

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
OCTOBER 29, 2007
(9:00 A.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, 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: Ben Rich, District 3, Chairman
Thomas G. Manuel, District 4, Vice Chairman
Cyndi Stevenson, District 1
Ron Sanchez, District 2
James Bryant, District 5
Michael D. Wanchick, County Administrator
Patrick McCormack, County Attorney
Terry Bulla, Deputy Clerk

(10/29/07 - 1 - 9:04 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(10/29/07 - 1 - 9:04 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(10/29/07 - 1 - 9:04 a.m.)
Manuel gave the Invocation, and Rich led the Pledge of Allegiance.

(10/29/07 - 1 - 9:05 a.m.)
ADDITIONS/DELETIONS TO SPECIAL AGENDA

There were no changes.

(10/29/07 - 1 - 9:05 a.m.)
APPROVAL OF SPECIAL AGENDA

Motion by Manuel, seconded by Sanchez, carried 5/0, to approve the Special Agenda.

(10/29/07 - 1 - 9:06 a.m.)
1. REPORT OF EXCESS FEES FOR FISCAL YEAR 2006-2007

Dennis Hollingsworth, St. Johns County Tax Collector, gave the report of excess fees for fiscal year 2006-2007. He reported that \$5,209,380.44 was the total of unused revenue for that period. He said the total earned revenue was \$6,645,153.90 included the revenues which were submitted throughout the year. He said they were unused revenues that the Tax Collector's Office had generated. It was clarified by Manuel that the funds would go into the General Fund. The Board thanked Hollingsworth and his department for the outstanding work they had done for the County.

(9:19 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to acknowledge the Tax Collector's report of excess fees for fiscal year 2006-2007.**

(10/29/07 - 2 - 9:19 a.m.)

2. CONSIDER PROPOSED CONSOLIDATION OF VOTING PRECINCTS

Penny Halyburton, Supervisor of Elections, gave the presentation and reviewed the consolidation of the voting precincts in St. Johns County from 63 precincts to 46 precincts. She noted it will be advertised, posted and new voter cards would be sent out. She said they were comfortable that they could accommodate the voter turnout.

(9:20 a.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to accept the consolidation of the voting precincts in St. Johns County from 63 precincts to 46 precincts.**

Halyburton reported that precinct 113 needed a polling place as they had outgrown the airport building. She said they had two options: Christ Church on Lewis Speedway or the County Auditorium lobby. She said there was nothing scheduled at the auditorium for all three elections. She asked they be allowed to use it as a polling place for the 2008 elections. Stevenson encouraged her to make sure there would be no conflict with the judiciary taking over the building. (9:26 a.m.) **Board consensus was granted for the use of the building.** McCormack suggested they check with the Chief Judge to make sure the building would be available.

(10/29/07 - 2 - 9:27 a.m.)

3. WORKSHOP FOR REVIEW OF THE CONCURRENCY MANAGEMENT SYSTEM AND IMPACT FEE CREDIT POLICIES

Bill Hartmann, Transportation Manager, opened the workshop to discuss the Concurrency Management System (CMS) and Impact Fee Credit Policies and introduced Bob Wallace.

(9:28 a.m.) Bob Wallace, Tindale Oliver & Associates, 1595 S. Cimmaron Blvd., Orlando, made the presentation. He gave a PowerPoint presentation, and said the purpose of the Workshop was to discuss the Concurrency Management System, to identify issues and concerns, to review CMS approach and options, and to obtain BCC guidance and direction.

He explained that concurrency was a growth management planning tool that supported the land development regulations. He said it answered the question: is capacity available to serve growth at the time of the impacts of growth on the transportation system? He reviewed the key concepts: to protect financial integrity of Comprehensive Plan Capital Improvements Element (CIE), to build what is promised and when, to approve real projects, using or losing concurrency, maximization of overall public benefit (desirable development), and to maintain the quality of life and level of service. There was discussion regarding proportionate fair share and impact fee credits.

