

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 16, 2008
(9:00 A.M.)**

Proceedings of a regular 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
 James Bryant, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

(09/16/08 - 1 - 9:01 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(09/16/08 - 1 - 9:01 a.m.)
ROLL CALL

Manuel stated that all five commissioners were present.

(09/16/08 - 1 - 9:02 a.m.)
Rich gave the Invocation and Bryant led the Pledge of Allegiance.

(09/16/08 - 1 - 9:03 a.m.)
PROCLAMATION DESIGNATING SEPTEMBER 21-28, 2008 AS CHILD PASSENGER SAFETY WEEK

Manuel read the proclamation which was received on behalf of The Project Buckle Up Program by Patsy Heiss, who gave details on the program.

(09/16/08 - 1 - 9:08 a.m.)
PROCLAMATION DESIGNATING SEPTEMBER 2008 AS INFANT MORTALITY AWARENESS MONTH

Bryant read the proclamation which was received by Nancy Burns, United Way St. Johns County, Bunny Richards, St. Johns County Health Department, Becky Schubert, Flagler Hospital, Wakila Augustus, Healthy Mothers Healthy Babies and Molly Ness, Northeast Florida Healthy Start Coalition.

(09/16/08 - 1 - 9:14 a.m.)
ACCEPTANCE OF PROCLAMATION

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

(09/16/08 - 1 - 9:16 a.m.)
PUBLIC COMMENT

Dwight Hines, 150 Nesmith, spoke on public records and the need to reward staff for jobs well done. He also spoke against the one cent sales tax. He said the County needed an honest audit.

(9:21 a.m.) Phyllis Abbatiello, 1133 River Birch Rd., Fruitcove, spoke regarding flooding on Stratton Blvd., caused by development property which had been elevated by more than four feet. She showed pictures taken on August 21 or 22 during Tropical Storm Fay (Exhibit A). She noted the development should never have been approved, and the developer should be held responsible for correction of the problem.

(9:32 a.m.) Stevenson asked staff whether it flooded due to the developed project. Wanchick said he and Rich had visited the area during the storm and there was no evidence of that degree of flooding. He said the systems were checked and there was a check list that the developer had to perform against. Stevenson said staff had to be armed with data in order to rectify the problem. She said the area had a history of flooding. Manuel asked the County Administrator to come forward with some suggestions for resolution.

(9:40 a.m.) Wanchick said they had looked at the problem and saw nothing that was improper. He noted it was a unique set of circumstances, there was nothing indicating that anything they permitted was improper and there was nothing to indicate that their design was incorrect.

(9:42 a.m.) Manuel said it was important for them to stay focused on drainage when new applications came in. Rich said the uniqueness of this storm was one of the factors and staff needed to stay on it.

(9:45 a.m.) Mary Savard, 2785 Stratton Blvd., commented on the flooding issue. She also questioned the date for the impact fees and whether the Board had gotten any response from D.R. Horton. Locklear said a meeting had been set up to discuss the issue with D.R. Horton. Savard said she had met with Darrell Locklear, Assistant County Administrator and John Burnham, Chief Engineer, who reported that he had found nothing wrong with the multi-family PUD. She said that was not true. She said they had made numerous requests for small adjustments and changes were being made that had not been requested. She said she had their plans and had presented it to the Board and she had sent the plans to them. She asked why the builders had not done what they had been instructed to do. She showed pictures of the development. She reviewed her comments with Burnham. She reviewed issues with the fence

(9:54 a.m.) Stevenson asked if she would meet with Sanchez, her district commissioner, and with staff to work on the details of the issue. Sanchez said he would be happy to meet with her and that he needed more details. Stevenson said she would like to see it come back to the Board as an agenda item. Sanchez said he would propose that. He asked if a stop work order could be issued if construction was being done in the wrong place. McCormack said if they were in violation of the PUD, code enforcement could get involved and a stop order would be possible.

(10:00 a.m.) Doug Randall, 5 Willard Drive, spoke regarding annexation of 1832 A1A South into the City. He said that because of new overlay district rules that the County had adopted and new Comp Plan rules, they had been prevented from using the original Commercial General Zoning that the County previously had in place on that particular property. He said the City had no such zoning, but had a similar CG zoning. He said the City authorities had asked them to come to the Board and get permission that they would not legally contest the annexation. He said he had an attractive office

building planned, but with County restrictions, he could only build a 6,000 square foot office building, which was not economically feasible. He said the issue was the amount of density they could have inside. He said it would provide an additional \$100,000 annually to the County by simply not contesting their annexation into the City.

(10:04 a.m.) Bryant said it had been a contentious issue for many years for the use and zoning on that piece of property. He said he had no issue with the City annexing the property unless there was a legal issue. He said surrounding neighbors needed to be educated on the higher use of the property and the alternative would be a lot better than what was currently permitted.

(10:05 a.m.) Stevenson said she had spoken with Randall about it, and annex issues were always red flag issues. She said her concerns would be alleviated if he followed the normal procedure and filed an application with the City.

(10:07 a.m.) Randall said the process with the City had nothing to do with the County. He said he was there as a courtesy, suggested by the Mayor, and simply needed their agreement not to contest. Rich said he would not contest it.

(10:08 a.m.) McCormack said he was concerned about the procedural aspect. He said a procedure was set up in Florida Statutes for annexation and he explained that process. He said upon his review of the annexation there were some issues, and he was concerned procedurally with the motives for the annexation. He said he was told it was to be relieved of certain zoning restrictions. He said if it was an avenue to escape County zoning, and he was not sure if that was a good reason.

(10:11 a.m.) Stevenson said a 20,000 square foot commercial building was not appropriate without noticing the community and he should follow the standard procedure. She said without it, staff had nothing to review and with which to provide her with guidance.

(10:11 a.m.) Sanchez said he had no problem with it, but Randall should follow the standard format. He said the City would have to notify the County and to notify the surrounding properties.

(10:13 a.m.) Stevenson asked for consensus as to whether Randall should file with the City. *Board consensus was granted to direct Randall to file for annexation with the City.*

(10:15 a.m.) McCormack said Randall had received an opinion letter from an attorney. However, he said it did not clearly demonstrate to him that it was an appropriate annexation. He said for the record, that it was not legally copasetic.

(10:17 a.m.) Gary Jurenovich, 536 Morningside Dr., Ponte Vedra Beach, Vice Chairman & Treasurer for the Ponte Vedra Beach Municipal Service District (MSD), spoke regarding a small parcel of land on the MSD. He said it was a request to have the County Attorney appoint a statutory trustee. He said it was a small parcel east of A1A within the MSD known as the Seaview Park area. He said it was owned and platted in 1941 by Guaranteed Loan. He said that company had gone out of business in 1967 and the original owner, George Milam, had died in 1968, and two subsequent title searches could find no owner. He said George Milam's nephew, Arthur Milam was a resident of Ponte Vedra and they had asked the County Attorney to appoint him as a statutory trustee so that he could then issue a quit claim deed to turn the property over to the County. He said they were seeking to make it a passive pocket park. He said the group would take care of the property and asked to have it placed on the consent agenda for

approval. He said they had done everything the County Attorney had asked them to do. (10:21 am.) McCormack said they had looked at it and a member of the Milam family had been contacted to become the potential trustee. He said it could be brought back as a Consent Item. *There was Board consensus to bring it back as a Consent Item.*

(10:22 a.m.) Stevenson said she would ask that the ballot initiative funding issue be held as the first item of the agenda, as there were many people present who wanted to speak on the topic.

(10:23 a.m.) Ellen Whitmer, 1178 Nature's Hammock Road South, gave an update on the Northwest St. Johns County Post Office signage and zip code change requests. She said she had contacted the postmaster in Jacksonville, Arthur Rosenberg, and read his response into the record. She said they needed to fight for the right to maintain their status as part of St. Johns County. She asked them to keep that in mind when they met with the various regional organizations. Stevenson said she was working with Congressman Mica on the issue and asked Whitmer to join them in their efforts.

(10:30 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, spoke regarding the cell tower recently constructed. She showed pictures of the tower, and noted it was two-toned galvanized aluminum, it was not what they had been shown, and it had been approved by the County Planning Department. She said it was a bait and switch and it was a travesty on their scenic byway.

The Board recessed at 10:36 a.m. and reconvened at 10:46 a.m.

(10:48 a.m.) Michael Anthony Izzo, 6290 Sunset Blvd., spoke on behalf of residents in his neighborhood, St. Augustine Park, regarding construction noise, mess and intimidation in the neighborhood. He said the standard of life in the neighborhood had been degraded and cited many examples. He gave a PowerPoint presentation showing permit violations by the developer and noted that he had been issued a work order to stop. (Exhibit Pub. Com. Izzo)

(10:57 a.m.) Stevenson suggested that he meet with staff so they could help to get some resolution for the problem. Izzo said safety vehicles could not go down there because there were logs placed across the roads. Stevenson said there should be inspectors looking at the site and they should not be restricted from the site. She said staff would get with him and they would help him with the issues. Izzo said he had been threatened with a shot gun. Manuel asked Wanchick to get with Izzo.

(10:59 a.m.) Rich asked Wanchick to appoint someone to work with Izzo until it was defused. Stevenson said law enforcement had already been apprized and Izzo's wife had been given a cell number to call. She said the stop work order may have been inappropriately issued because they were a fully permitted project. She cautioned staff to walk a careful line on the item.

(09/16/08 - 4 - 9:13 a.m.)

DELETIONS TO CONSENT AGENDA

Stevenson asked to place Consent 3 on the Regular Agenda as 14A. Wanchick asked to pull Consent 18 until the next meeting.

(09/16/08 - 4 - 9:15 am.)

