEES EVERY FIVE (5) YEARS; AND AMENDING AND RE-ADOPTING THE IMPACT FEES GENERAL ADMINISTRATIVE GUIDELINES AND PROCEDURES MANUAL

Proof of publication of the Notice of Public Hearing on SJC BCC ORD/REG LAND USE was received, having been published in the *St. Augustine Record* on February 19, 2005 and in the *Ponte Vedra Recorder* on February 25, 2005.

Scott Clem, Assistant County Administrator, explained that this was the first of two required public hearings to consider adoption of an ordinance that would update the St. Johns County Impact Fees. He stated that two workshops had been held to discuss the methodology that went into the Impact Fee Study Update that had been prepared by Dr. James Nicholas and that there had been a joint workshop with the School Board. He announced that a new fee schedule had been distributed and that it did not change any of the fees but that a column was added to identify the unit of measure used. He said that Exhibit A would replace the current Impact Fee Schedule. He said that the ordinance would also modify the definition of fee payer to encompass all persons applying for or pulling a permit. He said that the Impact Fee boundaries of District Two and District Three had been modified and primarily affected the Vilano Beach area at the inlet and that it would be all-inclusive within District Two and an adoption of the ordinance would include this revision. He said that the residential fees would be revised and would be based on square footage and not a straight fee per unit. He stated that Fire and Emergency Services would be combined into one category and that an indexing of the impact fees had been provided for and the two different methods being discussed were the Consumer Price Index (CPI) and the Construction Cost Index (CCI). He reviewed the historical figures relating to the percent changes in the indexes. (9:25 a.m.) Maguire asked if the CCI would be more difficult to work with and Clem answered that it would and that Dr. Nicholson had recommended working with the CPI because it was steadier and less volatile than the CCI but that he was comfortable with recommending the use of either index. He said that the ordinance provided for the automatic review of the index no longer than five years out, but the Board could review it at any time. He concluded by explaining that the Guidelines and Procedures Manual would be readopted, which provided details on how the impact fee ordinances were administered and that some of the language needed to be updated to address current conditions. He explained that the ordinance would readopt all previous ordinances and they would become part of the Land Development Regulations. The original ordinances would remain in affect and he recommended that the ordinances be recodified and consolidated into one ordinance, or a set of ordinances that would become another chapter in the Land Development Code. (9:29 a.m.) Rich questioned Exhibit A and noted the modifications needed. (9:29 a.m.) Stern entered the meeting.

(9:30 a.m.) Joe Gordy, 25 Cincinnati Avenue, stated that the tax burden fell disproportionately on homeowners and that the goal was to grow the commercial tax base to relieve the burden on the existing homeowners. He said that raising impact fees on commercial enterprise either prevented the entry of new businesses or frustrated expansion of existing businesses and that for the benefit of a one time impact fee, the County would be giving up ongoing intangible taxes, sales taxes and property taxes from the growth of business.

(9:33 a.m.) Robert Marshall, Chairman of the North Florida Builders Association, 318 Marshpoint Circle, said that Dr. Nicholas had invented impact fees and had written a paper to support the case for Real Estate Transfer fees. He said that Nicholas indicated that the greatest allowable fee for school impact fees would not support the students and was in favor of a graduated impact fee to take the burden off the first time homebuyer and the work force homes. He said that St. Johns County had a two class system with white collar workers and people requiring public assistance that was typically seen in a third world country. He reviewed the affects the new impact fee schedule would have on each home built and reminded the Board that the building industry had to physically collect the money and make the numbers work to produce a house and that the numbers were not working for the work force housing. He said the Board needed to raise money for roads some other way and that the school system should review the amount of money needed.

(9:36 a.m.) Ed Paucek, 970 Erma Way, Concerned Citizens for Good Government (CCGG) and member of the St. Johns County Builders Counsel was opposed to the impact fee as it was being presented. He said that the CCGG's position was that the County was maligning one segment of the community, the Real Estate and Construction Industry, with a tax, not an impact fee. He reminded the Board that the Construction Industry had been the poster child in getting the Country out of the recession it had been in. He said that the CCGG was planning to contact the School Board to better understand their position. He said that the Builders Counsel had put forth a tentative understanding that the County should return to the old system, and that impact fees should be raised in totality to a number of 5000 and the commercial industry should be omitted so that they could continue to build the tax base. He asked the Board to reconsider the proposals and to use common sense and wisdom to determine what could be absorbed over a reasonable length of time.

(9:40 a.m.) John Evans, 1685 Masters Drive, President of the St. Augustine/St. Johns County Real Estate Board, spoke in opposition to the Impact Fee Schedule that would force builders out of the County. He said that if the fee schedule were imposed as presented, the affordable and work force housing would disappear.

