

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MAY 8, 2008
(2:30 P.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.

Proof of publication of the notice of special meeting of the Board to discuss and take public input about the draft Charter, other possible referenda topics, and possible straw ballot questions was received, having been published in *The St. Augustine Record* on May 3, 2008.

Present were: Thomas G. Manuel, District 4, Chairman
 Cyndi Stevenson, District 1, Vice Chair
 Ron Sanchez, District 2
 Ben Rich, District 3, Chairman
 James Bryant, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Lenora Newsome, Deputy Clerk

(05/08/08 - 1 - 2:32 p.m.)
CALL TO ORDER

Manuel called the meeting to order.

(05/08/08 - 1 - 2:32 p.m.)
ROLL CALL

Manuel stated that all five commissioners were present.

(05/08/08 - 1 - 2:32 p.m.)
Rich gave the Invocation, and Bryant led the Pledge of Allegiance.

(05/08/08 - 1 - 2:33 p.m.)
PROCLAMATION DESIGNATING MAY 2008 AS OLDER AMERICANS MONTH

Manuel spoke on the Council on Aging and the Sunshine Bus Company, stating that they had received a very prestigious award. He stated that the Community Transportation Association of America had conveyed its highest award; the Community Transit System of the Year, to the St. Johns County Council on Aging Sunshine Bus. Manuel read the proclamation.

(05/08/08 - 1 - 2:40 p.m.)
ACCEPTANCE OF PROCLAMATION

Motion by Rich, seconded by Sanchez, carried 5/0, to accept the proclamation.

(05/08/08 - 1 - 2:41 p.m.)
PUBLIC COMMENT

Dwight Hines, 150 Nesmith Street, spoke on record management. (2:43 p.m.) Ed Slavin, Box 3089, suggested as one of the referendums to be placed on the ballot, St. Augustine National Historical Park, National Seashore, and National Scenic Coastal Highway. He

spoke on having a straw ballot to support a national park. Manuel recommended Slavin to give the information to the County Attorney to check into it.

(2:47 p.m.) Mary Kohnke, 29 South Roscoe Blvd., suggested that, whether its partisan or non-partisan, it should be a separate referendum item from the Charter, and term limits should be a separate item also.

(2:50 p.m.) Ed Slavin, Box 3089, asked the Commissioners to ask staff for an update and a point by point response to the suggestions that he presented at an earlier meeting. He stated that they needed accountability, transparency, discrimination, and a Charter of freedom and not just a Charter of giving the government more power.

(2:51 p.m.) Craig Maguire, 1544 San Rafael Way, read a letter he had written regarding the Charter, Exhibit B.

(2:57 p.m.) Douglas Worth, 108 Sea Island Lake Court, spoke on the Charter. McCormack stated there were copies of the draft Charter at the back table. Sanchez spoke on who could change the Charter. Stevenson stated that the reference was that three commissioners and a member of the public could put a straw ballot on the ballot for either fall or August.

(05/08/08 - 2 - 3:21 p.m.)

ADDITIONS/DELETIONS TO SPECIAL AGENDA

There were no additions or deletions to the Special Agenda.

(05/08/08 - 2 - 3:21 p.m.)

APPROVAL OF SPECIAL AGENDA

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

(05/08/08 - 2 - 3:02 p.m.)

1. THE PURPOSE OF THIS ITEM IS TO DISCUSS AND TAKE PUBLIC INPUT ABOUT THE DRAFT CHARTER, OTHER POSSIBLE REFERENDA PERTAINING TO TRANSPORTATION **FUNDING**, GENERAL OBLIGATION BOND FOR PUBLIC SAFETY, AND **INCLUDING, BUT NOT LIMITED TO, A STRAW BALLOT QUESTION PERTAINING TO MOSQUITO CONTROL**

McCormack reviewed 18 pages of changes to the Charter, Exhibit A. He started on page 4 with Section 1.01, 1.02, wording clarification; Section 2.01 capitalization of the County Administrator; page 5, Section 4.01 clarification items; Section 4.02 capitalizing Charter commissioners and instead of naming the specific Florida Chapter about the public ethics, it just says, *all applicable codes of ethics now or hereafter provided by general law*; and a change in paragraph 4.02(2), *During the first member of the Charter Board of County Commissioners held on or after the third Tuesday, following the first Monday in November, the newly elected Board shall elect a presiding officer who shall serve a term of one year and who may be re-elected. The presiding officer may be removed, without cause, by the majority of the Board at any public meeting. Upon the resignation, removal, incapacitating disability or death, of a presiding officer, the Board shall elect a successor to serve for the unexpired term.* Manuel asked if the title would be chairman or presiding officer.

McCormack stated that they could formalize the name of it as the Chair. Manuel mentioned to leave the technology as it exists.

(3:06 p.m.) McCormack continued with Section 4.03 clarification items; Section 4.04 redistricting; Section 4.05 capitalization, term limit item change; page 7, Section 4.07 salaries and compensation wording clarification; Section 4.08 and 4.09 clarification items, Section 4.10 language echoing Florida's constitutional provision about conflicts with municipal

ordinances; Section 4.11 takes out the specific statutory reference; page 8, no changes; page 9, new provision for legal affairs; page 10, no changes, just capitalizations; page 11, Section 8.01 Administrative Code clarification changes; and Section 9.02 changes the input on who gets placed on the Charter Committee. Sanchez voiced concern about the Charter Committee change and Rich concurred with Sanchez. Bryant stated that the elected officers should have input into the Charter, if it affected their office. Discussion followed. Manuel asked to return to Section 9.01, super majority vote plus one, and noted there were no changes unless all five commissioners were present. Stevenson stated that she concurred with Manuel. Bryant and Rich both supported having all five commissioners present. McCormack stated that it would mean four out of five, and cautioned about all the Commissioners having to be present.

(3:22 p.m.) McCormack continued with Section 9.02.6, by affirmative vote of not fewer than 10 members of the committee; Section 9.03, added, in accordance with general law; and page 13, proposal changing from the verified signatures, how many, and not fewer than eight percent of the votes cast in each district. Sanchez stated that he planned on supporting the 20 percent and being changed to the last general election. Discussion followed on going from 30 percent to 20 percent. Manuel mentioned that he met with the Sheriff and discussed the Charter in some detail, and 20 percent was one of the items that the Sheriff felt comfortable with. McCormack mentioned that for this issue he would like to think it through and make sure everything was ok. Sanchez spoke on the original Charter. McCormack stated that there were no changes on the rest of the remaining pages. (3:37 p.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to instruct the County Attorney to enact (create) an ordinance.** Manuel stated that McCormack had been instructed to create a base ordinance at that point. McCormack stated that later on in the meeting that day, he will request from the Board, some dates for the actual ordinance hearing. He mentioned at the public hearing for the ordinance, that there would be an opportunity for public input and the motion just made, did not set the language in concrete.

(3:39 p.m.) McCormack reviewed the optional provisions; term limits - two terms considered. All five Commissioners were in favor of the two term limit. McCormack asked about the non partisan election. All five Commissioners agreed to it. Rich spoke on the primary election.

(3:44 p.m.) Stevenson suggested a 35 foot limitation and a super majority vote for building height restrictions in the coastal high hazard areas. All five Commissioners agreed to Stevenson's suggestion. McCormack explained the coastal high hazard area. Stevenson stated that she wanted to be sure that they considered a super majority for their ordinance as well. Manuel suggested for Stevenson to work with the County Attorney on it. Discussion followed on when the super majority vote should go to election; with all five Commissioners voting on the primary ballot. Rich spoke on land use issues. Stevenson suggested the super majority vote for Comp Plan issues. Rich supported Stevenson on her suggestion. Sanchez supported what Stevenson was trying to do, but was not sure about placing it on the Charter. Stevenson stated that they could do it by ordinance.

(3:58 p.m.) Manuel asked for a consensus on the straw vote mentioned by Mr. Slavin concerning parks. Sanchez stated that he didn't think it needed to be a straw ballot. Rich mentioned that they had an opportunity to do it on a general election.

The meeting recessed at 4:01 p.m. and reconvened at 4:07 p.m. with Deputy Clerk Pam Halterman entering the meeting and Deputy Clerk Lenora Newsome exiting the meeting.

MOSQUITO CONTROL ISSUE:

Public comments:

(4:08 p.m.) Jeanne Moeller, 245 Wildwood Drive #79, St. Augustine

(4:13 p.m.) Annette Capella, 4617 Coquina Crossing Drive, Elkton
(4:19 p.m.) Priscilla Green, Gen. Mgr, Mosquito Control, 3838 LaVista Cr, Jacksonville
(4:23 p.m.) Vivian Browning, 30 Beachcomber Way, Vilano Beach
(4:26 p.m.) Whitney Swan, 232 Pine Arbor Circle, St. Augustine
(4:33 p.m.) Cathy Brandhorst, 207 Genoa Road, St. Augustine
(4:41 p.m.) Emily Hummel, 1324 Old Dixie Hwy, St. Augustine
(4:41 p.m.) Ed Slavin, P.O. Box 3084, St. Augustine
(4:48 p.m.) John Sundeman, 4665 Fifth Ave, St. Augustine
(4:59 p.m.) Dwight Hines, 150 Nesmith Ave, St. Augustine
(5:03 p.m.) Keith Hedin, 6030 37th Street, Vero Beach

Those citizens offered the following comments:

- By unanimous vote, the Mosquito Control Board stopped the purchase of a \$1.8 million dollar helicopter which lacked the competitive bidding process
- An aerial committee had been appointed, with a 150 years of combined experience, to research cost effective aerial pest control
- The board had hired a new general manager with a degree in engineering and a MBA including twenty years of experience in safety management and environmental safety
- Mosquito Control had been in operation for over sixty years as an independent agency for the public safety, health and welfare of the county and its residents
- More due diligence was necessary prior to placing the issue on the ballot
- The Commissioners could not afford the time to take over Mosquito Control and it would result in a monopoly
- Commissioner Bosanko approached Manuel and requested that he take over the Mosquito Control District which was in violation of her oath
- Manuel planned to consolidate all government in St. Johns County, including the City of St. Augustine, City of St. Augustine Beach, Airport Authority and Mosquito Control

In response to statements voiced by Sundeman, Rich pointed out that the public comment policy was to allow anyone to speak publicly on all issues of the County. He clarified that he had attended a Mosquito Control meeting by requests from two of the Mosquito Control Commissioners. He clarified that he ran for office on the issue of controlling growth in the county. Sanchez stated that he would not demonstrate a double standard and could not support placing the issue of Mosquito Control on the ballot.

(5:08 p.m.) Manuel noted that the Mosquito Control District was not a revenue generating entity and did not have the capability. He stated that he wanted the most cost-effective way to deliver the service to the taxpayers of St. Johns County. He pointed out that the 1980 Florida Statute 388 specified that such entities must be the responsibility of the Board of County Commissioners. He said over the past seven years the residents of St. Johns County had paid over \$21 million in property taxes to the Mosquito Control District, and in 2007 residents paid \$3.3 million with a balance of \$4.7 million in reserves which was 150 percent times their current property tax millage rate. He stated that it was a prime example of uncontrolled bureaucracy. He pointed out that Miami/Dade Mosquito Control had a budget of \$3.2 million to handle 2.5 million residents in an area consisting of 1,900 square miles. He suggested that the Mosquito Control Board had exceeded the authority vested in them by Florida Statute. He voiced that he desired to give voters the opportunity to save tax dollars which would happen in a consolidation event with the County.

(5:10 p.m.) Rich voiced that Manuel was attempting to get the attention of the Mosquito Control Board and citizens in regards to the tax monies being spent by the District. He stated that the District was a service organization which was developed to protect the residents of the county and the best place for a service organization was under the control of a strong and well disciplined administrator. Rich asked Wanchick and staff to review the

numbers on the Mosquito Control District and to report back to the board. He said he could not currently support placing the issue on the ballot; however, the issue should be brought back to the board once the real numbers are completed. He noted that the County was limited to 10 percent of the budget for reserves by Florida Statute.

(5:16 p.m.) Bryant said he could not support a straw ballot on the issue. He pointed out that the Mosquito Control District members were duly elected and the public could choose whether or not to retain them in office.

(05/08/08 - 5 - 5:17 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Wanchick suggested that a meeting date of May 29th for the Charter issue be set.

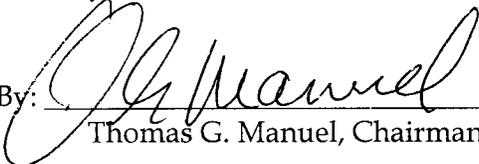
(5:17 p.m.) Motion by Bryant, seconded by Stevenson, carried 3/2 with Rich and Manuel dissenting, not to place the Mosquito Control issue on a straw ballot.

Manuel stated that it was the job of County Commissioners to watch each taxpayer dollar and independent authorities tend to fly under the radar; therefore, he supported a straw ballot. Stevenson pointed out that if the data supported the issue, the board could pursue the dissolution of the Mosquito Control without a straw ballot. Rich said if the numbers presented at the meeting were true, he could support a straw ballot. Sanchez reiterated that he could not display a double standard and questioned the BCC's authority over another elected board.

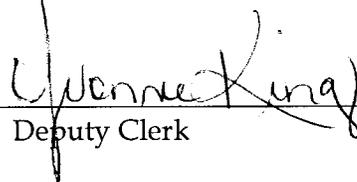
With there being no further business to come before the Board, the meeting adjourned at 5:20 p.m.

Approved _____ June 10 _____, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