APPROVAL OF CONSENT AGENDA

Motion by Rich, seconded by Stevenson, carried 5/0, to approve the Consent Agenda:

1. Approval of the Cash Requirement Report
2. Minutes:
08/19/08 – BCC Regular Meeting
08/27/08 – BCC Special Meeting
08/29/08 – BCC Special Meeting
3. Motion to direct the County Administrator to enter into an amendment to the current contract with the Florida Department of Agriculture as mandated by the Florida Legislature
This item was moved to the Regular Agenda as Item 14a, page 24.
4. Motion to transfer \$30,000 from the General Fund Reserve to Life Saving Corp Other Salaries (1136-51300) in order to keep our beaches protected with on-duty Lifeguards through the end of September
5. Motion to adopt **Resolution No. 2008-245**, approving the terms, conditions, provisions, and requirements of St Johns County’s State Aid to Libraries Grant Application and Grant agreement and authorize the Chairman of the Board of County Commissioners to execute the Grant Application and Grant Agreement on behalf of the County

RESOLUTION NO. 2008-245

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, AND REQUIREMENTS OF A STATE OF FLORIDA STATE AID TO LIBRARIES GRANT APPLICATION AND GRANT AGREEMENT, AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

6. Motion to authorize the County Administrator, or his designee, to award a contract to Southland Specialties, Inc., for finish mowing as described in the Bid 08-156
7. Motion to authorize the County Administrator, or his designee, to award a contract to the low bidder, Jon M. Hall Company for the Total Bid amount of \$219,684 for Bid # 08-150, The Pines/Hidden Creek Drainage Improvements
8. Motion to adopt **Resolution No. 2008-246**, approving the terms and authorizing the Chairman to execute a Conservation Easement over approximately 20 acres near SR 16 to mitigate for wetland impacts associated with the Russell Sampson Road improvement project

RESOLUTION NO. 2008-246

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER APPROXIMATELY 20 ACRES NEAR STATE ROAD 16 TO MITIGATE FOR WETLAND

**IMPACTS ASSOCIATED WITH THE RUSSELL
SAMPSON ROAD IMPROVEMENT PROJECT**

9. Motion to adopt **Resolution No. 2008-247**, authorizing the County Administrator to execute a Bill of Sale to the City of St. Augustine to convey the infrastructure associated with the water line to provide water services to the new County Administration Building

RESOLUTION NO. 2008-247

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A BILL OF SALE TO THE CITY OF ST.
AUGUSTINE TO CONVEY THE INFRASTRUCTURE
ASSOCIATED WITH THE WATER LINE TO PROVIDE
WATER SERVICES TO THE NEW COUNTY
ADMINISTRATION BUILDING**

10. Motion to adopt **Resolution No. 2008-248**, accepting an Easement for Drainage to allow maintenance of a drainage ditch on 1st Street in Ponce de Leon Heights Subdivision

RESOLUTION NO. 2008-248

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING AN EASEMENT FOR DRAINAGE TO
ALLOW MAINTENANCE OF A DRAINAGE DITCH ON
1ST STREET IN PONCE DE LEON HEIGHTS
SUBDIVISION**

11. Motion to adopt **Resolution No. 2008-249**, accepting a Quit Claim Deed for a seventeen foot strip of right-of-way along Four Mile Road within the plat of Mission Trace Subdivision

RESOLUTION NO. 2008-249

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
ACCEPTING A QUIT CLAIM DEED FOR DONATION
OF A SEVENTEEN FOOT STRIP OF RIGHT-OF-WAY
ALONG FOUR MILE ROAD WITHIN THE PLAT OF
MISSION TRACE SUBDIVISION**

12. Motion to adopt **Resolution No. 2008-250**, authorizing the County Administrator to join in the execution of a BellSouth Easement in connection with the new Emergency Operations Center, on behalf of the County

RESOLUTION NO. 2008-250

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR TO
JOIN IN THE EXECUTION OF A BELL SOUTH
EASEMENT IN CONNECTION WITH THE NEW**

**EMERGENCY OPERATIONS CENTER, ON BEHALF OF
THE COUNTY**

13. Motion to adopt **Resolution No. 2008-251**, approving the terms and authorizing the Chairman to execute a Conservation Easement over approximately 29 acres near Greenbriar Rd. to mitigate for wetland impacts associated with the development of Helow Park

RESOLUTION NO. 2008-251

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE CHAIRMAN TO EXECUTE A CONSERVATION EASEMENT OVER APPROXIMATELY 29 ACRES NEAR GREENBRIAR ROAD TO MITIGATE FOR WETLAND IMPACTS ASSOCIATED WITH THE DEVELOPMENT OF HELOW PARK

14. Motion to adopt **Resolution No. 2008-252**, approving a three year extension for the commencement of construction on the Maritime Education Center on property leased to the Junior Service League of St. Augustine, Inc.

RESOLUTION NO. 2008-252

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A THREE YEAR EXTENSION FOR THE COMMENCEMENT OF CONSTRUCTION ON THE MARITIME EDUCATION CENTER ON PROPERTY LEASED TO THE JUNIOR SERVICE LEAGUE OF ST. AUGUSTINE, INC.

15. Motion to adopt **Resolution No. 2008-253**, approving the Final Plat for Colee Cove Landing North

RESOLUTION NO. 2008-253

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR COLEE COVE LANDING NORTH

16. Motion to approve the transfer of \$108,700 from Utility Reserves (4426-59920) to fund remaining FY 08 items in the following accounts: \$76,700 for Wastewater Treatment Contractual Services [4415-53120], \$20,000 for Lift Station Other Maintenance [4416-54603] and \$12,000 for Lift Station Gas & Oil [4416-55201]
17. Motion to approve a transfer in the amount of \$12,494 from the General Fund Reserves, \$2,625 from Transportation Trust Fund Reserves, \$7,698 from Building Services Fund Reserves, \$700 from Solid Waste Reserves, \$2,746 from Utility Services Fund Reserves, and \$1,283 from the Golf Course Fund Reserves to provide sufficient budget to ensure full benefit from October 1, 2007 reclassifications

This item was pulled.

18. Motion to adopt a Resolution accepting the terms, conditions and provisions of the agreement between St. Johns County, Florida and Flagler Hospital for the provision of community-based substance abuse and mental health services to adults and children within St. Johns County and authorize the County Administrator to execute the agreement on behalf of the County

19. Proofs:
 - a. Proof, Notice of Hearing, Board of County Commissioners, Oil & Grease Ordinance, Tuesday, August 5, 2008 at 9:00 a.m. (Ponte Vedra Recorder)
 - b. Proof, Notice of Hearing, Board of County Commissioners, Fire Rescue Special Assessments, Tuesday, August 5, 2008 at 9:00 a.m. (Ponte Vedra Recorder)
 - c. Proof, Notice of Hearing, Board of County Commissioners, Establishment of Ordinance/Regulations Affecting the Use of Land, Tuesday, July 22, 2008 at 5:30 p.m. and September 2, 2008 at 9:00 a.m. (Ponte Vedra Recorder)
 - d. Proof, Notice to Bidders, RFP No. 08-160
 - e. Proof, Notice to Bidders, Bid No. 08-98
 - f. Proof, Notice to Bidders, Bid No. 08-137
 - g. Proof, Notice of Cancelled Hearing, Board of County Commissioners, Fire Rescue Special Assessment noticed for Tuesday, August 5, 2008 at 9:00 a.m.
 - h. Proof, Notice to Bidders, RFP No. 08-165
 - i. Proof, Notice to Bidders, RFP No. 08-11R
 - j. Proof, Notice to Bidders, Bid No. 08-156
 - k. Proof, Notice to Bidders, RFP No. 08-164
 - l. Proof, Notice to Bidders, Bid No. 08-85
 - m. Proof, Notice of Public Meeting, St. Johns County Civic Roundtable, Monday, August 11, 2008 at 9:00 a.m.
 - n. Proof, Notice to Bidders, RFP No. 08-112
 - o. Proof, Notice of Hearing, Board of County Commissioners, Renaming Lewis Street to Scheidel Way, Tuesday, August 19, 2008 at 9:00 a.m.
 - p. Proof, Notice to Bidders, Bid No. 08-161
 - q. Proof, Notice of Hearing, Board of County Commissioners, One Cent Sales Surtax Ordinance, Wednesday, August 27, 2008 at 10:00 a.m.
 - r. Proof, Notice of Hearing, Board of County Commissioners, Home Rule Charter Ordinance, Friday, August 29, 2008 at 10:00 a.m.
 - s. Proof, Notice of Hearing, Board of County Commissioners, DCA Housing Grant for CDBG Program, 2nd Hearing, Tuesday, September 2, 2008 at 9:00 a.m.
 - t. Proof, Notice of Meeting, Value Adjustment Board, Wednesday, August 20, 2008 at 9:00 a.m.
 - u. Proof, Notice of Cancelled Meeting, St. Johns County Water & Sewer Authority, Monday, August 4, 2008 at 10:00 a.m.
 - v. Proof, Notice of Special Meeting, Board of County Commissioners, Friday, August, 29, 2008 at 9:00 a.m.
 - w. Proof, Notice of Hearing, Board of County Commissioners, Ordinance Discontinuing a Temporary Moratorium on Building Permits in a Portion of Summer Haven, Tuesday, September 2, 2008 at 9:00 a.m.
 - x. Proof, Notice of Hearing, Board of County Commissioners, Establishment of Ordinance/Regulations Affecting the Use of Land, Tuesday, July 22, 2008 at 5:30 p.m. and September 2, 2008 at 9:00 a.m.

(09/16/08 - 8 - 11:02 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Manuel said that Items 13 & 14 would become 5A & 5B.

Wanchick asked that Item 12 be pulled for two weeks due to an advertising error.

(09/16/08 - 9 - 11:04 a.m.)

APPROVAL OF REGULAR AGENDA

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

(09/16/08 - 9 - 11:04 a.m.)

1. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE AND ENTER INTO CONTRACT FOR PROPERTY AND INLAND MARINE INSURANCE

Joe Burch, Purchasing Director, introduced George Ericksen and reviewed the Board's request for a review. Manuel said the request was initiated by the Chair and supported by the Board to review all service contracts. He said it would enable the County to cut their costs while maintaining the same level of service.

(11:06 a.m.) George Ericksen of Cyber Consultants, 9400 4th Street North, St. Petersburg Florida, said he was there as an independent consultant to do an independent analysis of the proposals. Manuel reviewed his recommendation with Arthur J. Gallagher and Company for a premium of \$867,639, a \$619,000 savings to the County. Erickson said that was a correct summation. He reviewed the proposed reductions.

(11:09 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to authorize the County Administrator, or his designee, to negotiate with and, if successful with negotiations, enter into contract with Arthur J. Gallagher, for Property and Inland Marine Insurance.**

(09/16/08 - 9 - 11:09 a.m.)

2. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE AND ENTER INTO CONTRACT FOR WORKERS' COMPENSATION INSURANCE

Ericksen gave the presentation and said they recommended that the County purchase the Workers' Compensation program offered by Thompson Baker through the Preferred Governmental Insurance Trust ("PGIT"), which was proposed on a "guaranteed cost" basis with no deductible for a total premium of \$854,070. Manuel commented on the savings. Erickson reviewed the savings on Workers Compensation and the various options that were considered. He recommended they hire an actuary and an administrator for claims if they became self insured. He said it was an important decision.

(11:17 am.) Stevenson asked when it was prepared, and Burch replied, about two months ago. She said 800 pages was a lot to digest within four days. Burch apologized and explained they had been on a tight timeline. She said she needed a briefing before the meeting.

(11:19 a.m.) Erickson reviewed the recommended proposal with Thompson Baker, PGIT. Manuel said the savings justified his primary recommendation. Erickson said, however, there was a crisis with AIG and he was not certain whether the recommendation would include reinsurance coverage by AIG. Manuel asked for Board

consensus for them to make the necessary adjustments if AIG failed. He said they could go with the recommended second choice Bituminous Insurance Co., if the primary recommendation failed. Stevenson expressed concern regarding transparency and the inability to assess risk. Ericksen said PGIT had been very forthcoming and transparent. Stevenson asked about the administrative effort required to change providers. Ericksen said it did take some groundwork. Manuel asked Wanchick to work with Ericksen on the changes.

(11:26 a.m.) Wanchick said there was concern about going to a new provider, and self insurance was not a given in the future. He said Bituminous had been an excellent partner in bringing down our experience modification. Manuel said this would be only for new claims. Manuel asked how many claims they received per year.

(11:27 a.m.) Sarah Taylor, Manager of Risk Management, said they had about 80 claims a year. Wanchick said the \$594,000 in savings was a little deceptive, because of the checks they had received this year from Bituminous. Taylor said the dollar figure was an unknown and the amount quoted was the maximum savings. She said the lowest it would be was \$160,000 this year, assuming they kept the claims low. She said it would put them closer to the \$1 million mark for the incumbent. Manuel said the issue was they would be out of pocket for \$2.4 million in cash flow. He said he was sensitive to cash right now because of what was going on in the greater financial markets. Stevenson said that the improvement of Workmen's Comp Claims over the past eight years had been stellar, and we were just beginning to recognize some real premium benefits. Sarah Taylor said the renewal for this year from the incumbent was \$1.4 million. She said the longer they were away from the Sheriff's Department, the better the claims looked. Ericksen said they had to look at each year separately. Discussion ensued about the differences in the proposals, how claims would be handled, and support to staff with safety programs. Ericksen said there was a risk with changing. Sometimes it went well and sometimes it didn't. He said it had to be administered properly, and his expectation was that PGIT could do it.

(11:35 a.m.) Stevenson said she wanted to hear what staff recommended as the County was running with a bare bones staff. She said there were qualitative issues, in addition to the bottom line, that would add to the total cost that we would experience.

(11:35 am.) Wanchick said it was a complicated subject, and it was hard to go against their recommendation. He said their discussion was a good one. He said it was a value judgment as to whether \$160,000 was worth transitioning for one year. Manuel said there would be no risk with the first proposal, and with Bituminous we would share the risk. Wanchick said there would be risks with a one year contract. He said if they were going to go with the new provider, put Bituminous in the second position as they needed to act quickly if something fell through.

(11:37 a.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to authorize the County Administrator, or his designee, to negotiate with and, if successful with negotiations, enter into a contract with Thompson Baker "PGIT", or in the event of problems with supplementary or reinsurance issues, to negotiate with the second recommended provider, Bituminous Insurance Company for Workers' Compensation Insurance.**

(09/16/08 - 10 - 11:38 a.m.)

3. CONVENTION CENTER FUND DISCUSSION

Jesse Dunn, Assistant Director for the Office of Management and Budget, gave a PowerPoint presentation (Exhibit A) as a follow-up to the September 2, 2008 Board

meeting, Regular Agenda Item 9A, when Chairman Manuel requested an update on the Convention Center funding levels. He reviewed the various levels of funding for the debt service including: Voluntary Occupancy Fees, an additional two-cent bed tax collected thru the Tax Collector; admission to the Golf Hall of Fame, a surcharge on every admission ticket; pledged event and ticket surcharges for specific events and parking in connection with the events; auto rental surcharge, a percentage of gross rental from vehicles rented in the defined area; Guarantee/Guarantee Additional up to \$300,000 from JQH/Resaissance if the previous categories do not produce the required amount; payment in lieu of taxes and other voluntary payments; and an operators minimum of \$100,000 per year. If all those revenues do not meet debt service obligations, first there is a non ad valorem assessment (generally from TDC) equal to the amount received from the 2-cent voluntary occupancy, and the remaining amount is allocated or assessed (based on parcel size) to participants. He gave the history of the shortfall from 1999 through 2007 and estimated shortfall for 2008 for BCC obligation which generally would come from Tourist Development dollars.

(09/16/08 - 11 - 11:48 a.m.)

(DISTRICT 2)

4. CONSIDER A MOTION TO ADOPT A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE WORLD COMMERCE CENTER IMPACT FEE CREDIT AGREEMENT IN THE AMOUNT OF \$3,712,363 IN ROAD IMPACT FEE CREDITS

Manuel reviewed his request to pull this item from a previous agenda based on the value of real estate. He said staff had met with the applicant and they had reached an accommodation which had resulted in a \$700,000 savings to the County. He said the entire money had no cash flow impact, and resulted in zero cash from the County.

(11:48 a.m.) Lindsay Haga, Chief Planner, gave a summary review of the project from November of 2007, and said it was an impact fee credit agreement in the amount of \$3.7 million for the World Commerce Center Development of Regional Impact. She showed where the credits would apply to the development occurring within the county. She explained why the applicant was seeking impact fee credits, the value of the right-of-way for the North/South Corridor. She noted there were two differing appraisals, and they were proposing an average of those two proposals to meet the difference. She said the Transportation Pipelining (approved in 2002) amount was \$13,529,000, the proposed Impact Fee Credit amount was \$3,712,363 and the Approved Impact Fee Credit (roads) was \$8,538,982.58

(11:50 a.m.) Susan McDonald, Attorney, 1301 Riverplace Blvd., Jacksonville, said she would like to see the current item linked with the NOPC. She said they were both dependent upon each other, and asked to make their presentation on both items and that the vote be linked to both of them after the presentation of the NOPC.

(11:51 a.m.) McCormack said that the County Attorney's Office would not object to Items 4 & 5 being heard together for information purposes, but they were distinct decisions.

(11:51 a.m.) Manuel said they could move on to item 5.

(2:30 p.m.) Subsequently, Susan McDonald, 1301 Riverplace Blvd., Jacksonville, spoke on the compromise and presenting clear and convincing evidence.

(2:32 p.m.) Burney O'Connor, 13901 Sutton Park Drive, Jacksonville, Traffic Engineer, reiterated what McDonald said, and spoke on the best way to resolve the issue. He made it clear regarding the mitigation, stating that there was a direct linkage between

the amount of additional mitigation that was being provided in terms of a fair share calculation and the additional development rights that were being offered. Stevenson asked him to explain the link. O'Connor explained it. Stevenson spoke on the square footage, and O'Connor responded. (2:34 p.m.) Whitehouse entered the meeting. Stevenson asked about the value and O'Connor responded that they hadn't gotten an appraisal at that time.

(2:37 p.m.) F. C. Duke Steinemann, Jr., 185 Sea Hammock Way, spoke on the land value, credits, and on the negotiations. Stevenson asked if the document defined the mitigation credit. Whitehouse read from the Development Order. Stevenson suggested that the Board consider that the development rights would fade away, if they did not use them in a timely manner.

(2:47 p.m.) Susan McDonald, 1301 River Place Blvd., spoke regarding the fact that the numbers they started with and ended with were different. Sanchez spoke on the commitment to the State. He spoke on getting right-of-way out of the deal for CR 209. Manuel stated that this was the first DRI that he had dealt with since being a member of the Planning and Zoning Agency and stated that he voted against it because he was very unhappy with the structure of the transaction.

(2:50 p.m.) Wanchick spoke on it being in the best interest for St. Johns County. Whitehouse stated that the first issue was to move forward with Item 4, agree on the Impact Fee Agreement and the number. Stevenson spoke on what the trips were based on, and asked if it was good for the County. Wanchick responded. Manuel stated that they had to take control of those documents.

(2:53 p.m.) **Motion by Rich, seconded by Sanchez, carried 4/1 with Bryant opposed, to adopt Resolution No. 2008-254, authorizing the County Administrator to execute the World Commerce Center Impact Fee Credit Agreement in the amount of \$3,712,363 in Road Impact Fee Credits.**

RESOLUTION NO. 2008-254

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, STATE OF FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH WORLD COMMERCE CENTER, LLP, A FLORIDA LIMITED PARTNERSHIP AND STEINEMANN DEVELOPMENT COMPANY-FLORIDA, INC., A FLORIDA CORPORATION

(09/16/08 - 12 - 11:51 a.m.)

(DISTRICT 2)

5. PUBLIC HEARING - NOPC 2007-08, WORLD COMMERCE CENTER - THIS IS A NOTICE OF PROPOSED CHANGE (NOPC) TO REVISE THE ST. JOHNS COUNTY WORLD COMMERCE CENTER DRI DEVELOPMENT ORDER (RESOLUTION 2002-267, AS AMENDED) TO EXTEND THE PHASING SCHEDULE, INCREASE RETAIL DEVELOPMENT RIGHTS, DECREASE HOTEL UNITS, UTILIZE THE ESTABLISHED MITIGATION CREDIT, AND MODIFY TRANSPORTATION CONDITIONS ACCORDINGLY. STAFF FINDS THE REQUESTED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AS DEFINED IN SECTION 380.06(19) AND SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS

(INCLUDING STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT AND THE EXISTING COMMITMENTS FOR TRANSPORTATION INFRASTRUCTURE. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY HEARD THE REQUEST DURING THE JULY 3, 2008 MEETING AND VOTED 6/1 TO RECOMMEND APPROVAL OF THE REQUEST (MOTION BY NELSON, SECOND BY LAIDLAW; WILES DISSENTING). DISCUSSION DURING THE HEARING QUESTIONED THE DIFFERENCE BETWEEN THE PIPELINING METHODOLOGY USE TO DETERMINE TRAFFIC GENERATION AND THE LAND USE CONVERSION RATES

Proof of publication of the notice of public hearing on the World Commerce Center DRI was received, having been published in *The St. Augustine Record* on August 29, 2008.

Lindsay Haga, Chief Planner, deferred to the applicant to present the terms of the Notice of Proposed Change (NOPC).

(11:52 a.m.) Susan McDonald, 1301 Riverplace Blvd., Jacksonville, gave a PowerPoint presentation (Exhibit A), and explained why the items should be linked. She reviewed the requested actions: to adjust the phasing schedule in the master plan map, to add a theater to the land use exchange table, to establish right-of-way value for CR 2209 and receive mitigation credit, and to amend Exhibit 7 of the Transportation Improvements map. She noted the Legislature had provided a three-year extension of phase, build-out and expiration dates. She reviewed the Development Order (DO) Conditions. She said they needed to get the differences in the value of the property resolved so it could be changed in the NOPC. She noted if the appraised value was less than the DO estimate, the developer would provide the difference to the County, and if the appraised value was more than the DO estimate, the developer would receive the difference in mitigation credit and the developer would have the right to submit the NOPC to amend the required pipelining improvements. She reviewed the right-of-way estimates and stated the appraised value was more than the DO estimate, so the developer had overpaid transportation mitigation by \$852,363. She reviewed the mitigation credit proposal: to remove the westbound International Golf Parkway Auxiliary Lane (\$273,363), to Modify developments rights to simultaneously decrease the Hotel by fifty rooms and increase Retail/Commercial, and increase in the proportionate share (\$579,000) totaling \$852,363. She said the result would be increased development rights offset by proportionate increase in transportation mitigation and the developer's total mitigation would exceed his proportionate fair share. She stated they had met the test of mitigating their impacts. She reported that the NOPC was not a substantial deviation as affirmed by the Northeast Florida Regional Council staff, the St. Johns County Planning staff, and the St. Johns County PZA. She said it was important that both of the items be approved and if they were not, the developer reserved his right to withdraw the agreement.

(12:01 p.m.) Rich asked if that agreement had been written into the document or if the Board needed to agree to that. James Whitehouse, Assistant County Attorney, briefed them on the legal standard for item 5. He said the important legal point was that Item 4 could not affect their decision on Item 5. He said the applicant did have the right to withdraw its application on Item 4, if they did not approve Item 5, and it would have to be renegotiated.

(12:02 p.m.) Wanchick said the staff position was that it would be in the best interest of the County for it to be resolved. He said that staff would stand by the agreement negotiated with McDonald.

(12:03 p.m.) Whitehouse asked the Commissioners to reveal any ex-parte communications. Rich said he had a request from Mr. Young to meet with him and his personnel and a request from another party which he declined. He said he had only met with staff. Sanchez said he had met with Young on the fact that they and staff had agreed to the negotiation and had gotten together on the issue. Stevenson said she had been briefed by staff on the issue, a number of times, and she had also received e-mail correspondence with people who were concerned about the project including what constituted a substantial deviation, the number of trips and whether it was a fair value for the County. She noted that she had received some later e-mail transmissions which she had not yet read. She said she had met with Buddy Young and with another gentleman about the overall plans. Manuel said he had conversations with staff and the applicant and his representatives. Bryant said he had a brief conversation with Young and with Wanchick.

(12:05 p.m.) Commissioner Sarah Bailey, 2202 Bishop Estates Rd., St. Johns, congratulated Wanchick and the Board and said they had come a long way. She spoke about the evaluation and appraisal report of DRIs. She said she would like to know how many times the developer had come in for extensions. She said there should be red flags on DRIs so that when new staff came on board they would be alerted to those areas. She said the developer should have to pay the cost of staff time involved for the changes. She noted that the 25 foot buffer on Bishop Estates Road had been completely lost, and new laws and regulations should be applied.

(12:09 p.m.) Rick Pariani, 109 Knotty Pine Trail, Ponte Vedra, said he had worked with Jim Davidson on developing the World Golf Village project from its inception and was representing Davidson Development, SJ Land Associates and IT Land Associates. He said their concern was one of fairness and precedent. He noted they had tried to set an example for the County and other community developers to follow by developing a strong sense of place for the World Golf Village community. He said they had weathered one indignity after another and gave examples. He reviewed improvements that they had proposed and planned to make. He said the proposed plan being presented did not make sense to his clients. He said residents did not want the changes at the expense of safety and convenience. He said they did not want to see another CR 210 created there. He asked the Board to be careful and to make decisions that would benefit everyone.

(12:15 p.m.) Bill Shilling, Kimley Horn and Associates, 8657 Bay Pine Road, Suite 300, Jacksonville, said he was representing Davidson Development Company, IT Land Associates and SJ Land Associates. He gave a PowerPoint presentation (Exhibit B), regarding a traffic study that the applicants had requested and submitted for the NOPC. He said two questions had to be answered: first, was it a substantial deviation and secondly, whether it was or wasn't a substantial deviation, would the mitigation proposed to the Board adequately offset the impact for the increase that had been proposed. He said his analysis led him to the conclusion that it was a substantial deviation and the mitigation proposed was woefully less than what should be required of the applicant. He cited examples. He said pass by capture was the credit received for capturing existing traffic from the adjacent roads and the applicant was proposing that they should receive capture credit for nearly 30 percent of all the traffic on IGP in front of the site and on SR 16 adjacent to the site. He said based on accepted practice, the DOT typically limited the amount to 10 percent and the requested amount exceeded normal standards by nearly a factor of three. Secondly, background growth projections were included in the 2002 application for development approval and the projections were low for the time, and traffic had exceeded the 2017 projection at the current time. He said the applicant had showed no growth on the southern segment link on I-95 and

the 2008 volume showed that assumption was incorrect. He also reviewed unit cost which was linked to 2002 dollar valuations. He said it was a gross understatement of their impacts. He said the applicant had proposed no mitigation for the trips on CR 210. He showed the comparison of local DRIs.

(12:24 p.m.) Manuel said he had to rely upon staff to make decisions. He said he did not see why the County should be a solution to his problem. He said he had heard no compelling statements to cause him not to trust his own staff.

(12:25 p.m.) John Metcalf, 1104 Mill Creek Dr., St. Johns, asked if the public had a right to know that information. Manuel said the public did have a right to the information.

(12:26 p.m.) McCormack noted there had been some contention on the issue. He reviewed the instructions on Item 4, an impact fee credit agreement which they had executive rational basis whether to accept or not, based on the code. On Item 5, as to whether the proposed change to the DRI was a substantial deviation or not, should be based on the criteria set out in Statute 380.06 paragraph 19. He recommended that they hear the facts on both sides and then make the decision based on evidence. He said it was fair for them to look at Shilling's evidence.

(12:27 p.m.) Manuel said it was public comment and not testimony. They were not the active parties involved, though they might be impacted by the decision. He said it was the County and the applicant. Metcalf said the question was not whether it was just a substantial deviation, but also whether they wanted to approve it. Manuel agreed it was a fair statement.

(12:28 p.m.) Stevenson said she had been misdirected by Commissioners who thought they were experts and then had staff tell her not to listen to the other Commissioners, listen to them. She asked McCormack to repeat what he said. McCormack said that because there was an evidentiary component to the issue that it was his advice to err on the side of caution and allow reasonable due process.

(12:29 p.m.) Stevenson asked whether it was a NOPC or not. McCormack said it was an NOPC. She asked if it was not a substantial deviation, what the evidentiary obligation was to the Commission. McCormack said staff would be able to comment on that. She asked what the evidentiary threshold should be, if it was not a substantial deviation. McCormack said the applicant would rely on an element that would require clear and convincing evidence that it was not. He said if they did find it was a substantial deviation, then the statute sets forth that the NOPC would need further review. He said if they found it was not, then they would approve the proposed change.

(12:32 p.m.) Rich recommended they break at 12:45 p.m. and that they postpone the current item until after the item that was already scheduled for 1:30 p.m.

(12:33 p.m.) John Metcalf, 1104 Millcreek Dr., St. Johns, said he was representing Jim Davidson and they objected to the approval of the NOPC because it added 352,000 square feet of commercial without any increase in transportation mitigation. He said it was not a minor increase in development rights, as it was a 39 percent increase in their commercial development rights. He reviewed what constituted a substantial deviation. He said written evidence would show that the intersection would fail. He said the NOPC could be turned down, but the decision was the Board's to make. He said \$850,000 in mitigation for 350,000 square feet of retail/commercial development rights was the bargain of the century.

(12:40 p.m.) Beth Breeding, Sunshine Land Developers, 4141 Southpoint Dr. E. #B, Jacksonville, said they had spent more than \$10 million. She said they had always worked well with the applicant. She said they had complied with their agreement.

(12:42 p.m.) Stevenson asked if what they had heard that day had been heard by staff. Whitehouse said they had and it was included in their recommendation.

The board recessed for the lunch break at 12:42 p.m. and reconvened at 1:51 p.m. with all five commissioners, McCormack, Wanchick and Deputy Clerk Lenora Newsome present.

There was discussion among the Commissioners on what item to start with first. It was decided to let the public speak on Items 5a and 5b.

(2:54 p.m.) Subsequently, Stevenson stated that she thought they should use it as an NOPC. Sanchez suggested that the County start writing the development orders and charging the applicant. Whitehouse spoke on the NOPC. He stated that he had a correction to one of the findings, if that item moved forward with an approval. He stated that in the proposed Findings of Fact No. 1, after the wording *statues*, where it starts with the word *because*, to the end, would be crossed out, and the proper language to be added would be, *Further, pursuant to Section 380.06 19e5, the applicant has rebutted the presumption that this is a substantial deviation by clear and convincing evidence.* Rich asked if this was on approval of Findings of Fact No. 1. He stated that in reference to the County Attorney's statements whether it was proper to proceed, it was obvious, in his opinion, that the answer to that was yes, and on whether or not this was a substantial deviation to this particular issue, the answer was no. (2:57 p.m.) **Motion by Rich, seconded by Sanchez, carried 3/2 Stevenson and Bryant opposed, to adopt Resolution No. 2008-255, approving a Notice of Proposed Change to the World Commerce Centre DRI Development Order, adopting Findings of Fact 1 through 4 as amended by our attorney, to support the motion.**

RESOLUTION NO. 2008-255

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE WORLD COMMERCE CENTER DRI DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON DECEMBER 10, 2002, UNDER RESOLUTION 2002-267, MODIFIED BY RESOLUTION 2004-153, APPROVED JUNE 22, 2004; AS MODIFIED BY RESOLUTION 2005-292, APPROVED AUGUST 4, 2005; AS MODIFIED BY RESOLUTION 2006-446, APPROVED NOVEMBER 14, 2006; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE

The meeting recessed at 3:00 p.m. and reconvened at 3:14 p.m.

(09/16/08 - 16 - 1:32 p.m.)

5A. CONSIDER A MOTION TO ADOPT A RESOLUTION FINDING A PUBLIC PURPOSE IN THE EXPENDITURE OF PUBLIC FUNDS FOR THE PURPOSES OF EDUCATING THE ST. JOHNS COUNTY ELECTORATE REGARDING ADOPTING A ONE-CENT SURTAX FOR FIVE YEARS FOR THE PURPOSES OF ACQUIRING AGRICULTURAL AND/OR ENVIRONMENTALLY

SIGNIFICANT LANDS AND FUNDING TRANSPORTATION
INFRASTRUCTURE FOR EXISTING DEVELOPMENT (*Formerly Regular Item 13*)

(1:33 p.m.) Dwight Hines, 150 Nesmith Avenue, spoke on economic adjustments that were coming, and on being opposed to advertising in the newspaper for the one cent sales tax.

(1:40 p.m.) Sarah Owen Gledhill, 201 Owens Avenue, Florida Wildlife Federation, stated that she supported the sales tax for conservation, but voiced concerns regarding the transportation component. She requested the County to make available to the public, as part of the public campaign, a list of the identified transportation projects that the revenues would be allocated for. She stated that she would recommend public spending if it was for educational purposes only and not for advocating. Sanchez spoke on the poll that was done by the Trust for Public Lands. Gledhill spoke on having a focus area for the different issues. Sanchez voiced concerns regarding a detailed list.

(1:45 p.m.) Sarah Bailey, 2202 Bishop Estates Road, stated that she was all for spending some of her tax dollars for educating the public on those issues. She spoke on compromising on transportation. Bailey spoke on the loss of doc stamps over the years.

(1:54 p.m.) Noel Vivion, 1250 Fruit Cove Drive South, spoke on there being a leak in the north half of the County regarding sales tax. He stated that it needed to be collected here, if it was going to be spent here. He stated that the people wanted the Charter. He blamed the failure of the Charter on the lack of communication before the vote and the mailings that took place beforehand. He supported spending public money on the Charter to inform the public regarding the re-vote in November, but did not support public funding for sales tax advertisement.

(1:59 p.m.) Manuel spoke on using public funds on informing the public regarding the sales tax and the Charter. McCormack submitted the first question to the Commission on whether or not to do public education and if the answer to that question was yes, then the second question would be whether to expend public funds. Rich stated that he voted yes on the expenditure of funds for educating the public and yes on the idea that public purpose was being served for education. (2:01 p.m.) Manuel stated that he had asked for a ruling from the Attorney General, as well as an interpretation of the case law. He read some excerpts from the Attorney General's Opinion: *While the issue of public funds used to support or oppose an issue before the electorate has not been extensively litigated in this state, the Supreme Court of Florida in People Against Tax Revenue Mismanagement, Inc. v. County of Leon*[2] considered whether a local government could use public funds and resources to mount an informational campaign regarding a referendum authorizing a sales tax increase. It was argued that the campaign was improper because county agencies did not maintain a neutral position but rather advocated that the optional tax was needed. In response, the unanimous Court stated: "Such a position, however, is tantamount to saying that governmental officials may never use their offices to express an opinion about the best interests of the community simply because the matter is open to debate. A rule to that effect would render government feckless. One duty of a democratic government is to lead the people to make informed choices through fair persuasion. [L]ocal governments are not bound to keep silent in the face of a controversial vote that will have profound consequences for the community. Leaders have both a duty and a right to say which course of action they think best, and to make fair use of their offices for this purpose. The people elect governmental leaders precisely for this purpose." [3], (Exhibit B). Manuel explained why he supported it. He spoke on misleading information which had appeared in the newspaper. Stevenson questioned Manuel about the illegal information listed in newspaper. Manuel explained. Stevenson stated that she didn't support either one. Bryant stated that he didn't support either one and explained. (2:08 p.m.) Sanchez spoke on the headlines being

misleading and read from the Chamber letter. He spoke on the budget and people having the right information in front of them to make a decision. He stated that he supported it. (2:17) Rich stated that the people of St. Johns County had the right to have the truth given to them in reference to Charter Government and they had the right to make a decision in reference to whether or not they wish to have a one cent sales tax dedicated to certain issues. Stevenson stated that the message she had received from most people was that process mattered. She mentioned that the people of St. Johns County voted by over 60% to oppose it. She spoke on attending the Charter meetings and that she failed to see a public purpose for the commission to spend public money to educate people on the Charter. Sanchez mentioned that the Charter committee had spent a lot of time writing the Charter. Discussion followed.

(3:14 p.m.) Subsequently, Manuel asked Wanchick to present his figures and explain the marketing plan. He said the resolution required a dollar amount.

(3:15 p.m.) Wanchick said he recommended that the message for both items be one of education rather than advocacy. The message should be easy to understand, call attention to the ballot referendums, provide locations for citizens to access factual information and encourage making an informed individual vote. He reviewed their recommendations about how to proceed.

(3:19 p.m.) Manuel spoke on and recommended the half-page ad.

(3:19 p.m.) Rich asked how many registered voters the mailing would reach. Karen Pan responded. Rich said they had to get the message to all of the voters to counter the negative impact from the biased mailers sent out prior to the primary election. Wanchick reviewed the cost of the newspaper advertising. Pan said the pricing listed on the matrix included a single run in all four of the newspapers listed. Rich asked what it would cost to run the half-page ad, four times, once a week. He spoke on incorporating both the Charter and the one cent sales tax into one ad to keep the numbers down. Pan said to run a half page ad once would be \$3,500 per run, or \$14,000 to run it four weeks in four newspapers, totaling \$42,500. Rich said he was good for the \$42,500 on the newspapers and the mailers. Manuel said it had to run at least twice, and up to four times would be better. Discussion followed. Stevenson asked about getting a special rate on postage as a governmental entity. Pan replied, the pricing that was reflected in the quote of \$28,500 was a large discount on postage. McCormack stated that the statutory advertisement time for the actual ballot would be the third week and fifth week prior. Discussion followed on having one mailing, advertising twice in the newspaper, the size of the ad and how it would be placed. McCormack mentioned adding \$35k in each resolution and then for the Board to do a following motion, directing the County Administrator not to exceed 35,000 aggregate without further authorization from the Board.

(3:37 p.m.) James E. Tucker, 711 N. Main Street, Hastings, asked how many times they wanted to bring the Charter up for a vote. He stated that the people of St. Johns County did not vote to pass the home rule Charter, so they didn't need to spend money to educate people on the Charter. He spoke on taxes being higher and the County spending the tax payer's dollars to educate them on the Home Rule Charter. Sanchez spoke on information which had gone out to try and make the Charter fail. Tucker spoke on advertising for the Home Rule Charter and spending the County's dollars. He stated that he didn't think Charter government was good for St. Johns County. Sanchez spoke on individual citizens using their own money to put out information against the Charter. Tucker replied that individual citizens could do what they wanted with their money, but using the County's money was different. Rich spoke on people violating the law and the Board's responsibility to fix it.

(3:46 p.m.) Motion by Rich, seconded by Sanchez, carried 3/2 with Stevenson and Bryant opposed, to adopt Resolution No. 2008-256, finding a public purpose in the expenditure of public funds not exceeding \$35,000 in aggregate with Resolution No. 2008-257, for the purposes of educating the St. Johns County electorate regarding adopting a one-cent surtax for five years for the purposes of acquiring agricultural and/or environmentally significant lands and funding transportation infrastructure for existing development.

RESOLUTION NO. 2008-256

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING A PUBLIC PURPOSE IN THE EXPENDITURE OF PUBLIC FUNDS FOR THE PURPOSES OF EDUCATING THE ST. JOHNS COUNTY ELECTORATE REGARDING A ONE-CENT SURTAX FOR FIVE (5) YEARS FOR THE PURPOSES OF ACQUIRING CONSERVATION PROPERTY AND FUNDING TRANSPORTATION INFRASTRUCTURE FOR EXISTING DEVELOPMENT

(09/16/08 - 19 - 3:48 p.m.)

5B. CONSIDER A MOTION TO ADOPT A RESOLUTION FINDING A PUBLIC PURPOSE IN THE EXPENDITURE OF PUBLIC FUNDS FOR THE PURPOSES OF EDUCATING THE ST. JOHNS COUNTY ELECTORATE REGARDING A HOME RULE CHARTER (*Formerly Regular Item 14*)

(1:35 p.m.) Mike MacNamara, 1551 CR 13 South, spoke in favor of the Charter, but not in favor of spending County money for this particular educational purpose. He stated that the money should be spent on services.

(1:38 p.m.) Dwight Hines, 150 Nesmith Avenue, spoke against the Home Rule Charter because there was no provision for open records.

(1:49p.m.) Sarah Bailey, 2202 Bishop Estates Road, stated that she would like to see a list from the Charter of what it actually could do. She stated that the rules were not strong enough for our environment and that Charter could have stronger rules. She stated that she supported it.

(1:51 p.m.) Claudia Hundley, 254 Wooded Crossing Circle, spoke on spending six figure amounts for educating people on the Charter. She voiced her concerns.

(3:49) Motion by Rich , seconded by Sanchez, carried 3/2 with Stevenson and Bryant opposed, to adopt Resolution No. 2008-257, finding a public purpose in the expenditure of public funds not exceeding \$35,000 in aggregate with Resolution No. 2008-256, for the purposes of educating the St. Johns County electorate regarding a Home Rule Charter.

RESOLUTION NO. 2008-257

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, FINDING A PUBLIC PURPOSE IN THE EXPENDITURE OF PUBLIC FUNDS FOR THE PURPOSES OF

**EDUCATING THE ST. JOHNS COUNTY ELECTORATE
REGARDING ADOPTING A HOME RULE CHARTER**

The meeting recessed at 3:50 p.m. and reconvened at 3:57 p.m. with Bryant and Stevenson not present.

Manuel asked McCormack to clarify the motion. McCormack stated that they needed to identify the funding source from the General Fund Reserve and asked the Board to do a motion to authorize that as the source for both agenda Items 13 (5a) and 14 (5b). (3:58 p.m.) **Motion by Rich, seconded by Sanchez, carried 3/0 with Bryant and Stevenson absent, that the General Fund Reserves be used for the funding of Items 13 (5a) and 14 (5b) on the Agenda which deals with the Resolution No. 2008-256 and 2008-257.** Wanchick mentioned that he believed that the motion was to cap the reserves and stated that it might not be necessary because they might have the funds already. Manuel stated that the funds were in the marketing budget. He stated that they were allowed to do marketing, as all the Constitutional Officers did marketing. He mentioned that they could give flexibility to the Administrator. Manuel asked Wanchick to meet with all the Commissioners and get their input based upon the original draft and the comments that were submitted to him.

(09/16/08 - 20 - 4:01 p.m.)

(DISTRICT 5)

6. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS (ST. JOHNS COUNTY SHORE PROTECTION PROJECT - ST AUGUSTINE BEACH NOURISHMENT)

Press Tompkins, County Engineer, reviewed this item.

(4:02) **Motion by Rich, seconded by Sanchez, carried 3/0 with Stevenson and Bryant absent, to adopt Resolution 2008-258, approving the terms, provisions, conditions, and requirements of the request between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Environmental Protection, and authorizing the County Administrator to budget for the Joint Participation Funds required for Beach Management Funding Assistance.**

RESOLUTION NO. 2008-258

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS

(09/16/08 - 20 - 4:02 p.m.)

(DISTRICTS 3 & 5)

7. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS (SOUTH

PONTE VEDRA BEACH/VILANO/SUMMER HAVEN BEACH
RESTORATION FEASIBILITY STUDY)

Press Tompkins, County Engineer, reviewed this item.

(4:03 p.m.) Motion by Rich, seconded by Sanchez, carried 3/0 with Stevenson and Bryant absent, to adopt Resolution No. 2008-259, approving the terms, provisions, conditions, and requirements of the request between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Environmental Protection, and authorizing the County Administrator to Budget for the Joint Participation Funds Required for Beach Management Funding Assistance.

RESOLUTION NO. 2008-259

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS

(09/16/08 - 21 - 4:04 p.m.)

(DISTRICT 5)

8. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS (SOUTH PONTE VEDRA-VILANO BEACH RESTORATION ASSOCIATION ("ASSOCIATION" FEASIBILITY STUDY)

Press Tompkins, County Engineer, reviewed this item.

(4:04 p.m.) Motion by Rich, seconded by Sanchez, carried 3/0 with Stevenson and Bryant absent, to adopt Resolution No. 2008-260, approving the terms, provisions, conditions, and requirements of the request between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Environmental Protection, and authorizing the County Administrator to Budget for the Joint Participation Funds Required for Beach Management Funding Assistance.

RESOLUTION NO. 2008-260

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SUBMIT A LONG RANGE BEACH EROSION CONTROL BUDGET PLAN WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS

(09/16/08 - 21 - 4:05 p.m.)

9. CONSIDER AN APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating there was representation from District 1, 2 and 4. She said there were no representation from District 3 and 5. She also stated that there were six applications for consideration.

(4:07 p.m.) Motion by Rich, seconded by Sanchez, carried 3/0 with Stevenson and Bryant absent, to appoint James Zimmerman to the Industrial Development Authority for a partial term scheduled to expire January 15, 2010.

(09/16/08 - 22 - 4:09 p.m.)

10. CONSIDER AN APPOINTMENT OF A ST. JOHNS COUNTY REPRESENTATIVE TO THE HEALTH PLANNING COUNCIL OF NORTHEAST FLORIDA, INC.

Melissa Lundquist, Administrative Coordinator, reviewed this item.

(4:09 p.m.) Motion by Rich, seconded by Sanchez, carried 3/0 with Stevenson and Bryant absent, to reappoint Ms. Susan Ponder-Stansel as the St. Johns County representative on the Health Planning Council of Northeast Florida, Inc. for a two-year term scheduled to expire in October 2010.

(09/16/08 - 22 - 4:10 p.m.)

(DISTRICT 3)

11. PUBLIC HEARING - REZ 2007-30 SEYMOR SOCIAL SECURITY OFFICE REZONING - THIS IS A REQUEST TO REZONE FROM OPEN RURAL (OR) TO OFFICE PROFESSIONAL (OP) FOR THE CONSTRUCTION OF A SOCIAL SECURITY OFFICE. SUBJECT PROPERTY IS 1.52 ACRES AND IS LOCATED ON THE EAST SIDE OF OLD MOULTRIE RD, JUST NORTH OF LEWIS POINT RD. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO OFFICE PROFESSIONAL, SUBSTANTIALLY, MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE MIXED USE LAND USE AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO OTHER COMPETENT SUBSTANTIAL EVIDENCE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR AUGUST 7, 2008 MEETING BY A VOTE OF 6 TO 0 (MOTION BY WHEELER, SECONDED BY WILES)

Proof of publication of the notice of public hearing regarding REZ 2007-30, Old Moultrie RD/Rezoning was received, have been published in The *St. Augustine Record* on August 29, 2008.

Michael Blackford, Planner II, reviewed this item.

(4:11 p.m.) Motion by Rich, seconded by Sanchez, carried 3/0 with Stevenson and Bryant absent, to enact Ordinance No. 2008-46, known as REZ 2007-30, adopting findings of fact 1 through 4 to support the motion.

ORDINANCE NO. 2008-46

AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, REZONING LANDS AS
DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF OPEN RURAL (OR) TO

**OFFICE PROFESSIONAL (OP); MAKING FINDINGS OF
FACT; REQUIRING RECORDATION; AND PROVIDING
AN EFFECTIVE DATE**

(09/16/08 - 23 - 11:04 a.m.)

(DISTRICT 5)

12. PUBLIC HEARING - ZADMAPL 2008-01 DENNIS CHIPMAN ZONING APPEAL - THIS REQUEST IS AN APPEAL BY DENNIS CHIPMAN, A NEIGHBORING PROPERTY OWNER WHO MAINTAINS THAT HE WAS ADVERSELY AFFECTED BY THE PLANNING AND ZONING AGENCY'S APPROVAL OF ZONING VARIANCE 2008-04 (HEREAFTER "ZVAR 2008-04"). (SEE ATTACHED ORDER). THE ZONING VARIANCE, GRANTED TO APPLICANT ALAN WOOLFOLK, ALLOWS THE REDUCTION IN THE SECOND FRONT YARD SETBACK FROM 15' TO 8'9" ON THE NORTH SIDE OF THE PROPERTY ADJACENT TO ORANGE AVENUE TO ALLOW FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE LOCATED SPECIFICALLY AT 5201 MEDORAS AVENUE. THE PLANNING AND ZONING AGENCY CONSIDERED THE MATTER ON JULY 3, 2008 AND FOLLOWING A 4/3 VOTE, APPROVED ZVAR 2008-04 BASED UPON THE FOLLOWING FINDINGS OF FACT: (1) THE REQUEST IS NOT CONTRARY TO THE PUBLIC INTEREST AND IS NOT IN CONFLICT WITH SURROUNDING DEVELOPMENT; (2) THE REQUEST MEETS THE CRITERIA ESTABLISHED BY SECTION 10.04.02 OF THE LAND DEVELOPMENT CODE, AND (3) THE REQUEST IS NOT IN CONFLICT WITH THE FUTURE LAND USE DESIGNATION OF RESIDENTIAL - C. ON JULY 23, 2008 DENNIS CHIPMAN FILED AN APPEAL IN A TIMELY MANNER AS PRESCRIBED BY THE LAND DEVELOPMENT CODE, REQUESTING THAT THE BOARD REVERSE THE PLANNING AND ZONING AGENCY'S DECISION, AND DENY ZVAR 2008-04

This Item was pulled from the Regular Agenda.

(09/16/08 - 23 - 11:04 a.m.)

13. CONSIDER A MOTION TO ADOPT A RESOLUTION FINDING A PUBLIC PURPOSE IN THE EXPENDITURE OF PUBLIC FUNDS FOR THE PURPOSES OF EDUCATING THE ST. JOHNS COUNTY ELECTORATE REGARDING ADOPTING A ONE-CENT SURTAX FOR FIVE YEARS FOR THE PURPOSES OF ACQUIRING AGRICULTURAL AND/OR ENVIRONMENTALLY SIGNIFICANT LANDS AND FUNDING TRANSPORTATION INFRASTRUCTURE FOR EXISTING DEVELOPMENT

This item was moved and renamed as Item 5A.

(09/16/08 - 23 - 11:04 a.m.)

14. CONSIDER A MOTION TO ADOPT A RESOLUTION FINDING A PUBLIC PURPOSE IN THE EXPENDITURE OF PUBLIC FUNDS FOR THE PURPOSES OF EDUCATING THE ST. JOHNS COUNTY ELECTORATE REGARDING A HOME RULE CHARTER

This item was moved and renamed as Item 5B.

(09/16/08 - 23 - 4:14 p.m.)

- 14A. MOTION TO DIRECT THE COUNTY ADMINISTRATOR TO ENTER INTO AN AMENDMENT TO THE CURRENT CONTRACT WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AS MANDATED BY THE FLORIDA LEGISLATURE (*Formerly Consent Item 3*)

Jerry Cameron, Assistant County Administrator, reviewed this item. (4:13 p.m.) **Motion by Rich, seconded by Sanchez, carried 3/0 with Stevenson and Bryant absent, to direct the County Administrator to enter into an amendment to the current contract with the Florida Department of Agriculture as mandated by the Florida Legislature.**

The Board reconvened at 5:30 p.m. with all five commissioners, Michael Wanchick, County Administrator, Patrick McCormack, County Attorney, Terry Bulla, Deputy Clerk, and Janet Beeson, Court Reporter present.

(4:35 p.m.) **Motion by Sanchez, seconded by Rich, carried 3/0 with Stevenson and Bryant absent, to adjourn the meeting until 5:30 p.m.**

(09/16/08 - 24 - 5:33 p.m.)

15. PUBLIC HEARING - ADOPTION OF TENTATIVE MILLAGE RATES & BUDGET FOR FY 2009 - FLORIDA STATUTES 129.03 AND 200.065 REQUIRE THE BOARD OF COUNTY COMMISSIONERS (BCC) TO ADOPT ITS MILLAGE RATES AND BUDGET FOR THE NEXT FISCAL YEAR (FY) AT A PUBLIC HEARING. THAT HEARING MUST BE HELD AFTER 5:00 PM IF SCHEDULED ON A DAY OTHER THAN SATURDAY. THE SEPTEMBER 16TH, 5:30 PM HEARING DATE HAS BEEN NOTICED, AS REQUIRED, IN THE RECENT MAILING OF NOTICES OF PROPOSED PROPERTY TAXES (TRIM) BY THE COUNTY'S PROPERTY APPRAISER. FLORIDA STATUTES PRESCRIBE A SPECIFIC ORDER FOR THE CONSIDERATION OF ITEMS AT THE PUBLIC HEARING. DUE TO POSSIBLE REVISIONS FROM UPDATED INFORMATION, THE SPECIFIC ORDER AND DETAIL OF THE PRESCRIBED ITEMS WILL BE PROVIDED AT THE MEETING. THE FIRST SUBSTANTIVE ISSUE OF DISCUSSION MUST BE THE PERCENTAGE INCREASE IN THE COUNTY'S AGGREGATE MILLAGE RATE OVER THE ROLLED-BACK RATE. THE ROLLED-BACK RATE IS DEFINED AS THE AGGREGATE MILLAGE RATE THAT WOULD GENERATE THE SAME LEVEL OF PRIOR YEAR TAX REVENUES LESS CERTAIN DEFINED ALLOWANCES (SUCH AS NEW CONSTRUCTION). THE GENERAL PUBLIC SHALL BE ALLOWED TO SPEAK AND TO ASK QUESTIONS PRIOR TO ADOPTION OF ANY MEASURES BY THE BCC. THE BCC SHALL ADOPT BY RESOLUTION ITS TENTATIVE MILLAGE RATES PRIOR TO ADOPTING ITS TENTATIVE BUDGET FOR FY 2009. THE BCC WILL ALSO NEED TO ESTABLISH A DATE, TIME AND PLACE OF A PUBLIC HEARING FOR ITS FINAL MILLAGE AND BUDGET ADOPTION. IT IS RECOMMENDED THAT THE BCC ESTABLISH TUESDAY, SEPTEMBER 30, 2008 AT 5:30 PM IN THE COUNTY AUDITORIUM FOR ITS FINAL HEARING

Doug Timms, Director, Office of Management and Budget gave the presentation. He noted this was the first of two required hearings. He said there was a prescribed process mandated by the State and they would be following that process. Discussion included the percentage increase over the rolled-back rate, and noted there would be no increase in the roll-back rate.

(5:35 p.m.) Dwight Hines, 150 Nesmith, objected to the budget and any change in the millage until the open records requirements were met. He asked if there had been any plans to privatize. He said property values had gone down by 25 percent. Manuel said the budget was based on assessed values of 2007. He stated that they operated a year in arrears. He said 2008 values would be lower than 2008, and there was no question there would be additional budget constraints. He said we depended too heavily on ad valorem property taxes. He cautioned that they needed to balance their revenue

streams. He said he did not see much privatization, but were looking at ways to address that.

(5:39 p.m.) Bryant noted that much of the City property was off their tax rolls, and it made the situation very difficult to deal with.

(5:41 p.m.) Manuel said we were required to reduce their budget by 9% in terms of going forward with the budget. He said the Fire Service District was reduced by 3%. He said they added, per statute, 4.5% for the growth rate. He said all other departments were subject to a 9% cut. He said he and the Administrator had decided to make the same cuts to the Sheriff and Fire Service Departments. Manuel said they actually had a negative growth rate. He said they needed to look at those assumptions.

(5:44 p.m.) Timms continued with his presentation with Tentative Millage Highlights and explained that they would need a 4/1 vote in order to go to the maximum of 6.5046 aggregate rate. He reviewed additional revenue if they chose to vote above the cap and the vote required. He said it would be necessary to send out new TRIM notices and that would become a problem and probably could not be done.

(5:48 p.m.) Sanchez asked if they could increase only the fire millage by a 4/1 vote. Timms said they could.

(5:48 p.m.) Timms continued with the FY 2009 budget highlights projected for FY 2010. He said new growth was being considered in that evaluation scenario and negative growth was 4.4% in their projected example. He said it would result in \$5.3 million less for the general fund in 2010. He explained that was the scenario that had been mentioned.

(5:50 p.m.) Timms publicly announced the roll back rate of 6.4840 mils and the percentage decrease in property taxes from the rolled-back rate, 6.97%, and the tentative aggregate millage rate, 6.0320 mils.

(5:51 p.m.) **Motion by Stevenson, seconded by Bryant, to approve the tentative millage rate resolution 6.0320 mils.**

Manuel expressed concern for the need to find another \$3 million budgeted without corresponding revenue. **Bryant said that based on the preceding discussion, he would withdraw his second. Stevenson said she would withdraw her motion.** Bryant said they had an obligation to do certain things including the public safety, general welfare of the residents and he agreed with Manuel and supported him.

Manuel said the reality of the economic situation could result in core services having to be eliminated and looking at no increases in salaries for staff. He said all the Constitutional Officers were going to have to take extremely close looks at their budgets. Discussion ensued regarding unfunded pension liabilities and Manuel said he totally disagreed with that. He said the Board had worked hard to create the trust and the funding for it.

(5:56 p.m.) Timms said the budget was balanced as submitted, and it was not shorted in any way. He said next year's budget would be funded at \$5 million, the level which the actuary had recommended. He said they did not fund it at \$7 million, or excess fund it in 2009. He explained what he meant by excess, and technically they had an excess of \$2.5 million starting off to provide an inflation cushion.

(5:58 p.m.) Stevenson said the \$7 million was catch up and with the \$2.5 million, they would not be paying the unfunded liability but they would not be any further behind. She said it was a fair proposal and fiscally sound, because they were not going any further behind. Timms said they would be fully funded for OPEB, and there would be no unfunded pension liability. Timms said the other million was worker's comp savings, and it was a real savings. Stevenson said there was another million from collections rate. Timms said they had closed that \$3 million gap. He said the \$3 million had been addressed soundly and they were still meeting their obligation.

(6:01 p.m.) Wanchick said two weeks ago they were balanced but received a \$1 million hit on sales tax collections reconfigured by the State and another \$2 million hit on the collections of ad valorem. He said it was a balanced budget proposal, but if they wanted to pursue another strategy it would be understandable.

(6:02 p.m.) Rich asked for a five minute break to consult with the County Administrator. The meeting resumed at 6:05 p.m.

(6:05 p.m.) Manuel said that after conference with the County Attorney, he learned that whatever rate was adopted that night, the final rate could not be any higher than the tentative rate.

(6:05 p.m.) Stevenson said her primary concern was for the capital portion for Fire Services. She said they tried to reform TRIM notices and it did not pass. She said some of her constituents saw no hope for fire service and they wanted out. She said she did not know how ethical it was to charge them a fire fee without providing them services. She asked how they could fund it. She said funding fire stations was part of the infrastructure that the community required to prosper. She suggested there might be another way to address it without changing the TRIM notices. She said there would be a two and a half year delay before they built new fire stations and it was a big issue in some communities.

(6:11 p.m.) Timms said it would be very difficult to re-do the TRIM at that point, and they probably would be unable to meet the time requirement. The final hearing could not be heard outside October 3. He said the Property Appraiser could not guarantee they could get them out within that time.

(6:13 p.m.) Discussion ensued regarding the level of service being provided.

(6:18 p.m.) Wanchick said the County had an adopted plan for fire service and he said the plan had been thrown off track by the State legislature. He said it was not possible to do anything this year, but he was working with Chief Hall and Timms on some funding improvements for a later date. He said they were hoping that they might be able to provide that service through an alternative method. Stevenson asked that it happened before TRIM notices went out next year.

(6:20 p.m.) Timms reviewed that they could, with a 3/2 vote, put \$7.5 million all toward fire services, and would have that option next year. He said the other option was tight time wise and might not be feasible, to pass it tonight. Stevenson clarified that it would be for the 2009/2010 budget. Wanchick said that in the interim they would be working on some of the alternative strategies to move the plan forward.

(6:21 p.m.) Manuel said he was disappointed in the outcome of the discussion as they only had one choice.

(6:22 p.m.) Motion by Stevenson, seconded by Bryant, to adopt Resolution No. 2008-261, to adopt a tentative aggregate millage rate of 6.0320 mils.

Rich said he was looking at ways to raise money and because of his concerns, he was not comfortable with the millage rate they were dealing with. He said they should keep the millage rate where it was or reduce it. He said he would not support the vote.

McCormack asked the maker of the motion to rephrase the motion as it was shown on the cover page.

(6:25 p.m.) Motion by Stevenson, seconded by Rich, to approve Resolution No. 2008-261,

RESOLUTION NO. 2008-261

RESOLVED, that the following TENTATIVE MILLAGE RATE is hereby set by the Board of County Commissioners of St. Johns County, Florida, for all property in St. Johns County, as of January 1, 2008.

General Fund	4.2900
County Transportation Trust Fund	.7300
County Health Unit Trust Fund	.0171
Fire District, Countywide Except City of St. Augustine	1.0620
Vilano Street Lighting District	.0500
St. Augustine South Street Lighting District	.2100
Summerhaven M.S.T.U.	10.0000
AGGREGATE MILLAGE RATE	6.0320
 Rolled-back Rate	6.4840
 Percentage decrease in Property Taxes from rolled-back rate:	-6.97%

(6:27 p.m.) Motion carried 4/1 with Rich dissenting.

(6:28 p.m.) Timms reviewed the FY 2009 Final Tentative Budget Highlights. He said it was a 7.6% decrease overall, or over \$53 million. He noted the tentative General Fund difference from FY 08 was \$13.7 million. He also presented the final Sheriff's Budget and the total was \$59.5 million, a \$3.2 million dollar increase. He reviewed the General Fund Reserve Levels and said it was in good shape. He reviewed staffing and noted the deletion of staff positions and the resulting savings of \$4 to 5 million. He said a \$3.2 million contingency was maintained for FY 2010. Discussion ensued.

(6:37 p.m.) Tommy Edwards, Tax Collectors Office, said there were \$5 million in tax certificates that were not purchased this year. He said when taxes were paid the County was getting 18 percent. He said it was the same problem all over the state.

(6:40 p.m.) Rich asked to address some of the Sheriff's budget issues and compared the St. Johns County Sheriff's budget to the Clay County Sheriff's budget. He said he needed someone to explain to him how the St. Johns County budget was justified.

(6:45 p.m.) Mark Simpson, Chief Financial Officer, St. Johns County Sheriff's officer, said a lot of difference came in the way they did detention services. He said the Sheriff's office did not own the land or the jail. He said to maintain their jail was very expensive, and Clay County had a brand new jail. He said the bookkeeping methods were also different. Simpson asked the ratio of deputies to populace. He said the Sheriff's office operated at maximum sufficiency. He said their demographics were different from Clay County. He said they could look at comparable counties. Rich said he was not convinced that the out of control spending by the Sheriff's office was good. Simpson said they added 48 new positions to the Sheriff's office. Rich said their growth was out of whack with their contemporaries. Simpson said the growth issues had to be taken into consideration. He said they had no capital to cut. He said they submitted their budget and they were in compliance. He said he wished he had heard Rich's concerns a little sooner. Rich said he would not support the Sheriff's budget. He said he would like to see their budget at \$53 million, and they should share budget cuts with the other departments.

(6:55 p.m.) Stevenson said it was a fair conversation to have. She cautioned that it was difficult to compare one geographical area service wise to another, and there were many factors that had to be considered. She noted we were paying our OPEB liability and Clay County was not.

(6:58 p.m.) Rich said the Sheriff's budget was growing at an inordinate rate and was due to poor management at the top. He said the Sheriff was directly responsible. He said if they were looking for money, that was where it was.

(7:00 p.m.) Simpson said he had stood before the Commission on July 15 and there had been no such discussion. Manuel said they had hit the \$58 million figure that they had agreed upon last year. Simpson said it was an accurate statement and they had agreed upon a number. Manuel said they had agreed on a net \$56 million, their budget had been \$56.7 million and they had remitted back to the County \$750,000, meeting the number that they had agreed upon. He said they had agreed upon a growth assumption of 7% which would put them at \$58 million. He said that would put them in line with Fire Services. He said it was only fair to treat them equally. Simpson explained funds were accounted for differently for capital items. Manuel said the assumption that they had made about the growth rate had turned out to be false, and it was all due to decisions made in Tallahassee. He said his concern was that every other department was decreasing expenses. He said he would like for the County Administrator to get with all the Constitutional Officers to see if there was any additional money to cut in order to share the pain. He said next year was going to be brutal and next year their budget would not grow. Simpson said they were planning on zero growth for next year. Manuel said there needed to be a reexamination in the next two weeks. Simpson said reexamination was ongoing. Rich said the department could absorb \$2.7 million and all that was needed was good management. Simpson reported that in order to reduce that amount it would affect personal services, resulting in zero raises and a lay off of about 100 people which would reduce services to the population. He cited many of the cost savings measures that they had implemented, which had resulted in millions of dollars in savings. Simpson said he was the captain of the budget ship at the Sheriff's office and Rich was calling him a bad manager. He said he was a good fiscal manager and was carefully watching the budget. Manuel asked if they were willing to meet with the Administrator.

(9:07 p.m.) Sheriff Shoar said he was hearing that they wanted him to sit down with the Administrator to see if they could come up with what. Manuel said to come up with whatever cuts they could come up with to see if there was anything further they could

do to help them out. Shoar said he would be happy to do that. He said they were partners with the County. Wanchick agreed that they could do that.

(7:10 p.m.) Timms said the Tax Collector and the Property Appraiser were fee based and could not reduce their budgets and should be excluded from that discussion. Manuel said there might be nothing they could do, but that next year was going to be a brutal year for St. Johns County.

(7:11 p.m.) **Motion by Bryant, seconded by Stevenson, to approve Resolution No. 2008-262.**

RESOLUTION NO. 2008-262

RESOLVED, that the following FISCAL YEAR 2009 TENTATIVE BUDGET of the Board of County Commissioners of St. Johns County, Florida, developed using the certified taxable value of \$23,503,113,870, generating an estimated \$141,769,637 in taxes, is hereby adopted, resulting in a total budget of \$653,227,993 as follows:

General Fund	\$164,397,120
Special Revenue Funds	
Alcohol & Drug Abuse Trust Fund	\$13,410
Beach Fund	\$1,057,412
Building Services Fund	\$5,017,007
Ch Arnold Rd Grading MSBU Fund	\$12,721
Communication Surcharge Fund	\$1,401,988
Community Based Care Fund	\$4,648,392
County Cultural Center Fund	\$3,059,851
County Health Unit Trust Fund	\$401,304
Transportation Trust Fund	\$51,385,991
Court Facilities Trust Fund	\$2,793,756
Court Innovation Fund	\$221,753
Crimes Prevention Trust Fund	\$79,206
Court Technology Trust Fund	\$3,946,715
Deerwood Lane ROW MSBU Fund	\$10,813
Driver Ed Safety Fund	\$208,628
E-911 Communications Fund	\$1,296,730
Elkton Drainage District Fund	\$35,972
Fire District Fund	\$36,393,127
Fire/EMS Impact Fees Fund	\$738,032
Florida Boating Improvement Fund	\$768,810
Flagler Estates CRA Fund	\$1,051,859
Juvenile Alternative Programs Fund	\$57,459
Law Enforcement Trust Fund	\$130,417
Law Library Fund	\$105,650
Legal Aid Fund	\$308,119
Mental Health Services Fund	\$4,298,111
Northwest Spec. Rev. Fund	\$84,519
Parks Zone-A Impact Fees Fund	\$389,540
Parks Zone-B Impact Fees Fund	\$915,656
Parks Zone-C Impact Fees Fund	\$340,531
Parks Zone-D Impact Fees Fund	\$278,357
Pier Fund	\$224,429
Police Svc Impact Fees	\$2,636,374
Public Bldg Impact Fees	\$1,040,026
Roads Zone-A Impact Fees Fund	\$3,369,691
Roads Zone-B Impact Fees Fund	\$9,697,749
Roads Zone-C Impact Fees Fund	\$5,557,056
Roads Zone-D Impact Fees Fund	\$2,522,123
Rusty Anchor/Wendover Rd MSBU Fund	\$1,577

Sidewalk Fund	\$87,304
Choose Life Specialty License Plate Fund	\$14,635
Florida Arts Specialty License Plate Fund	\$17,816
St. Augustine South Lighting District Fund	\$46,670
State Housing Initiative Program Fund	\$4,782,868
Summerhaven Fund	\$132,134
Tourist Development Tax Fund	\$7,711,113
Treasure Beach MSBU Fund	\$408
Tree Bank Spec Rev Fund	\$4,006,361
Vilano CRA Fund	\$513,207
Vilano Street Lighting District Fund	\$16,823
Special Revenue Funds continued	
Water & Sewer Utility Authority Fund	\$239,720
West Augustine CRA Fund	\$2,391,822
World Comm Center DRI Fund	\$59,475
Debt Service Funds	
03 Transportation Improvement Debt Service	\$2,093,043
04 Flagler Estates CRA Debt Service	\$914,800
04 Sales Tax Bonds Debt Service	\$2,107,412
05 Revenue Sharing Debt Service	\$1,222,423
06 Sales Tax Bonds Debt Service	\$2,990,950
06 Transportation Improvement Debt Service	\$1,837,088
Capital Bank Note Debt Service	\$990,553
Commercial Paper Program Debt Service	\$6,046,841
Equipment Capital Lease Debt Service	\$542,811
Fannie Mae Loan Debt Service	\$945,822
GE Capital Note Debt Service	\$166,900
Ponte Vedra MSD Debt Service	\$1,721,836
Refunded Courthouse Debt Service	\$1,524,821
Capital Improvement Funds	
04 Sales Tax Bonds Fund	\$1,231,398
05 Revenue Sharing Fund	\$3,193,937
06 Sales Tax Bonds Fund	\$11,575,258
06 Transportation Improvement Fund	\$30,812,072
Beach Renourishment Fund	\$2,874,876
Capital Bank Note Fund	\$12,250,000
North Holmes Blvd Fund	\$559,465
Northwest Road Project Fund	\$4,426,904
Proportionate Fair Share	\$14,397,998
Recreation Parks Projects Fund	\$2,333,077
Transit System Fund	\$1,726,340
Enterprise Funds	
Convention Center Fund	\$2,765,651
Ponte Vedra Utility Services Fund	\$20,571,109
Solid Waste Fund	\$30,609,054
St. Johns County Utility Services Fund	\$119,081,263
St. Johns Golf Club Fund	\$2,777,274
Internal Service Funds	
FSA - Dependent Fund	\$72,562
FSA - Medical Fund	\$317,168
Group Health Insurance Fund	\$24,534,892
OPEB Trust Fund	\$6,002,231
Worker Compensation Fund	\$7,091,827

Motion carried 4/1 with Rich dissenting.

(7:12 p.m.) **Motion by Stevenson, seconded by Bryant, carried 5/0, to set a Public Hearing on September 30, 2008 at 5:30 p.m. in the County Auditorium to consider the adoption of the final millage rates and the budget for FY 2009.**

(09/16/08 - 31- 4:14 p.m.)
COMMISSIONERS' REPORTS

Commissioner Rich:

Rich spoke on political yard signs being stolen and now that the election was over, being reposted around the county again.

(4:16 p.m.) Deputy Clerk Lenora Newsome left the meeting and Deputy Clerk Terry Bulla entered the meeting.

Rich commented on the "Mullet Wrapper" and suggested that people who supported him should cancel their subscription to the "Mullet Wrapper".

Rich said he would like to bring before the Board a lobbyist ordinance, which would require a log into which each Commissioner would be required to enter pertinent information when they were meeting with a lobbyist. He asked for the consensus of the Board. Sanchez said he had no problem with it, except that he wasn't sure they could characterize them all as lobbyists. Rich said the County Attorney could determine that.

McCormack said the state of Florida had lobbyist provisions for the State, and they could vary from a registered lobbyist to something very detailed. He said he could bring a spectrum of options for their review, and they could determine with what they felt comfortable.

(4:26 p.m.) Commissioner Sanchez:

No report.

(7:13 p.m.) Commissioner Stevenson:

Stevenson said there was an upcoming hearing on the Evaluation and Appraisal Report. Wanchick said he did not know that the date had been set. Stevenson asked for Judy Greenburg, from Marion County, to give the Board a presentation on transfer of development rights, and asked for Board consensus to do so. She said she would also like to invite the Commissioners elect to attend, if the Board so agreed. *There was Board consensus.* Wanchick said he would ask staff to contact her to start the discussion.

(4:26 p.m.) Commissioner Bryant:

No report.

(4:26 p.m.) Commissioner Manuel:

Manuel said the Commission, with the support of Administration and staff, had saved over \$2.31 million dollars that day without any diminution of services. He said the beauty of outsourcing certain tasks, was beneficial to the County because there were no additional benefits. Rich said liability was also limited in high risk jobs when they were outsourced. Manuel said they would continue to improve efficiencies.

Manuel said he wanted to discuss Charter Government and the oversight that was provided by Constitutional Officers, specifically the Clerk of Courts, who wrote all the checks for the County Commissioners. He said he found it interesting that the Sheriff's Office, the Tax Collector and the Property Appraiser wrote their own checks and not under the guidance of the Clerk of the Courts. He said the only one under the Clerk of Courts guidance was the Supervisor of Elections and that was because she had chosen to do that, and legally was under no obligation. He said when they discussed checks and balances; they needed to think about all the checks and balances.

(09/16/08 - 32 - 4:30 p.m.)

COUNTY ADMINISTRATOR'S REPORT

There was none.

(09/16/08 - 32 - 4:30 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack said the County had a personal injury claim from December of 2007 where there was a personal injury allegedly caused by the County. He said the matter had been referred to the liability carrier of fact, who had negotiated and settled the matter, and the County's portion of the settlement would be \$5,000.

(4:31 p.m.) Motion by Sanchez, Rich seconded, carried 3/0, with Stevenson and Bryant absent, to approve the \$5,000 settlement amount in the aforementioned claim.

(4:31 p.m.) McCormack apprised the Board of the lawsuit with the Water Management District in Seminole County and said it was completing its discovery phase and would be moving into the trial phase in October. He also noted that Seminole County had recently drafted a resolution which he thought the St. Johns County Board might be considering. He said they had drafted a motion to have the Florida Legislature be required to follow the same Sunshine Rules as local government officials and employees, and unless the Board disagreed, he would make it a part of the agenda discussion for the next meeting.

(4:32 p.m.) Rich commented on the Home Rule Charter drafts and said he was happier with the draft that Manuel had developed than Wanchick's. He said he could incorporate Manuel's information.

(4:33 p.m.) Wanchick said he assumed that the Board wanted them to pursue the other free media outlets and the utility bill statements.

(4:34 p.m.) McCormack recommended they authorize the County Administrator to use the material substantially in the form as he provided in his memo dated September 11, and to consider incorporating some of the focused items provided through the Chair. Manuel said it would be at the Administrator's discretion. Wanchick said it was his understanding that they wanted it to be content neutral.

(09/16/08 - 32 - 4:35 p.m.)

CLERK OF COURT'S REPORT

There was none.

(7:16 p.m.) Motion by Bryant, seconded by Sanchez, carried 4/0 with Rich absent, to adjourn the meeting.

With there being no further business to come before the Board, the meeting adjourned at 7:16 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 425567 through 425877, totaling \$1,689,977.73 (08/26/08)
2. St. Johns County Board of County Commissioners Check Register, Check No. 425878 through 425892, totaling \$229,269.22 (08/18/08)
3. St. Johns County Board of County Commissioners Check Register, Check No. 425893 through 425914, totaling \$36,411.78 (08/28/08)
4. St. Johns County Board of County Commissioners Check Register, Check No. 425915 through 426291, totaling \$2,168,655.45 (09/02/08)
5. St. Johns County Board of County Commissioners Check Register, Check No. 426292 through 426297, totaling \$188,093.85 (09/03/08)
6. St. Johns County Board of County Commissioners Check Register, Check No. 426298, totaling \$65,637.39 (09/03/08)
7. St. Johns County Board of County Commissioners Cash Requirements Check Format Due Date 08/18/08

CORRESPONDENCE:

1. Letter dated August 29, 2008 to Liz Cloud, Program Administrator, filing St. Johns County Ordinances Number 2008-42 and 2008-43
2. Letter dated September 8, 2008 to Liz Cloud, Program Administrator, filing St. Johns County Ordinances Number 2008-44 and 2008-45

Approved, _____ October 14 _____, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Vice Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Wanna King
Deputy Clerk