(9:42 a.m.) Kari Hall-Keating, St. Augustine/St. Johns County Chamber of Commerce, 1 Riberia Street, said that they had grave concerns for what affect the impact fees would have on commercial businesses. She said that the County had accomplished the following:

1. Increased commitment to economic development locally.
2. Increased commitment to economic development regionally.
3. Increased support for economic development projects from the State's perspective.
4. Creation of a local economic development incentives policy for qualified projects
5. Creation and Expedition of Permit Review Processes for qualified Commercial Projects.
6. Shown outstanding Staff support and service to economic development projects and programs.

She said that the Chamber was bringing projects and high wage job creations in the form of Ring Power Corporation, Medical Development International, Rulon Company, Tarenton Tank, O.T. Flex Tooling and a major expansion to Northrup Grumman. She requested the Board to reexamine the tax structure for alternative solutions and to hold the line on impact fees for commercial development.

(9:45 a.m.) Fred Halback, 287 St. George Street, Chairman, St. Johns County Chamber of Commerce, supported Hall Keating's position and said that he was concerned with the commercial impact credits. He said that the Chamber wanted the community to have places to live, work and shop. He asked the Board to slow the process down.

(9:46 a.m.) Maguire was opposed to the multi-tier impact fee system. He said that low-income housing impacts needed to be addressed in a separate ordinance and that there needed to be a program to promote housing at the lower end of the system for economic benefits and that abatement would require that the County pay the fees from the general fund. He asked why the County would create an impact fee that was so high, knowing that the government would be paying the fees. He stated that the system needed to comply with the intent of the statute by funding infrastructure for new growth and this proposal did not meet the requirement. He recommended the following changes:

1. One residential rate starting at 1,600 square feet and above, with the amount determined by staff and brought back to the Board
2. Low-income rate, set by special ordinance, at 1,600 square feet or below left at the current rate of \$2,630
3. Address the issue of providing middle income housing
4. No change to commercial impact fees
5. The County should collect the fees if the ordinance as presented was approved. He suggested making sure that the impact fee was paid at closing

(9:59 a.m.) Bryant spoke in favor of the real estate transfer fee and sales tax as the best options to generate revenue. He said that he agreed with Gordy and Maguire that commercial impact fees should not change. He favored abatements for those less fortunate and would qualify for low-income housing. He mentioned modifying the Humanitarian Ordinance.

(10:03 a.m.) Stern spoke in support of the real estate transfer and was concerned about the affect the impact fee would have on work force housing. She agreed that the collection of impact fees should be handled by the County and not the builder and supported some type of impact credit for families that have lived in St. Johns County for generations. She was opposed to a drastic increase in commercial impact fees.

(10:08 a.m.) Rich supported the study by Dr. Nicholas and said that Dr. Nicholas was recognized as an expert both by the courts and his clients and that the fees had to meet legal and ethical standards. He said that if development did not pay for itself it had to be paid for by the existing citizens and that there were provisions available to businesses coming into the County to have impact fees and taxes waived. He was opposed to changing the fees presented in the proposal and said that affordable housing in St. Johns County was market driven. He said that builders were not willing to build homes in the affordable housing range and advocated the real estate transfer tax to subsidize impact fees. He did not feel that changing the proposal presented by Dr. Nicholas was in the best interest of the County.

(10:19 a.m.) Maguire clarified that the fees did not go away but were paid for by another source.

(10:20 a.m.) Stevenson said that she preferred the real estate transfer tax to generate revenue but that it was not currently a legislative reality. She spoke on affordable housing, infrastructure funding and asserted that new growth had to pay its share and not the citizens. She addressed affordable housing needs; the affects of impact fees on non-residential housing; builders under contract and the collection of fees.

(10:26 a.m.) Maguire asserted that more affordable work force homes were needed.

(10:27 a.m.) Bosanko addressed the collection method issue and asserted that the current system was extraordinarily efficient. He reviewed alternatives. (10:31 a.m.) Maguire asked if a lien could be imposed for impact fees against a DRI until the fees were paid and Bosanko answered that he would look into it. (10:33 a.m.) Rich said that the impact fee should be collected up front and that the developer should be charged a general fee based on the average of 3,253 square feet for an average home being built in the County today, which would remove the burden from builders and supply the County with the funding necessary to create the infrastructure. He asked Clem to meet with him to discuss options. (10:36 a.m.) Lopez stated that notices for a March 16, 2005 hearing had already been advertised and the advertising would not be good for the ordinance if the square footage were not addressed. She suggested shifting the advertising and readvertising to change the intent of the ordinance.

(10:38 a.m.) Maguire said to move forward with the current ordinance and that the document could be amended at a later date to address specific issues. (10:39 a.m.) Bryant directed Legal Staff that residential, roads and school impacts needed to stay the same and that the commercial impact fees should remain unchanged or rise only slightly and that the work force housing could be addressed in other ways. Lopez suggested creating a separate ordinance to create a moratorium where the County would pay the impact fees for a finite period of time. Maguire said that he wanted to leave the residential fees at the current rate or with a minimal increase and that he was opposed to a moratorium.

The meeting recessed at 10:41 a.m. and resumed at 10:50 a.m.

