

**CORRECTED  
MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
MAY 29, 2008  
1:30 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.

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

Absent was:            James Bryant, District 5

(05/29/08 - 1 - 1:37 p.m.)  
CALL TO ORDER

Manuel called the meeting to order.

(05/29/08 - 1 - 1:37 p.m.)  
ROLL CALL

Manuel stated that four commissioners were present, with Bryant absent.

(05/29/08 - 1 - 1:37 p.m.)  
Sanchez gave the Invocation and Rich led the Pledge of Allegiance.

(05/29/08 - 1 - 1:39 p.m.)  
PUBLIC COMMENT

There were no public comments.

(05/29/08 - 1 - 1:39 p.m.)  
ADDITIONS/DELETIONS TO SPECIAL AGENDA

Sanchez requested to add an item regarding a permit for filming on the beaches as Item A. McCormack requested to add an item regarding offers of settlement on pending lawsuits as Item B.

(05/29/08 - 1 - 1:40 p.m.)  
APPROVAL OF SPECIAL AGENDA

**Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to approve the Special Agenda as amended.**

(05/29/08 - 1 - 1:40 p.m.)  
A PERMIT FOR FILMING ON ST. JOHNS COUNTY'S BEACHES

Sanchez explained if someone wanted to film movies on St. Johns County beaches, they would have to get Board approval. He stated that he would like to go ahead and approve this one request and then follow that motion with another motion; that the Board relinquish their position on filming on the beach and allow the Administrator to make that decision. He stated the request was to film the show "Wife Swap" on May 31<sup>st</sup> and June 2<sup>nd</sup> on Vilano Beach. (1:41 p.m.) **Motion by Sanchez, seconded by Rich, to approve the filming of "Wife Swap"**. McCormack explained that the Beach Code was written as: *an exception to not having commercial events must demonstrate specific advantage to the citizens of St. Johns County and be explicitly approved by the County Commission*. He stated that the email showed that the Parks and Recreation Director had provided evidence of the advantage to the citizens of St. Johns County in terms of good national exposure for our beaches, and therefore the Board could find that there was evidence of the specific advantage to the citizens of St. Johns County. (1:43 p.m.) **The motion carried 4/0, with Bryant absent.** Sanchez mentioned changing the reading to: *Commercial events would not be permitted on the beach as a standard rule. Any exception to this must demonstrate specific advantage to the citizens of St. Johns County and be approved by the County Administrator. Reasonable franchise fees will be imposed by the County Commission, if deemed necessary.* McCormack stated that a change in the Beach Code would need an ordinance and public hearing. Sanchez directed County Staff and the Attorney's Office to bring such a provision back to the Board.

(05/29/08 - 2 - 1:44 p.m.)

#### OFFERS FOR SETTLEMENT

McCormack stated that at Tuesday's meeting, he had asked for authorization from the Board to propose offers of settlement in two cases; 1) Signature vs. St. Johns County, and 2) Kelsey vs. St. Johns County. He stated such offers were not to exceed \$5,000 each. He asked for a motion to allow the settlement.

(1:45 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to allow the two settlement offers.**

(05/29/08 - 2 - 1:46 p.m.)

1. PUBLIC HEARING - PROPOSED HOME RULE CHARTER ORDINANCE - SECTIONS 125.60-64 AND 125.80 ET. SEQ. OF THE FLORIDA STATUTES PROVIDES A METHOD WHEREBY A NON-CHARTER COUNTY MAY LOCALLY INITIATE A COUNTY HOME RULE CHARTER BY ORDINANCE AND REFERENDUM. THE ATTACHED ORDINANCE PROVIDES FOR THE ADOPTION OF A HOME RULE CHARTER FOR ST. JOHNS COUNTY. AMONG OTHER THINGS, THE PROPOSED HOME RULE CHARTER PROVIDES FOR THE FORM AND POWERS OF COUNTY GOVERNMENT; METHODS AND LIMITATIONS OF AMENDMENT; A LEGISLATIVE CHARTER BOARD OF COUNTY COMMISSIONERS, ALONG WITH ITS ELECTION, POWERS, DUTIES AND RECALL. THE CHARTER FURTHER PROVIDES FOR THE PRESERVATION OF AN APPOINTED PROFESSIONAL ADMINISTRATOR, AN APPOINTED COUNTY ATTORNEY AND ELECTED CONSTITUTIONAL COUNTY OFFICERS; ADMINISTRATIVE ORGANIZATION; AUTHORIZING ORDINANCES BY INITIATIVE PETITION AND REFERENDUM; AND CONFLICTS BETWEEN CITY AND COUNTY ORDINANCES. THE ATTACHED ORDINANCE FURTHER PROVIDES FOR SEPARATE REFERENDUM QUESTIONS REGARDING TERM LIMITS FOR MEMBERS OF THE CHARTER BOARD OF COUNTY COMMISSIONERS; NONPARTISAN ELECTIONS FOR MEMBERS OF THE CHARTER BOARD OF COUNTY COMMISSIONERS; CERTAIN DEVELOPMENT ORDERS IN THE COASTAL AREAS OF THE UNINCORPORATED PORTIONS OF THE

COUNTY; AND CAMPAIGN FINANCE REGULATIONS FOR CANDIDATES  
FOR THE OFFICE OF CHARTER COUNTY COMMISSIONER

McCormack stated that the Board of County Commissioners would consider the enactment of an ordinance which would allow a Charter referendum to be placed on the August 26, 2008, ballot along with three separate questions. He stated the first item that he would review was the actual Charter language in which he would highlight the differences, Exhibit A. He reviewed the item: on page 3, put the campaign financing regulation into the Charter and they would not need an additional ballot for it; on page 5, Section 4.04 change in the timeline for Redistricting, to have it follow more generally what was seen in Charters, *unless otherwise required by law, from time to time the Charter Board of County Commissioners shall by ordinance reapportion and redesignate the boundaries of Districts one through five*; on page 7, Section 5.01 County Administrator, new language, *the County Administrator, with the approval of the Charter Board of County Commissioner,s may approve the Assistant County Administrators*; on page 9, Section 6.03 County Attorney, change language from *Chief Assistant* to *Deputy*; on page 10, Section 8.01 Administrative Code, language change, *to prescribe the duties, responsibilities and authority of all county officials and agencies without express authorization by the Board*; on page 11, Section 9.02 regarding the Charter Review Committee, inserted a sentence, then took it out, *No member of the Charter Review Committee may be removed by the Board except for cause*; and on page 12 Section 9.03, Proposals by Initiatives, stating that the Supervisor of Elections needed more time to verify signatures, change from *30 days* to *60/90 days* or *75 days*.

(1:53 p.m.) Vicky Oakes, Supervisor of Elections Office, spoke on signatures and asked for 90 days. The Board agreed on 75 days.

(1:55 p.m.) McCormack continued with page 13, Section 9.06, change error from 9.03 to 9.04; on page 14, Section 10.05 Recall, added the language, *The provisions of this section shall not apply to constitutional county officers*; on page 15, Section 11.03, Effective date of government, the language listed was, *(1) Upon adoption and ratification of this Charter, Charter County government shall be effective January 1, 2009. Those persons comprising the St. Johns County Board of County Commissioners shall become the initial members of the Charter Board of County Commissioners and shall perform the functions, thereof, until the expiration of their terms as provided by this Charter, and in accordance with general law*; and on page 16, 17, 18, and 19, Article XIII, Campaign Financing, same language as prior versions, but removed any reference to the act, and the requirement that the Campaign Financing would be subject of another referendum to actually become affective, and it adds statutory definitions. Stevenson asked about adding tax type contributions to that Section. Regina Ross, Assistant County Attorney, responded that this did not add any additional restrictions, nor did they take away any restrictions that were initially a part of the original Charter which they started with. McCormack stated that this was the proposed Charter. Stevenson asked about the \$250 contributions under Section 13.03(1). McCormack responded that each contribution would be separate and could not be any more than \$250 each.

(2:00 p.m.) McCormack reviewed the proposed Charter provisions, Exhibit B, stating that they go to the separate questions, 1) nonpartisan, 2) term limitation, and 3) structure height in coastal areas. Stevenson spoke on coastal high hazard areas. McCormack reviewed the coastal high hazard areas, utilizing maps, Exhibit C. Stevenson suggested continuing the discussion on the river side of the coastal high hazard areas. Manuel stated that he supported Stevenson. McCormack pointed out that it did authorize the Board by ordinance, by majority plus one, to authorize circumstances of vested rights and classes of exceptions required for public health, safety and welfare. He stated that the Board was not adopting a land development regulation that day. They were proposing some language for the electorate to consider,

but before they considered it, it would go to the land planning agency for their opinion, as to whether it was in compliance with the Comp Plan. He spoke on two additional recommendations, each pertaining to amendments to the proposed Charter. He stated that the first one pertained to a requirement for a Comprehensive Study for amendments, Section 9.07. He stated that the second one was related, it went to a public interest impact statement for amendments, Section 9.08. Manuel stated, from his prospective, detailing the fiscal impact contained in Section 9.08 was always a good idea. He also stated that Section 9.07 was fairly ambiguous. Discussion followed on Section 9.07 and 9.08, with the Board supporting both Section 9.07 and 9.08.

(05/29/08 - 4 - 2:13 p.m.)  
PUBLIC COMMENT

Craig Maguire, 1544 San Rafael Way, spoke on supporting Charter government, but stated that he had concerns with that Charter. He voiced his concerns; the Charter needed to protect the people and that one didn't. He stated that the Charter did not show percentages, was a starter Charter with amendment plans after it passed, and issues brought up this day indicated the Charter was not ready. Sanchez stated that all they could do was put it up for the people to vote on. McGuire asked why 60 percent was not a consideration.

(2:20 p.m.) Ellen Whitmer, 1178 Natures Hammock Road South, voiced concern about the Charter Review Committee, and stated that she would like a check and balance system. She spoke on the financial impact study, on figures being tweaked and stated that she would like to tighten up all the residency requirements for the appointed and elected people.

(2:24 p.m.) Walter Rohrer, 2315 Clubview Court, spoke on getting the Charter out to the public.

(2:25 p.m.) Clara Cowan, 244 Patrick Mill Circle, spoke on the concept behind a Charter.

(2:26 p.m.) Phyllis Abbatiello, 1133 River Birch Road, stated that this was not, just, a Ponte Vedra Charter. She spoke on the height requirement of 35 feet and asked if that would take in any of the river area. Discussion followed. McCormack recommended addressing the height issue by ordinance. Manuel concurred with being concerned about the height along the river and the coastal high hazard area. Wanchick stated that the coastal high hazard area was subject to change over time, so one did not want to put it into the Charter. Sanchez stated that there was already a 35 foot height limit at the river.

(2:33 p.m.) Albert Abbatiello, 1133 River Birch Road, echoed Mrs. Abbatiello on the Charter and how it was devised. He spoke on the responsible citizens working for the betterment of the County.

(2:36 p.m.) Tracy Considine, 6700 Collier Road, spoke in favor of the Charter, controlling growth, and on coastal high hazard areas.

(2:42 p.m.) Vivian Browning, 30 Beachcomber Way, voiced her concerns regarding the height issue and parking. McCormack spoke on the height issue and the coastal high hazard area. Browning asked the Board to stop calling it a coastal high hazard area, and just call it the coastal area. She spoke on limiting strip centers, and stated that she supported the nonpartisan County Commission elections. Stevenson spoke on the 35 foot height limit.

(2:51 p.m.) Daniel MacDonald, 24501 Deer Trace Drive, spoke on the height limitation and voiced concern about Section 9.03, paragraph six, regarding going to 20 percent for the number of votes cast in the previous election for petitions. Rich suggested for MacDonald to discuss that with him after the meeting. MacDonald stated that he thought that was a great Charter.

(2:54 p.m.) Frances Ziolkowski, 260 Bell Branch Lane, spoke in favor of the Charter.

(2:56 p.m.) Ed Paucek, 970 Irma Way, voiced concerns regarding the Charter and asked the Board to consider pushing that to a specific special election in an off year, next year at the earliest, to give them the time, resources and money to be able to advertise it and send it out to all the prospective people that were going to vote on it.

(2:59 p.m.) Manuel stated that he shared the opinion that they had had a long and vigorous debate on the opportunity for participation. McCormack stated that the next thing was to consider whether to adopt an ordinance, which was the shell for the Charter. He reviewed the ordinance: Section 1, of the Charter, was basically where the Charter went; Section 2 pertained to the fact that the Board was going to present it to the St. Johns County Electorate on August 26, 2008; and separately presented were the three questions, the nonpartisan, term limits, the height question and super majority. He continued with Section 3 which goes to the actual form of the ballot questions. He spoke on what the state statutes required. He stated that there was Section 4 was further authorization to take any and all actions necessary; Section 5 was on severability, and Section 6 was on the recommended effective date, January 1, 2009. McCormack stated that was the proposed ordinance.

Manuel mentioned Sections 9.07 and 9.08 being added. Stevenson responded to Paucek's comment about the timing. McCormack stated that for the body of the Charter itself, the Board would make a motion to adopt the Charter with the proposed revisions highlighted in yellow and as had been described, and including removing the language on Section 9.02 about cause to the proposals by initiative, for the Supervisor of Elections to allow 75 days to determine petitions or valid signatures, and for the effective date January 1, 2009. He stated all the proposed revisions in yellow were adopted by the Board. McCormack mentioned including the Comprehensive Study and Public Interest Impact Statement, Sections 9.07 and 9.08 into the Table of Contents and the body of the Charter. He recommended submitting the proposed Charter provisions by resolution.

The meeting recessed at 3:06 p.m. and reconvened at 3:15 p.m.

(3:15 p.m.) Commissioner Rich asked McCormack to read into the record the motion for the adoption of the Ordinance. (3:15 p.m.) **Motion by Rich, as read by McCormack, seconded by Sanchez, carried 4/0 with Bryant absent, to enact Ordinance No. 2008-33 pertaining to proposing a County Charter and three proposed amendments to the Charter pertaining to term limits, nonpartisan elections of Charter County Commissioners, and a super majority vote of structure height east of the Intracoastal Waterway as defined and using the changes as described during the public hearing by the County Attorney and including as additional provisions of the proposed Charter, Section 9.07, Comprehensive Study for amendments and Section 9.08, Public Interest Impact Statement for amendments and including the proposed language for the Charter provisions for the proposed amendments as provided to the Board of County Commissioners and include provided to the Clerk pertaining to Section 4.xx that will be determined nonpartisan election for the Office of County Commissioner, Section 4.xx term limitation for the Office of County Commissioner, and Section 14.xx pertaining to structure height in coastal area, authorizing the County Attorney**

**to adjust the table of contents to allow for those revisions and the body of the proposed ordinance to allow for those proposed revisions.**

(3:19 p.m.) Sanchez thanked the committee and Administration for their hard work. He also thanked the legal staff, McCormack and Ross. Rich echoed those same comments.

(05/29/08 - 6 - 3:20 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Rich:

No report.

Commissioner Sanchez:

Sanchez asked the Administrator to set up a joint meeting between the Putnam County Commission and our Commission to try to settle some of the chaos that had been going on. He said he would like to meet with the Flagler County Commission also in the future.

Sanchez thanked Commissioner Rich for making the motion to approve the road name change for Sgt. Tutton Drive. He complemented Rich because he always took the position of taking care of the people.

(3:22 p.m.)  
Commissioner Stevenson:

Stevenson said she was delighted that the Charter issue was approved, though she preferred to see it in November. She said she rejoiced in the height limit proposal. She thanked all the people who worked on the Charter.

(3:24 p.m.)  
Commissioner Manuel:

Manuel thanked Sanchez for his remarks about Rich. He said he was concerned about the comments about lawsuits in St. Johns County, and stated that he would like the County Attorney, at the next scheduled meeting, to prepare a report, providing the facts in that regard, for the citizens of St. Johns County. Rich said the facts were, that there were five lawsuits that had been filed since he had been on the Commission. He said they had not lost any of the suits. He said there had not been a penny paid out by the County in reference to settling a lawsuit.

Manuel announced that the unveiling of the Sgt. Tutton Drive would be Wednesday, June 11 at 9:30 a.m.

(05/29/08 - 6 - 3:27 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

Wanchick said there was a desire to work more closely with other counties. He suggested that he and the Chairman meet with the Putnam County Chairman and County Administrator in advance to smooth that issue over a little bit before they brought the Commissions together, and then they would extend an offer to Flagler County as well.

(05/29/08 - 7 - 3:28 p.m.)  
COUNTY ATTORNEY'S REPORT

McCormack thanked the Board for their patience in getting the Charter revised. He also thanked Regina Ross for her hard work on the Charter. He thanked the citizens who had also been involved.

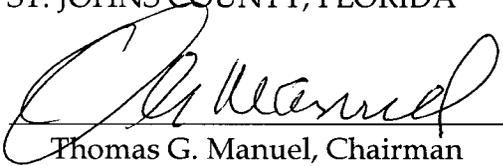
(05/29/08 - 7 - 3:29 p.m.)  
CLERK OF COURT'S REPORT

No report.

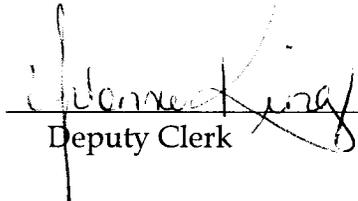
**Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 3:29 a.m.

Approved August 19, 2008

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk

