

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 27, 2008
(10:00 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.

Proof of publication of the notice of a Public Hearing for the purpose of considering an Ordinance calling for referendum for the question of whether to levy a one percent local government infrastructure sales surtax, was received, having been published in *The St. Augustine Record* on August 18, 2008.

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

Absent: James Bryant, District 5

(08/27/08 - 1 - 10:02 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(08/27/08 - 1 - 10:02 a.m.)
ROLL CALL

Manuel stated that four commissioners were present with Bryant absent.

(08/27/08 - 1 - 10:04 a.m.)
Manuel gave the Invocation and Sanchez led the Pledge of Allegiance.

(08/27/08 - 1 - 10:05 a.m.)
PUBLIC COMMENT

Roger Van Ghent, 4005 Moultrie Foreside Blvd., spoke on elections. He stated that the Charter had failed and noted the opposition had distorted the issue. He suggested the Board should have supported it with funds and a campaign.

(08/27/08 - 1 - 10:08 a.m.)

1. PUBLIC HEARING - LOCAL OPTION SALES TAX FOR LAND CONSERVATION, FARMLAND PRESERVATION AND TRANSPORTATION - WITH THE COMPLETION OF THE CONSERVATION FINANCE FEASIBILITY STUDY, THE TRUST FOR PUBLIC LANDS PRESENTED THE RESULTS OF RECENT POLLING EFFORTS AND DISCUSSED NEXT STEPS FOR A POTENTIAL BALLOT MEASURE ALLOWING VOTERS TO DECIDE WHETHER OR NOT TO SUPPORT A LOCAL OPTION SALES TAX. AFTER HEARING THE PRESENTATION, THE CONSENSUS OF THE BOARD ON AUGUST 5, 2008, WAS FOR ADMINISTRATION TO COMPLETE AN

ORDINANCE AND DEVELOP BALLOT LANGUAGE. FOR YOUR CONSIDERATION TODAY IS AN ORDINANCE CALLING FOR REFERENDUM ON NOVEMBER 4, 2008 FOR THE QUESTION OF WHETHER TO LEVY A LOCAL OPTION SALES TAX ENTITLED, ST. JOHNS COUNTY'S NATURAL LANDS, WILDLIFE HABITATS, FARMLAND PRESERVATION AND TRANSPORTATION ONE CENT SALES TAX

Proof of publication of the notice of public hearing regarding a Local Option Sales Tax was received, having been published in *The St. Augustine Record* on August 18, 2008.

(10:09 a.m.) Patrick Hamilton, 201 Owens Ave., Crescent Beach, commented on the proposed ordinance and expressed concerns. He stated that the one third option had been changed with one half of the money going to roads. He said he would not support it if half the money was used for highways. He said it needed to be returned to the one third option and it needed to be permanent.

(10:14 a.m.) Hallie Stevens, 9953 Hecksher Dr., Jacksonville, of The Nature Conservancy, spoke regarding the proposed local option sales tax for land conservation. She urged them to find a way to put it on the ballot.

(10:15 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., said he agreed with Hamilton's assessment. He said the revenues should be divided into thirds for distribution as outlined originally, and reviewed the needs in all three areas.

(10:24 a.m.) Don Beattie, 808 Mill Pond Court, spoke regarding the tax increase and supported the one third distribution, if the voters supported it. He commented on the Fish and Wildlife Commission's report, on the impact of development in Florida, and the impact it would have on wildlife. He asked them to support the referendum, and to make copies of that report available, at no cost, to the public.

(10:25 a.m.) Brian Paradise, 13 Arbor Club Dr., #315, Ponte Vedra Beach, spoke on behalf of the Northeast Florida Sierra Club. He asked them to place the referendum on the ballot, said the majority of the monies should go to conservation, and noted the benefits to the citizens of the County.

(10:28 a.m.) Will Abberger, 306 N. Monroe St., Tallahassee, spoke for The Trust for Public Land. He noted they had worked with the Commission on the survey for the referendum to increase the sales tax, and said they strongly supported it being placed on the ballot. He said they had a real opportunity to acquire conservation lands due to the downturn in the real estate market. He commented on the results of their survey which showed the public supported it.

(10:31 a.m.) Sanchez commented on the results of the survey, and noted that the category of "Conservation Only" showed the least amount of support. He said they were proposing to put it on the ballot in reference to the way the people had indicated on the ballot. He said the half and half distribution reflected conservation and transportation together. Abberger said they did not ask voters on the allocation and he was unsure of what the proper mix should be. Sanchez said his biggest concern was the conservation of farmland and his next concern was roads. He commented on the conditions in the northern part of the county.

(10:35 a.m.) Rich commented on funding of roadways. Discussion ensued. He said roadways were huge consumers of vast quantities of money. He cautioned that the referendum would not generate the vast amount of money needed to correct the roadway deficits in the County, would have minimal impact, and should be reserved

for smaller projects. He said the money would be better spent for conservation where it could have greater impact.

(10:41 a.m.) Stevenson suggested they tighten up the language to read: "that transportation improvements to serve existing development areas". She said that might alleviate some of the concerns. She said monies would have to come from many different sources; public, private, and state. She said the concern was that they wanted to serve the existing development area. She said other counties were already at seven percent and St. Johns, as an affluent county, should join in for the stewardship of the resources of the County.

(10:44 a.m.) Sanchez said he would never allow a developer to have a free run. He said they would pay their way. He said it was important to keep it at a 50/50 distribution as there was lots of catching up needed for transportation.

(10:45 a.m.) Manuel said it was clear in the survey that transportation was the driving motivation for the support of the proposal. He said transportation was the highest level of concern for the people in the northern part of the county, and conservation was the highest concern for the people in the southern half of the county. He said farmland protection and food supply was also important to others in the county.

(10:47 a.m.) Manuel called for a roll call vote in order to determine whether to place the issue on the November ballot. He noted that language and distribution of funds could be worked out later.

(10:47 a.m.) **Roll call vote:**

Sanchez: yes
Rich: yes
Manuel: yes
Stevenson: yes

Motion carried 4/0, with Bryant absent.

(10:48 a.m.) Rich stated that 60 percent should be allocated for conservation and agricultural rights and 40 percent for transportation.

(10:50 a.m.) Stevenson expressed concern regarding public safety as related to fire stations in Palencia and Walden Chase and how they would be funded. She said they needed to consider all unmet needs during this diminished revenue period.

(10:52 am.) Wanchick said he had previously expressed concerns about unmet needs including the 800 megahertz system, implementation of the fire plan and a variety of other things. He said it would be prudent to look at public safety as one third. He said it would make a significant impact on the fire plan. He said they had asked for him to look at alternatives for the fire plan and this would make a significant impact on it.

(10:53 a.m.) Manuel said the MSBU was expanded beyond the scope of what it was intended for, capital assets acquisition. He said the capital program for the fire department over the next five years was \$25 million to implement all the physical structures. He said ad valorem taxes were meant to pay for operating expenses. He suggested that a MSTU be implemented for capital items. He said he shared Stevenson's concerns about that but wasn't sure the proposal should be a catch all. He said he wasn't sure they had extracted the efficiency issues from the public safety

operations to the degree that would be necessary in the future. He said it should be a separate issue.

(10:56 a.m.) Abberger said they did not ask any questions regarding public safety and adding it to the sales tax measure would be very detrimental to it, and strongly advised against adding it.

(10:57 a.m.) Rich said he was not going to support increase in millage rates for capital improvements. He said they should keep it to the one third distribution.

(1:00 a.m.) Sanchez said he would not support anything added to the issue, but would support 50/50 distribution. He said he was most concerned about transportation issues.

(11:02 a.m.) Wanchick said there was a major communication issue that needed to be addressed, as well as a storm water fee, a backlog in transportation and other public infrastructure needs. He said that before they tied up one of the major revenue resources, a sales tax, they needed to consider the other needs. He cautioned that there were limited alternatives. He said he had to do the job they had asked him to do; investigating resources to fund some of the major issues including the construction of new fire stations. Sanchez said the people would turn it down and they would end up with nothing. Wanchick said he felt a professional obligation to raise the issue of tying up one of their major funding sources for five years.

(11:05 a.m.) Sanchez asked McCormack his opinion of purchasing right-of-way to expand a road. McCormack said that it was allowed under the statute and the way the ordinance was drafted. McCormack said the concept would have to be wordsmithed very closely so that property could be purchased for right-of-ways as opposed to buying property for a totally new roadway.

(11:06 a.m.) Manuel said they needed to return to procedural issues. He asked if there were additions or deletions to the Special Agenda.

(08/27/08 - 4 - 11:07 a.m.)

ADDITIONS/DELETIONS TO SPECIAL AGENDA

Rich asked to add the discussion of the Government Charter as item 1A for the August 29th Special Meeting, and to add as Item 1B,s the status of wildlife rehabilitation funding.

McCormack said that on August 26th, the Chair had authorized a special meeting for August 29th and the Board would decide at the current meeting whether it would want to have it. Rich said he brought it up to determine whether or not they would have the meeting.

(08/27/08 - 4 - 11:09 a.m.)

APPROVAL OF SPECIAL AGENDA

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

(08/27/08 - 4 - 11:10 a.m.)

1A. DISCUSSION OF WHETHER TO APPROVE A MEETING ON THE 29TH

(11:10 a.m.) Rich asked the Chairman to poll the vote as to whether they wanted to hold the meeting on August 29th to discuss the Charter. Manuel asked for a roll call poll.

Rich: yes
Manuel: yes
Stevenson: no
Sanchez: yes
Bryant: absent

The poll showed support by a vote of 3/1, with Bryant absent and Stevenson dissenting, to hold the meeting on August 29th.

(11:11 a.m.) Stevenson said the decision had been made by the voters regarding the ballot and it did not need to be discussed further. She said they were going to hear "they're not listening to us" from the voters. Manuel said that what they had just agreed to do, was to discuss it again on August 29th, and no decision had been made regarding whether to place it on the ballot. Stevenson said that her understanding was that the purpose of the meeting on August 29th was to correct the wording.

(08/27/08 - 5 - 11:10 a.m.)
1B. STATUS OF WILDLIFE

McCormack commented on the Land Development Code and said it was proposed to revise the Tree Bank fund language to allow for the mitigation of wildlife negatively affected by removal of trees.

(11:12 a.m.) Manuel said they would return to Item No. 1 and to the language and distribution of funding as it pertained to the General Election ballot.

(11:13 a.m.) Stevenson said public safety was important and she wanted to hear from the Board that they were resolved to solving that issue. She said if it was unresolved it would become an obstacle to the proposed referendum. Manuel said they had the commitment of the Board that public safety was an important issue.

(11:14 a.m.) McCormack clarified that the Board had agreed to put the item on the November ballot and the question now was the detail of the language. He said the language had to be to the Supervisor of Elections by August 29th and it needed to be adopted by that date as well. He said he would like an opportunity to go through the recent edits made and have the Board take a look at the. (Exhibit A.) He said he would need time to revise any edits they might make. Manuel said they would review it on Friday and tighten up the language, especially as it pertained to transportation issues.

(11:17 a.m.) Rich said they could make the draft of the Charter to include the amendments which had already been approved by the voters. Manuel said the voters were clearly in favor of the three amendment items and supported Rich's request to include the amendments in the core Charter.

(11:20 a.m.) Manuel said they would now return to the one cent sales tax. McCormack reviewed the underlined revised draft of the proposed ordinance and the proposed changes to it.

(11:27 am.) Manuel said the only outstanding issue was the percentage issue. He reviewed the preferred portions of each Commissioner: Rich 60/40, Stevenson 50/50, and Sanchez 50/50.

(11:27 a.m.) Van Ghent stated that the State Infrastructure Sur Tax could not be used for management. Discussion ensued.

(11:30 a.m.) Abberger commented regarding on what was allowed. He said the changes to the ballot language did not speak enough to the purposes they had spoken about before: protecting wildlife habitat, protecting drinking water sources, protecting the water quality of rivers, lakes, and streams, and protecting agricultural land. He said those words had all been stricken from the ballot language. He said he would like to work with the County Attorney to enhance the language. Manuel said there was Board consensus for him to jointly draft the language.

(11:31 am.) Manuel said he would agree with 50/50 because the cost of transportation far exceeded the cost of acquisition. He said there were three Board members proposing 50/50 and Rich saying 60/40. He said the consensus of the Board was for 50/50. He asked for a motion.

(11:32 a.m.) Motion by Stevenson, seconded by Sanchez, for a vote for 50/50: Sanchez, Stevenson and Manuel voted yes, Rich voted no.

(11:33 a.m.) Rich said he would like the words included regarding the acquisition of development rights which should remain in the custody of the farmer or the person who owned it, and that it would be a perpetual and permanent conservation easement. He said the other issue regarding existing roadways was unclear on what had been determined by the Board. He said expanding existing roadways was widening and extending was lengthening. McCormack said they would wordsmith the language. He asked for consensus of the Board on whether to restrict it to existing roadways. Rich said he wanted the wording to reflect expansion rather than extension of existing roadway. He said they could buy right of way within existing development areas, but they did not want to open up areas to development that were not currently development areas.

(11:36 a.m.) Stevenson said she was interested in extending 9B to 2209, and it was important to the residents in the existing development area. Rich said he concurred. Stevenson said they needed flexibility to be able to allow for partnering for additional funding.

(11:38 a.m.) McCormack said they needed to determine the difference between existing roads and expanded roads.

(11:38 a.m.) Wanchick said they needed to identify specifically and put together a list of what the money would be applied to. Manuel said he was driven by their top priorities of 9B, 210, I95, and 312.

(11:39 a.m.) Susan Grandin, 1022 Park St. #401, Jacksonville, Trust for Public Lands, said she heard them say they were interested in having it devoted to existing development. Discussion ensued.

(11:40 a.m.) Don Beattie, 808 Mill Pond Court, said he was concerned about the list of projects just discussed and noted they had not discussed the Julington Creek Bridge which had been projected to fail. He said if they were going to list how they used the money, they needed to consider the Julington Creek Bridge. Discussion ensued.

(11:41 a.m.) Sanchez said he had a problem with restricting the Board to so many technicalities or specific projects. He said they had to be able to do what they thought was right and they did not know what the future might require of them.

(08/27/08 - 7 - 11:44 a.m.)

2. OTHER BUSINESS, AS NECESSARY

There was none.

(08/27/08 - 7 - 11:44 a.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

None.

(11:44 a.m.)

Commissioner Sanchez:

None.

(11:44 a.m.)

Commissioner Stevenson:

She commented on the infrastructure sales tax discussion of Friday and said she would like it to include things that would give the County economic opportunities. She said she wanted it to be amplified and did not want it to become a laundry list of transportation improvements that did not give them an economic lift. She said the discussion on the Charter was interesting, and to put everything in it was an interesting concept. She said the primary thing she had heard about it was that a Charter Review Commission should have been established, and there was a perception for the need for process.

(11:46 a.m.)

Commissioner Bryant:

None.

(11:46 a.m.)

Commissioner Manuel:

He congratulated Stevenson for her victory and also Commissioners Elect Bryan and Minor for their victories. He thanked Rich for his valuable contributions to the community. He asked McCormack about Van Ghent's comments about the County needing to promote the referendum items, and whether the County was permitted to spend money to promote the referendum.

(11:48 a.m.) He commented on a fax that originated from Bryant's office which was faxed on the county fax machine and went to someone named Vic. He said Vic forwarded it and it was judgment against Tom Manuel. He proceeded to read the fax. He passed out copies of the fax and the St. Augustine Record article investigation of the charges and read from that as well. He said he was concerned and would like an explanation from Bryant as to why he sent that out on August 18th.

(11:50 a.m.) **Motion by Manuel, seconded by Rich, that no volunteers would be allowed in the County Commission offices until a volunteer policy had been established by the Commissioners and could be implemented.** Discussion ensued. Manuel asked the County Administrator to begin developing procedures for anything coming into the County Commission Office and said everything had to be recorded and

available to the public. He said he was making a public records request for Bryant's e-mails, faxes, and letters for the last six months.

(11:59 a.m.) Motion carried 4/0 with Bryant absent.

(12:00 p.m.) Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to formally continue the meeting until August 29th.

(12:00 p.m.) Manuel read a letter from Lavoy Newton, Pastor of The Lighthouse Church of God, regarding a prayer event called *Cry Out American* on September 11th for a time of prayer across the nation to be held at all community courthouses. He asked for the proper procedure for them to follow. He said he had discussed this with the County Administrator and they learned this had been done once before after 9/11 and it had been approved jointly through the Administrative Judge, the Clerk of the Court, and the County Administrator. He asked the Board to authorize the County Administrator to poll the Administrative Judge and the Clerk of the Court to ascertain if they would support the effort and respond back to Pastor Newton.

(12:01 p.m.) Motion by Sanchez, seconded by Manuel, carried 4/0 with Bryant absent, to do so.

(12:02 p.m.) Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to adjourn.

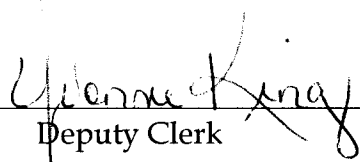
With there being no further business to come before the Board, the meeting adjourned at 12:02 p.m.

Approved September 16, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