Maguire said that there would be no change to the March 16, 2005 advertising and that the changes discussed today would be addressed after the ordinance was enacted. He asked the Board to give a consensus for the proposed changes so that Staff and the legal department could draft a proposal:

1. Commercial Impact Fees should be left at the current rate and that if there were an increase, to start using an indexing method (CPI)

A consensus was given and Bosanko stated that his department would research the legality of the proposal.

2. Multi-tiers or single rate system. Maguire suggested a two-tier system using 1,600 square feet and under being considered as low-income housing using the Humanitarian Ordinance to affect it and a single rate for everything above it.

A consensus was given to provide the Board with the numbers for both Impact Fee methods and Bosanko stated that his department would research the legality of the proposal. There was a lengthy discussion regarding the proposed Impact Fee Schedule, methodology and defensibility and the proposed changes to the Impact Fee Scheduled.

(03/02/05 - 7 - 11:09 a.m.)

3. EMERGENCY INSTALLATION OF RIGID COASTAL ARMORING STRUCTURES TO PROTECT PRIVATE STRUCTURES LOCATED AT 3490, 3494, AND 3498 COASTAL HIGHWAY

Patrick McCormack, Assistant County Attorney, explained that the Florida Statutes allowed a County to recognize an emergency circumstance where private property was in imminent danger of collapse due to storm or wave action and that there were three properties on Coastal Highway in Vilano Beach that qualified under this rule. He said that Staff had contacted the Florida Department of Environmental Protection and the Florida Fish and Wildlife Commission who had no verbal objections, but required a signed resolution and submission of the plans.

(11:12 a.m.) Bryant stated that the County had granted emergency relief in similar situations in the past and that the homeowners would still need to seek a DEP permit within a certain amount of time to accomplish the repairs.

(11:13 a.m.) Rich asked if there were any outstanding issues and instructed Staff to use extreme caution while moving forward.

(11:14 a.m.) Charles Butler, 3493 Coastal Highway said that he was available to answer any questions the Board might have about the situation and resolution, and mentioned that they had applied for the State Permit. (11:14 a.m.) **Motion by Rich, seconded by**

Stevenson, carried 5/0, to adopt Resolution No. 2005-51 authorizing the County Engineer to permit emergency installation of rigid coastal armoring structures to protect private structures and public infrastructures located at 3490, 3494, and 3498 Coastal Highway, St. Augustine, Florida.

RESOLUTION NO. 2005-51

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING EMERGENCY INSTALLATION OF RIGID COASTAL ARMORING STRUCTURES TO PROTECT PRIVATE STRUCTURES AND PUBLIC INFRASTRUCTURES LOCATED AT 3490, 3494, AND 3498 COASTAL HIGHWAY, ST. AUGUSTINE, FLORIDA, ST. JOHNS COUNTY

(03/02/05 - 8 - 11:16 a.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson

She said that the residents in Fruit Cove and Switzerland would still be able to be used for the 32259 zip code and that they were still working to choose a name for the overall area.

(11:17 a.m.)

Commissioner Maguire

Maguire asked the Board to waive the specific use of the auditorium law and approve its use by the Betty Griffin House to host a training session to be conducted by the Florida Immigrant Advocacy center in April. (10:18 a.m.) **Motion by Maguire, seconded by Bryant, carried 5/0, to approve a waiver for this special event.**

He announced that Congressman Mica would be in Spuds on March 7, 2005, for a luncheon and to meet with the Bethune Cookman College President Dr. Reed. (11:19 a.m.) Stern said that she would be attending the luncheon.

He announced that he would be in Washington DC for the March 9, 2005 meeting and that Commissioner Bryant would be running the meeting.

He announced that a national magazine had rated St. Johns County the number one rural County in Florida.

He asked if there was any objection to changing the bi-weekly Board meeting to Tuesday and a discussion ensued. *There was a consensus by the Board to change the meetings to Tuesday beginning June 14, 2005.*

(11:29 a.m.)

Commissioner Bryant

No report.

(11:29 a.m.)

Commissioner Rich

No report.

(11:29 a.m.)

Commissioner Stern

Stern announced that she had been in Hastings this morning for the start of the Extreme Makeover Home Edition, ABC network television and explained that the Harvey family had been chosen to receive a new home, volunteers were welcomed, and that interested parties should call 904-209-1200. She mentioned that there would be improvements made on homes for many residents within the Hastings community and that the program would air in six to nine weeks. (11:34 a.m.) Clem clarified that the house had followed the permitting process, additional homes receiving repairs would be granted expedited permits as well and that there had been no waivers or exceptions granted.

(03/02/05 - 9 - 11:35 a.m.)

COUNTY ATTORNEY'S REPORT

No report.

Motion by Bryant, seconded by Maguire, carried 5/0, to adjourn. With there being no further business to come before the Board, the meeting adjourned at 11:35 a.m.

Approved _____, 2005

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk