

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 26, 2008
(9:00 A.M.)**

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

(02/26/08 - 1 - 9:01 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(02/26/08 - 1 - 9:01 a.m.)
ROLL CALL

Manuel stated that all five commissioners were present.

(02/26/08 - 1 - 9:02a.m.)

Manuel gave the Invocation and Sanchez led the Pledge of Allegiance.

(02/26/08 - 1 - 9:03 a.m.)
PUBLIC COMMENT

There was none.

(02/26/08 - 1 - 9:03 a.m.)
ADDITIONS/DELETIONS TO SPECIAL AGENDA

Bryant asked to add Item 3a for a decision on Mental Health Services & CBC.

(02/26/08 - 1 - 9:04a.m.)
APPROVAL OF SPECIAL AGENDA

Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve the Special Agenda as amended.

(02/26/08 - 1 - 9:05 a.m.)

1. CONSIDER ST. JOHNS RIVER WATER MANAGEMENT DISTRICT NOTICE OF INTENT CONCERNING WATER WITHDRAWAL FROM THE ST. JOHNS RIVER

Manuel asked that he be allowed to work with the County Attorney to seek all remedies available to the County to help to slow down and/or stop the extraction of water from the St. Johns River. *There was Board consensus.*

(02/26/08 - 2 - 9:07 a.m.)

2. ST. JOHNS COUNTY CHARTER WORKSHOP

Manuel introduced the Charter Workshop and said the Board had worked with the County Attorney and the community regarding Charter Government and had held numerous workshops throughout the county. He said they were permitted to have a home rule charter, and it was important for the people to have an opportunity to vote on the charter. He said no action would be taken that day, but it would become an action item shortly, in order to be placed on the referendum, assuming the Board wanted to move forward.

He explained the first item on the ballot would be the basic charter question and would be a yes or no answer. He said the document that had been distributed county-wide was the core document. He noted there might be changes to that document, and he would like to recommend three additional questions: twelve years as term limits, non-partisan elections and limits to campaign finance contributions. He said he would like to see the people of the County step forward and let their wishes be known on those issues.

(9:11 a.m.) Rich asked if all of those components would be in the Charter. He thought it was important for the voters to understand that and the wording would be important. McCormack said on the referendum a lengthy information packet could be included to the voter, but the actual question itself would be limited to 75 words. Rich said he wanted the people to understand that the charter would include those components.

(9:13 a.m.) Bryant asked if each item would be separate issues and if all would fail if the Charter failed. Manuel said if the Charter failed all three items would fail.

(9:14 a.m.) Stevenson asked if the basic charter would not include term limits, non-partisan or campaign finance reform. Manuel said the basic charter basically adopted where they were that day; a partisan election which did not contain term limits or campaign finance limits. Stevenson said the non-partisan element would rub some people the wrong way. Manuel said if 51 percent of the voters felt the same way they would vote for Charter and for non-partisan and both would pass. He said these were form of government issues, not policy issues. Stevenson asked him to address how alterations would be made if approved. Manuel said if the subsection was approved, then the language in the Charter document itself would be immediately amended to reflect that approval and any future revisions would follow the review committee process in the current charter. Stevenson asked for a review of that process.

(9:16 a.m.) McCormack said Article IX of the proposed Charter pertained to Amendments, which could be made in more than one way. The Charter Board of County Commissioners could amend it by asking the question and any amendment would have to be approved by referendum. He said there were a number of ways to get to the referendum: the Charter BCC could do a resolution to place it on a referendum. Secondly, the Charter Review Committee, described in the draft charter, could do it. The third way was a proposal by initiative, which could be proposed by any member of the St. Johns County voting public, who met certain criteria specified in the Charter. Stevenson asked by what percentage the initiative had to pass. Manuel said it was a simple majority. McCormack said on issues that affected municipalities, those could only pass if that population approved it as well.