He gave an overview of the concurrency management system including Checkbook CMS, Sector/Area-wide CMS and Growth Rate CMS. He noted the County was currently using the Checkbook CMS system and had been utilizing it since 1991. He said some of those projects were 10 years old, and there were newer projects coming along that couldn't be built because a lot of capacity was being reserved by the older projects.

There was discussion on the geographic area involved in the Checkbook CMS. Wallace said 40 to 50 percent was in the northwest sector of the County. He said they were the results of traffic studies done within the County. He reviewed the population studies

from 1990 to 2025 which was done by the Bureau of Economic Business Research, University of Florida (BEBR). There was discussion regarding the transfer of impact fee credits.

(9:43 a.m.) John Metcalf, 1104 Millcreek Dr., spoke, at the request of Commissioner Bryant, regarding the allowance of the transfer of impact fee credits.

(9:44 a.m.) Stevenson clarified that when she raised the issue for a workshop that it was not for an overall systemic solution but for specific areas where they had problems. She said the issue she had in mind was getting help for the CR210/ I-95 hotel, which could be moved to a different location as part of the solution, to keep it from being a very expensive venture for the County. She said she would like staff to consider it as a specific problem solving posture and not as a general policy.

(9:45 p.m.) Wallace reviewed the vehicle miles per hour during peak hour trips, 4:00 to 6:00 p.m. Monday through Friday. Stevenson asked why those peak hours were used because there was greater traffic due to schools during the morning hours. Wallace said they could look at that, and that other communities had used that criterion. There was discussion regarding the utilization of concurrency miles. Wallace said these were paper trips and not real trips, and they needed to look at how they converted paper trips to population growth and time. Wallace said they needed to know the magnitude of time and issues associated with it and how they could solve the problem. He said the point was, that the reserve trips in the checkbook were more than half of what the current travel was today in the p.m. peak hour, and that was a significant amount of reservation of traffic. He reviewed the historical and projected vehicle miles of travel (VMT). There was discussion on the backlog and that it was on the current segments. He said the proposed highway 9-B was not even shown in the 5-year plan. Stevenson asked if the lack of those facilities was shown in the projections now. He said it was not. Stevenson said that was a big problem, and if those had been included, they would never have met concurrency, and they would never have been approved. Manuel stated that the impacts extended beyond the circle approach to measuring concurrency. Wallace said the point of his presentation was that this was one of the elements that needed to be fixed. Bryant asked if he had been able to factor in the undue delays outside of their control. Wallace said they would cover that as it was a factor but he did not have a solution.

Wallace said when they put 19 years worth of growth on the existing network it showed that they had assumed 100 percent of the capacity of CR 210 in the northwest area of the county, but there were issues emerging in other areas of the county as well. He said the question was; were they real trips? General discussion ensued. Stevenson said on Racetrack Rd. in the mornings, there was no more capacity. Wallace said that was something they could look at. Manuel said the question was; how much congestion was the county willing to accept? Wallace said it was a quality of life issue.

Rich clarified that the concern of the Board was what the direct results were and in what kind of danger it put citizens. He said his concern was not just the overburdening of the system but the safety of the citizens.

Wallace reviewed the existing CMS Checkbook for the existing developments in the northwest area of the county and the remaining approved development for DRIs, PUDs and PRDs. General discussion ensued. Wallace said they had a lot of development already approved and that is the point he was trying to make. There was discussion on the proposed build outs and whether or not they would be built. Stevenson said this was the crux of the matter, whether or not the vested rights could be utilized, given the

current situation. She said the build outs would come. Rich said it was a legal issue and hoped they could find a way around it.

(10:13 a.m.) McCormack stated they needed to look at the effect of other counties on St. Johns County. He said there would clearly be an impact and it should be factored in. Wallace agreed that it was a compounding problem.

(10:16 a.m.) Wallace read from the Transportation Concurrency Best Practices Guidelines from the Center for Urban Transportation Research. He said their current method of measuring concurrency was a part of the problem, and part of the solution was to shorten the length of time for which concurrency was approved. He gave an example of obtaining a certificate of concurrency and how it currently tied up available concurrency by paying impact fees and getting plans approved. Locklear said that after the plan had been approved and once the infrastructure was built, concurrency was good forever. Wallace said they could correct what would happen in the future, but they had to be very careful about what had been approved in the past. He said it needed to be looked at from a legal perspective. General discussion ensued. Wallace said most counties had a limit on the length of concurrency. He said the bottom line should be that at the end of a certain time, if you haven't built it, you lose concurrency.

(10:22 a.m.) Stevenson cautioned that the idea of sunseting certain ideas to keep real projects moving and to keep people from speculating in the market was an important concept, but they needed to be very careful about what the end consequences might be.

(10:24 a.m.) Wallace summarized the existing checkbook CMS summary, and reviewed the pros and cons of that system. The pros included the detailed tracking of trips. The cons included that it reserved "phantom trips", "reserved" projects that have no incentive to develop, that it could cause denial of real projects, and it was administratively complex.

The Board recessed at 10:28 a.m. and reconvened at 10:39 a.m.

(10:40 a.m.) Rich said they would entertain public comment on the first portion of the presentation.

(10:40 a.m.) John Metcalf, 1104 Millcreek Dr., discussed real projects versus speculator projects, and he said that there were no "fake" projects that he was aware of. He said the approval process was very complex, and getting the construction plans approved in two years was extremely demanding and expensive, and approval lasted as long as the construction plan lasted, approximately five years. He said the developers had an enormous amount of money invested by that time and there was incentive to get the projects moving as fast as possible. He said a lot of reserve trips were in DRIs, which had been given long term security so they could make long term investments. He said they had huge investments in the internal infrastructure and they wouldn't make those types of investments if those approvals disappeared in a few years. He asked who the real projects were that were being held up and where were the fake projects. General discussion ensued.

(10:53 a.m.) McCormack said that Wallace's figures had shown them that CR 210 would fail with the current concurrency that had been approved. He said the facts were there, the numbers were there, and the issue was, what would they do now?

(10:55 a.m.) Doug Burnett, 170 Malaga St., suggested a solution: that the four mile radius currently used to measure concurrency, be reduced for commercial projects.

(10:56 a.m.) Wallace continued with his presentation. He said these were not easy issues to deal with and they were very complex and had taken place over a long period of time. He said that probably half of the “check book” was in DRIs.

He said another CMS Option was Sector/Area-wide Concurrency Management. He said the Urban Service Boundaries was another tool for potential solutions to deal with concurrency. Stevenson questioned why the county did not have Urban Service Boundaries. Wallace said it was a technique that could be utilized and it was a complicated process also. He said the Long-term Concurrency Management Option was 10 to 15 years. He said it defined a geographic area, identified deficiencies and improvements, identified funding and sources and produced a financially feasible plan. There was discussion that they had to do a better job of policing the current agreements, some of which had agreed to funding options towards improvements to be made in the future.

(11:05 a.m.) Wallace discussed an example of the Sector/Area-wide CMS for Pasco County. He said the issue was who would pay for it and how to implement it. He said they came up with a fair share calculation based on distance from the area impacted and the type of development to take place. He said the concept was to allow development to continue to occur while a plan was being devised. Additional impact fees were added to current impact fees based on distance and type of development in relationship to a certain area. He said this was an approach, not to solve the problem, but to buy them time to develop long term plans. There was discussion on the problem here being somewhat different in that it involved interchanges along the interstate corridor. He said they needed to ask DOT for help in planning the solution. Discussion ensued regarding DOT involvement. There was discussion about the percentages funded being adjusted back to what they had been previously. Wallace said the State had forced the issue down to the local level.