(9:20 a.m.) Stevenson suggested that changes go through the Charter Review Committee and not through the Board so that it was well washed. Manuel responded that as long as they put it to the public for a vote, the public would decide. He said how it got to the ballot was less important than the results of the ballot. He said it was a trust issue.

(9:22 a.m.) Stevenson said there was discomfort with some of the other Charter Officers about changes to the structure. She said if they were going to change the structure of County Government that was set out by the State which had some checks and balances involved; it should go through a Charter Review Commission for discussion. Manuel said if a majority plus one spoke, that was the decision of the people. He said we were a majority rule. Stevenson said that 60 percent was required by the State.

(9:24 a.m.) McCormack said municipalities and changes to them was one place in the current proposal where the approval of an amendment by a referendum affecting the Constitutional Officers shall require a vote in favor of the amendment by 60 percent of the qualified electors. Manuel said that was a concession reached with the Constitutional Officers where all the Constitutional Officers said they would support the efforts of the Charter, and he expected them to honor that commitment. He emphasized that they all wrote letters of support and they were all up for election.

(9:26 a.m.) Sanchez said he thought it was fine like it was at 60 percent. He said it was not what they were putting on the ballot but the ease with putting it on there. He said the BCC had to have that ability by State law, but he would be concerned if there was no public input into that process.

(9:27 a.m.) Stevenson said she wanted to be sure there was a super majority provision to protect the core provisions from easily being changed. She said the issue was not the election of the Constitutional Officers but was the election process.

(9:28 a.m.) Daniel MacDonald, 24501 Deer Chase Dr., Ponte Vedra Beach, asked if his recommendations would accompany the Charter Ordinance. Manuel said it would be right below it. McDonald said that the campaign finance was already included in the Charter and if he was asking that it be taken out. Manuel said it would follow State statute as it was currently written and if the people wanted it to adopt the more restrictive language, then it would be changed to show it as more restrictive. He said he had no right to limit the campaign finances but the public, as voters, did. He said it was a step in the direction of more local control. He said over time it was a document that would change. McDonald said that campaign finance was a key part of the original document. Manuel said if people wanted it they would vote for it.

(9:32 a.m.) Rich moved to the second item, the twelve year term limit. He said the United States President only served for eight years and the people had put in place for a purpose. He said it was eight years at the State level and he had never seen a twelve year restriction any place in government. He asked if he would say for three consecutive terms rather than for twelve years. He said it would give the people an option.

(9:34 a.m.) McCormack said the Florida Association of Counties noted that Broward County had a term limitation for three terms. He said the FAC had restrictions on length of terms as 4 years. Manuel asked McCormack to research it. Rich said Board consensus for three terms instead of years would probably be sufficient without bringing it back before the Board for further review. McCormack said they would have to do an advertised ordinance with the ordinance in its final form for the purposes of referendum, so there would be at least one more public meeting. Rich asked for

objection from the Board for the three terms. Sanchez said he favored eight years and written as two four year terms. Rich said he favored eight years as well and would be more comfortable with that.

(9:38 a.m.) Stevenson said the term limits were effective but that people were always preparing for the next election when they should be doing the people's business. She said 25 percent of County Commissioners left office after one term and 50 percent were out after two terms, and it was uncommon for there to be three term commissioners. She said three terms seemed adequate and there was no inherent danger in it.

(9:40 a.m.) Phyllis Abbatiello, 1133 River Birch Rd., St. Johns, said she agreed with Rich and Sanchez. She said the public was electing a commissioner and not a king or a queen. She said the commissioner could become reliant on the fact that they could have a three or four year term. She said it was not in the sunshine enough and she did not like that. She said if it was good enough for the president, it was good enough for the Commission. She said none of us were invincible.

(9:42 a.m.) There was discussion about the pros and cons of term limits on the State and Federal levels.

(9:45 a.m.) Sanchez said he wanted to support two four year terms.

(9:46 a.m.) Tina McGough, 120 South Bend Dr., Ponte Vedra Beach, reviewed the history of the process and said they had reviewed all the charters in the state. She said 66 percent of the counties that had charters had three things in common: recall, the right to petition and term limits of two consecutive four year terms. She said it was very simple and recommended two four year terms and after an absence they could run again.

(9:48 am.) Bryant said he supported Manuel's proposal. He said the voters would vote them out if they were not happy. He noted he had severed with 15 different commissioners and they will vote someone out if they don't like them.

(9:50 a.m.) McGough said those three things were in the Charter and they were not options.

(9:50 a.m.) McCormack said the house bill that was distributed did not have all the pages and he handed out another completed packet (Exhibit A).

(9:51 a.m.) Stevenson asked for the direction as to whether it was two or three terms. Manuel said it had not been determined yet. He said there would be another single topic, charter meeting, and a final decision would be made as to whether or not it would be placed on the ballot. He said the last question was whether it would be on the primary or general election ballot and they needed to think about it.

(9:52 a.m.) Rich said they hadn't publicly discussed non-partisan elections and campaign finance contributions, and he would like to hear public comment.

(9:53 a.m.) McGough said in terms of non-partisan, it was near and dear to her heart. She said there was support for it and it should be heard as a separate question. She said the reason some charters had failed was because it had become too complicated or too much was put into the initial charter, and her advice was to keep it simple. She said the non-partisan issue would fit the bill for inclusion but any other items would make it too complicated. Manuel clarified that only non-partisan elections should be included. He said the other two items should be excluded.

(9:55 a.m.) Sanchez said the people would tell them the answer and the BCC was not giving them the answer. He said he was trying to keep the Board out of the process of creating the Charter.

(9:56 a.m.) Rich said the non-partisan ability of the people to choose was a very important component of getting the Charter passed by the people. He said it was a wise thing to do and it should be left the way it was. He said he preferred the eight year term limit to be reinstated into the Charter.

(9:58 a.m.) Sanchez said he did not imply that the non-partisan issue should be part of the charter but that the other two elements should be included. He said even as an amendment it could be confusing enough to cause negative votes for the Charter.

(9:59 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, said the term limits and financing were the reasons for the Charter and if they did amendments it would become confusing. She said term limits should be separate from the Charter. She said they had not discussed growth yet. She said she favored keeping finance and term limits in the base Charter, and she wanted growth discussed at length.

(10:01 a.m.) Ms. Abbatiello said it was a basic constitution and the people would learn to live with it for a period of time and then amendments could be added. Manuel said those three issues had the most diverse opinion. He said the number of people who actually read the document would be small. Abbatiello said the Charter would supersede any commissioner that was now sitting, and it took government out of Tallahassee's hands and puts it in the county. She said those two points were important and they really wanted them.

(10:05 a.m.) Stevenson said both term limits and campaign finance reform were very mature political discussions. She said it took about two years for commissioners to get informed on what was going on at many government levels. She said she hoped they would add non-partisan elections as an option as it would create a more fair election process.

(10:07 a.m.) Al Abbatiello, 1133 River Birch Rd., St. Johns, said there was no problem with term limits in the Charter or with campaign contribution reform and both were welcomed by the public. He said the non-partisan issue could become a political football and adding it as an amendment would create a positive impression on the part of the voting public to actually vote for the Charter. He said if they included all three, the order in which they appeared would be important as well. He said the issue of non-partisan elections was the single most important thing that the citizens would be looking for.

(10:10 a.m.) Rich asked legal staff about the three options, and said that each had a preamble: "In the event that there is a Home Rule Charter for St. Johns County..." . He asked if they could word it: "If you voted for Home Rule Charter..." and continue on. Manuel asked Rich to meet with the County Attorney to follow up on that suggestion. Sanchez said he agreed with Rich.

(10:11 a.m.) McCormack said on the issue of more than one question, he had seen nothing that would say that they could not do that, but the wording of it would be very important.

(10:12 a.m.) Rich reviewed the last item, limiting campaign finance contributions. He said \$250 was the recommendation from the Charter Committee, and he would like to see it worded that it should come from any one source during a complete election cycle

campaign including the primary as well as the general election. He said the number had to be in there. Sanchez said it should be in the Charter itself and the amount should be in the Charter. Manuel said there was consensus on those three issues and asked if that was a fair statement and the non-partisan issue would stand on its own. Rich said yes.

(10:14 a.m.) McGough said that the campaign finance reforms proposed included more than the restrictions on the amounts and it was very important.

(10:15 am.) Marcy Silkebaken, 1145 Neck Rd., Ponte Vedra, asked what the deadline for the ballot language was for the primary. McCormack said they had to have it there before June 6 and would need to be determined well prior to that. She commented further that this was a little awkward, and that they had been working on the charter for two and a half years and all of a sudden there was a new deal. She said she did not understand it. She said they had not talked to anyone on the committee. She reminded Manuel that he had campaigned on term limits and campaign finance reform. She said campaign reform was an important component to be included. He said the only issue was whether it was imbedded in the core Charter or as a separate issue. She stated that she supported it in the Charter. Manuel said he did not want to risk the core Charter on an issue that could be dealt with separately.

(10:17 a.m.) Rich said her concerns were the exact same concerns he had. He said they would be coming back and would be included by motion or left out by motion, and they should let the process take its evolutionary way. Sanchez said workshops were to bring clarity, and he supported what Silkebaken had said. He said that one item could also help to pass the Charter. McGough cautioned that if they were going to talk about changing the amount of the campaign contribution limit, the committee had not chosen the amount arbitrarily but because court cases allowed it.

The board recessed at 10:21 a.m. and reconvened at 10:34 a.m.

(10:34 a.m.) Rich said there were growth issues in reference to comprehensive land use changes. He said it would be worthwhile to add the ability to vote by referendum on land use changes for residential development of a specified size. Sanchez said he would support it. Bryant said it would need a lot of discussion and should be studied in depth because of unintended consequences. Manuel said turning it over to the public would have devastating consequences to the economy of the county and the state. He said he had real problems with the rule of the minority. Sanchez said it was different from hometown democracy and that was not what he said he would support.

(10:39 a.m.) There was general discussion on the issue of trust for the government and individually as commissioners.

(10:43 a.m.) Stevenson said most people in our County were not able to follow the issues in detail, as the Board had to work hard to understand the decisions they made. She said she had trepidation that a loophole would provide for some unintended consequences. She suggested an urban service boundary would be macro enough that the community could buy into it. She said the size of the development would be a problem.

(10:46 a.m.) Ken Bryan, 126 Oyster Catcher Circle, said they should be looking at smart growth. He said 60,000 homes were already approved for build out. He said there were some critical things to consider but they needed to look ahead as well and whether there would be individuals they could trust sitting on the Board in the future.

(10:49 a.m.) Ed Brunson, 12243 Mantle Dr., Jacksonville, said the process was long and grueling, and asked how they could expect the voters to understand the nuances of the process when it took them so long and involved so much for them to understand. He asked Rich that if he trusted the voters for a comp plan change, how he could not trust them for putting someone on the Board who had the same philosophy as him. He said it was a matter of philosophy.

(10:51 a.m.) Rich said there was huge influence by special interests based upon the amount of money they could pour into campaigns, and even with campaign reform they could put their own lackeys on the Board. He said when the developments were approved the quality of life was already impacted. He said there were ripple effects far into the future.

(10:55 a.m.) Bryant said the commissioners looked at the total project, and whether the pluses outweighed the minuses. He said certain projects could not be built until they made improvements to certain transportation projects. He said the backlog on those projects was caused by permitting agencies sitting on permits for five or six years. He said if roads had been built in a timely manner there wouldn't have been the problems they had today. He said a lot of thought went into those projects from the state level, the DCA, the Regional Planning Council, and at the Board level.

(10:56 a.m.) Rich said they were talking about comprehensive land use changes. He said the people could say yes or no and it would end there and the land use map was good until 2015. He said the second thing was in reference to transportation items and it was in relation to the infrastructure collapse. He said they were stuck in it and the bottom line was that the developers would not build anything that they did not have to build in order to get concurrency for their projects. He said the county just ended up with more roads and bigger roads that were equally crowded.

(11:00 a.m.) Abbatiello said she agreed with Rich and Sanchez. She said getting roads from developers was a form of blackmail, and that was why they were in this position right now. She said it was citizens' money and they were paying taxes twice when in a CDD. She said CDDs should be done away with in Tallahassee. Manuel said the new residents subsidized the old residents and that was an inequity as well. She said the people felt they had been betrayed.

(11:10 a.m.) Stevenson suggested citizen advocates should be on the CDD action boards, but she said she had not gotten much traction with that.

(11:12 a.m.) McDonald said it was extremely important that the Charter include a growth control element.

(02/26/08 - 7 - 11:13 a.m.)

3. WORKSHOP ON COMP PLAN AND HEIGHT SUPERMAJORITY VOTES

Stevenson said she had items she would like to bring forward by ordinance. She gave a history in the attempt to influence the concerns with development influence with land use policies. She said height control was important and told of her experience in Volusia County where local government failed to be proactive and high rises spread quickly. She said St. Johns County had good growth ordinances, but the height limit of 35 feet could be changed by the vote of three commissioners. She explained her proposal was simple and she would like to strengthen the ordinance in the coastal area on the height ordinance to include that the vote had to be four commissioners instead of three for a variance to increase the height, and that if a height variance was requested through a PUD that it would also require a super majority vote. She said she would

also like to look at the St. Johns River area from the William Bartram Scenic Highway for approximately 500 feet to the river and controlling putting density and intensity where it did not belong.

(11:18 a.m.) McCormack said he and Teresa Bishop, Growth Management Director, had met with Stevenson to work out a plan. He said the language proposed pretty much reflected what they had hammered out. He asked her if she had changes. She said she would like to discuss the language. She said by passing the ordinance, it was not as strong as including it in a Charter, but it would help keep the County attractive and would protect property values.

(11:20 a.m.) Rich said he liked what she was doing but he would prefer that the language would include a component for the tributaries which were as important as the river itself to protect them from the same kind of intrusive development as proposed for the 500 foot restrictions. Bryant said it was a good step, especially for the ocean. He said the State had given them match money to purchase ocean front properties to keep additional development from occurring on the ocean. He said he would support them on that. Manuel said he would support her on that and for the river as well. Sanchez said he would support it too. Stevenson said the tributaries could also be addressed in the Trust for Public Land discussion.

(11:26 a.m.) Al Abbatiello said he was Chairman of the William Bartram Scenic Highway group, and would like to see the 500 feet apply to both the east and west sides of the highway. Stevenson said she was focusing on the river side but she would be delighted to add his considerations as the view shed was important.

(11:28 a.m.) Marci Silkebaken, President, Palm Valley Community Association, said they had discussed height limitations and the super majority at their February meeting and presented a letter that reflected that they would like to see it included in the Charter (Exhibit B). She said growth management was the biggest challenge and would like to see that included in the Charter.

(11:29 a.m.) Stevenson said she was also requesting that the Board consider, by ordinance and perhaps by charter, that a super majority vote be required for changes to the Comprehensive Plan and should include broad consensus from elected representatives. She said even by ordinance it would be a heavy political price. Sanchez said he would support it. Rich asked if it should be part of the Charter. Stevenson said first by ordinance and then to consider it by charter. She said the Palm Valley Association supported it for the charter. She said she would like to see it passed by ordinance first. Rich said he would support her on the ordinance issue.

(11:32 a.m.) McCormack said the regulations would affect land use and would have to go to the PZA first, and then to the BCC twice. He asked if the Board would like to take the position that this was a pending ordinance. Stevenson said that as long as it could be done in a couple of months it would be fine. She said there was solidarity on the height issue by the Board. Stevenson asked for consensus for the height issue and that it was a pending ordinance. *There was board consensus for the height issue and that it was a pending ordinance.*

(11:35 a.m.) McCormack said if they did a super majority ordinance, it was his opinion, that a two out of three vote could reverse that ordinance, following the normal process. Manuel asked if they could make it law that all five commissioners had to be in attendance in order to pass it. McCormack said it would be difficult to enforce. Bryant said they needed to consider many elements and they needed to research Florida Statutes to require a super majority to enact and a super majority to un-enact it.

McCormack said he would research it. Rich asked him to bring it back to the Board with the options. Stevenson suggested that they should have a least four commissioners present.

(02/26/08 - 9 - 11:38 a.m.)

3A. MENTAL HEALTH AND CDC SERVICES

Bryant said there had been unofficial talk about whether the County would stay in the Mental Health and CBC business. He said it would behoove them to make a decision as to whether they were going to stay in the business or not for the employees and for the State, in order for a smooth transition.

(11:39 a.m.) Wanchick said it was his understanding that they wanted him to take a look at all those services that were not mandated by law. He said health care was one of those areas that qualified and it had been difficult to get a consensus in that area. He said he had talked with Bryant about getting more out of less and it was suggested they could merge their function with the State functions utilizing State money, to consolidate services and reduce costs. They talked with Dr. Colavito and asked her to get creative and she had suggested they talk with Gateway in Jacksonville. She suggested they bring them into our building and use it as an in-kind match for State funds. He thought it was worth looking at. He said they needed answers and direction relatively soon.

(11:44 a.m.) Rich encouraged him to move forward. He also encouraged him to look into other funding sources which provided matching funding as well as to investigate the funding of private non-profit agencies.

(11:46 a.m.) Wanchick said Dr. Colavito believed Gateway was the one agency that could do the job as well as they had done it. He commented on the funding process for United Way and the confusion that had resulted. He said they would like to look at that process as well with the possibility of giving a certain amount of money to the United Way with stipulations and remove themselves from the decision process.

(11:47 a.m.) Bryant said they needed to make a decision soon to ensure proper transition for patient care. He said he could personally vouch for Gateway.

(11:48 a.m.) Wanchick said the vast number would be assimilated into Gateway and he hoped those employees would not worry about their jobs. He said others could be assimilated. Bryant said Mental Health Services were unique and their services were 24 hours a day.

(11:49 a.m.) Stevenson said her understanding was that there were certain areas that affected other County services, and that mental health, drug addition, homelessness and juveniles also had a direct relationship to our core mission. She said it was a big issue for the downtown area. She said there was environmental capital, people capital and physical plant capital. She said it was a part of the needs of our society. She said she had discussions with Judge Wolfe on doing a more integrated approach to getting juveniles on track and to avoid jail time and for crisis intervention. She said it would be a different way to provide services.

(11:53 a.m.) Bryant said those problems would not go away and had to be addressed. He said over the past few years they had been very productive in providing those services. He said he would support that the Mental Health Department be continued but if necessary that they bring someone in to continue those services. He said the same was true for the CBC. He said Gateway would be the next best option.

(11:55 a.m.) Manuel said they needed to pursue all options including Gateway and United Way and see what the economic impacts would be.

(02/26/08 - 10 - 11:56 a.m.)
COMMISSIONERS' REPORTS

There were no commissioner reports.

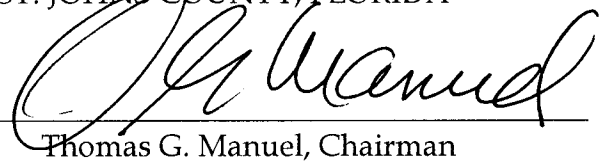
(11:56 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 11:56 a.m.

Approved March 18, 2008

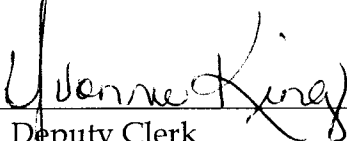
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:


Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:


Deputy Clerk