Wallace summarized the Sector/Area-wide option and said he thought it had some merit for St. Johns County. He said the Pros included: flexibility, you know where you are and where you are going, it establishes a financial plan. The Cons included: a buy-in of financing plant and it requires effort to setup and manage the process.

(11:20 a.m.) Wallace reviewed the third option, the Growth Rate Concurrency Management process. He said it approved projects, not trips and utilized a “use it or lose it” concept. He said concurrency was good for 3 to 5 years, if no permit is pulled, concurrency expires, and if concurrency expires, the applicant applies to get updated concurrency. He said it was based on trends of growth rates. He explained that growth rates were based on historical count trends, approved and permitted development anticipated to be built in the next 5 years, background traffic growth rates that create background traffic volumes and background traffic volumes that accommodate reserved and approved development. He reviewed the concurrency test for the level of service and the pros and cons for the Growth Rate CMS approach. He said the Pros included: “use it or lose it” allows for real development to proceed, the concurrency test uses background growth to protect the County’s interest, you know where you are, and where you are going, it is easier to administer and it is updated annually. The Cons included: that it is a new concept versus the Checkbook method and some will question background growth as opposed to Checkbook trips. General discussion ensued regarding a market driven analysis especially as it related to CR 210. Stevenson said CR 210 was an immediate pressing issue because of what they were experiencing at CR 210 and I-95. She said she was distressed because more and more projects were coming in for concurrency approvals, and a moratorium was warranted.

(11:35 a.m.) *Motion by Stevenson, seconded by Sanchez, to adopt a moratorium on all up-zonings increasing the transportation impacts to the CR 210/I-95 interchange, that the traffic increases they were experiencing surpassed what was anticipated, and that the moratorium will remain in effect until a funding source and improvements commence that will relieve CR 210 and CR210/I-95 congestion and return the interchange to a level of service D.*

(11:37 a.m.) McCormack said that to adopt a moratorium, they would have to do it in the same manner as a zoning. He recommended the maker of the motion to direct staff to bring to the Board a proposal for a moratorium pertaining to up-zonings and other particulars. He said it would have to go through the PZA and to be heard twice by the BCC. She asked if there was any way to hold applications in place during that process. McCormack said there was a pending zoning process and it could be pending for only a short time especially for new applications. *Stevenson withdrew the motion and Sanchez the second.* Stevenson said she wanted to make another motion. Rich said they would break and she could get with McCormack to draw up a motion.

(11:39 a.m.) Wallace continued with his summation of the options. There was discussion on the model used (Highlands County) and the accuracy of the methodology. He said that whatever they did, they needed to be able to answer the long term questions about capacity. He asked them in what direction they wished to move on the approach for concurrency.

(11:51 a.m.) John Metcalf, 245 Riverside, Jacksonville, said he would like to speak in favor of the County looking at the Growth Rate Concurrency Management System. He said it seemed to be very rational and was dependent upon the market. He suggested that the utility department should also be included in the discussions regarding capacity. He stated that the current Concurrency Management System allowed for methodology errors. He said a moratorium would not solve their problems, and they needed to come up with a better plan, and money was the whole crux of the matter. He said gas taxes and sales taxes were tools they could use. He said they should have a defined list of improvements and a financial plan for how to build them.

(11:57 a.m.) Bill Schilling, Kimley Horn and Associates, 8657 Baypine Road, Suite 300, Jacksonville, said the growth management system proposed was good because of the record and bookkeeping issues. He discussed those links on which residential and commercial trips were reserved, and noted earlier studies may have been off and adjustments might need to be made. He said the growth management system might eliminate that issue if it were reviewed to see if over-counting was occurring. He discussed the log jams within the systems and especially as they related to CR 210. He said it was a de facto moratorium because everyone behind the stuck item was also stuck. He asked them to consider some of the older approvals which had not been developed and to look at some sort of sunset provision. He also asked them to take a look at smaller and infill projects.

(12:03 p.m.) George McClure, 81 King St., said they were skirting around part of the issue that needed to be looked at. He asked what they needed to do to accommodate the existing growth. He said they needed to determine a non-political way for the allocation of dollars after fairly determining the cost of a trip. He noted that currently the developer could write a check and the County would determine how to spend the money. He said the true cost of the trip needed to be determined to make it work. He stated it was important for them to be able to make the decisions rather than having those decisions made for them. He said growth management decisions needed to be made in a realistically, intelligent and honest way.

(12:14 p.m.) Stevenson said that where they put infrastructure was where they wanted growth. She said pay and go did not work as evidenced by Jacksonville, and if we had taken their dollars they would be even further behind. She said they needed to direct staff to look at the adequacy of the impact fees and they were still behind even though they had been adjusted for inflation. She cautioned they had to be careful to spend them as dollars. She said they could not charge impact fees on the level of service they were not supporting in the county. She said it was a double edged sword.

(12:17 p.m.) McClure said not to confuse the inadequacy of the methodology with the inappropriateness of the policy; if the calculation of fair share is not being done correctly, don't use that as a reason to say that the policy may not work. He said the risk of cost increase should be measured appropriately whether they took the risk or someone else took it. He said the problem was with the Legislature who told them they had to take the dollars and do it, not them. Stevenson said she understood that they gave in the headlines and took in the fine print.

(12:18 p.m.) Rich commented about the realities that he had to face. He said the south east and southwest areas were the purported areas for future growth, and the Highway 305 area was arguable about how rapidly the capacity of the road would be eaten up by other development. He said he disagreed with McClure's analysis of Highway 305. McClure responded that his issue was not to say that there was not pressure that arises, however, it was up to the Board to decide, whether it was appropriate policy for St. Johns County.

(12:23 p.m.) Stevenson said differing parts of the county needed to be treated differently but that in her part of the county they were already in the red. She said sunset provisions in DRIs should be explored and they should look at transfer development rights, anything under that kind of proposal where they could move things around to a transportation advantage but not increase the existing backlog or the burden of approved housing.

(12:25 p.m.) Rich asked Manuel if he wanted to give direction to the County Administrator. Manuel responded that he would like to see staff investigate the Sector and the Growth Rate Concurrency Management systems. He said he did not like the system they were currently using. He said it was not in favor of segment and links. He said he wanted to be more comfortable with the underlying formula for those systems. He said he also supported the "sunset, use it or lose it" concept. He said he also said he felt the impact fees were low and needed to be looked at as well.

(12:27 p.m.) Sanchez said he agreed that the system they were using was not working, though he wasn't sure which proposed system would be best to use. He said they needed to go to a better system and "use it or lose it" sounded good to him.

(12:28 p.m.) Rich concurred with the commissioners who had already spoken. He asked Wanchick to get with staff and to come back to the Board with a recommendation and to see if there was consensus among the commissioners to pursue a particular road with concurrency issue.

(12:29 p.m.) Wanchick said they had given him direction of the first of five questions that Wallace had given them. He asked for affirmation of the last four questions as far as building in time frames and it would give them more direction.

(12:29 p.m.) Bryant said he concurred with Manuel and said he would like to see them pursue the real value of a trip if they were going to adjust the impact fee.

(12:30 p.m.) Stevenson said they needed to take a look at the various corridors and what impact fees should be because they were different. She said she did not hear anything in the presentation that made her feel confident that anything presented would work any better. She said she wanted to avoid the unintended consequences of releasing residential units faster.

(12:32 p.m.) *There was consensus for the Administrator to bring forth a recommendation as an actual agenda item on a future agenda. On the Concurrency Management Approach, they agreed to maintain the Checkbook Concept until a new concept was adopted, and it was noted they did not want to maintain the status quo. On the Use It or Lose It, there was consensus for staff to review it and make a recommendation. On the Sector/Area-wide concept, there was consensus for the staff to review it. On the Growth Rate CMS, there was consensus for the staff to review it. On the Limiting Duration of Concurrency, there was no changes prior to concurrency approval, subject to legal review. Reapplication could be made if concurrency was greater than 5 years. There was consensus for staff to review it for "x" number of years. There was consensus not to maintain the "Status Quo".*

(12:37 p.m.) Wallace discussed Impact Fee Credits which included, credits are cash, credits impact what you can build, and creditable projects in the Capital Improvement Schedule. He said it would require changes to the Land Development Code eventually.

(12:38 p.m.) Manuel said there was a process step: first they did the EAR, then the Comp Plan and with those results they would do the Land Development Code. He charged Wanchick with the Comp Plan vision for the next 15 to 20 years, and those process steps were important.

(12:39 p.m.) There was discussion on holding a retreat or workshop to further discuss the issues with public input.

(10/29/07 - 8 - 12:41 p.m.)

4. OTHER BUSINESS AS NECESSARY

Stevenson said the I-95 and CR 210 interchange had reached a critical place and it had been short changed and left behind many times by delays in funding, and changes in policy by the State and Federal governments. She gave the background for her motion citing the statistics that had been given for the existing developments in the northwest area of the county, and noted there were 119 projects, 64,300 residential units and 24,500,000 square feet of non-residential developments that had already been approved but not yet built. She said the conditions were unsafe as residents could barely get into or out of the county now. She said there was no plan, no funding source and no timeline to correct the problem.

(12:42 p.m.) Motion by Stevenson, seconded by Sanchez, to direct staff to prepare a moratorium on comprehensive plan changes, re-zonings and/or other changes which would cause an increase in traffic on the intersection of I-95 and County Road 210, and to recognize the pending zoning doctrine pertaining to this proposed moratorium effective immediately.

Rich asked if it would also include residential permitting which would also increase the traffic on that corridor. McCormack said the County Attorney's office was going to have to look at how far down that would go. General discussion ensued. Rich said he wanted to look at every possible way of reducing the pressure on that interchange, including things such as permitting for residential units. Manuel specifically charged the County Attorney to do research as it was a very big legal issue to determine where

the line should be drawn, how it should be drawn and who it would impact. (12:46 p.m.) **The motion carried 5/0.**

(12:46 p.m.) Stevenson also requested the Board approve the establishment of an architectural overlay zone for the CR 210 West corridor from US 1 including Greenbrier Road to the William Bartram Scenic Highway. *The board granted consensus.*

(10/29/07 - 9 - 12:47 p.m.)
COMMISSIONERS' REPORTS

There were no commissioner comments.

(10/29/07 - 9 - 12:48 p.m.)
COUNTY ADMINISTRATOR REPORT

Wanchick said moratoriums often caused a lot of publicity and they needed to be careful in how they framed the request. He said it was to the Board's credit that they were attempting to intervene early to find solutions.

(10/29/07 - 9 - 12:49 p.m.)
COUNTY ATTORNEY'S REPORT

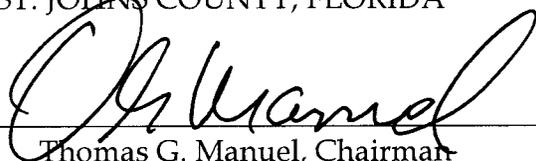
McCormack said they could not just set a moratorium. The Board had to be actively working on a solution.

(12:50 p.m.) **Motion by Manuel, seconded by Rich, carried 5/0, to adjourn the meeting.**

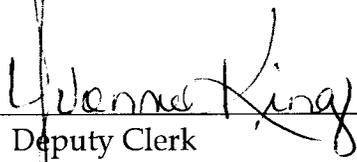
With there being no further business to come before the Board, the meeting adjourned at 12:50 p.m.

Approved _____ December 11 _____, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:  _____
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:  _____
Deputy Clerk

