

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
SEPTEMBER 30, 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
 Lenora Newsome, Deputy Clerk

Also present: Allen MacDonald, Finance Director

(09/30/08 - 1 - 9:00 a.m.)
CALL TO ORDER

Manuel called the meeting to Order.

(09/30/08 - 1 - 9:00 a.m.)
ROLL CALL

Manuel said that all five commissioners were present.

(09/30/08 - 1 - 9:00 a.m.)
Sanchez gave the Invocation, and Rich led the Pledge of Allegiance.

(09/30/08 - 1 - 9:03 a.m.)
DOMESTIC VIOLENCE AWARENESS MONTH

Stevenson read the proclamation, with Joyce Mayor, Director of Betty Griffin House, thanking the Commissioners for making October Domestic Violence Awareness Month. She stated that their Hot Line Number was 824-1555 or the Florida State Hot Line Number was 1-800-500-1119.

(09/30/08 - 1 - 9:08 a.m.)
FIRE PREVENTION WEEK

Manuel read the proclamation, with Jeremy Robshaw accepting it. He stated that representatives from Fire Services would be visiting all the schools in St. Johns County delivering messages on preventing fires.

(09/30/08 - 1 - 9:12 a.m.)
ACCEPTANCE OF PROCLAMATIONS

Motion by Bryant, seconded by Stevenson, carried 5/0, to approve the Proclamations.

(09/30/08 - 2 - 9:12 a.m.)
DELETIONS TO CONSENT AGENDA

Stevenson requested to pull Item 20 and place it on the regular agenda as Item 13a and to pull Item 19 and place it on the regular agenda as 13b.

(09/30/08 - 2 - 9:14 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
08/05/08 - BCC Regular Meeting (Corrected)
09/02/08 - BCC Regular Meeting
3. Motion to adopt **Resolution No. 2008-263**, approving the terms provisions, conditions and requirements of an agreement between St. Johns County, Florida, and Guardian Occupational Services Inc., for the provision of drug screening services, and related services, for 2008-2009, and authorizing the County Administrator to execute the agreement on behalf of St. Johns County

RESOLUTION NO. 2008-263

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS PROVISIONS, CONDITIONS AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND GUARDIAN OCCUPATIONAL SERVICES INC., FOR THE PROVISION OF DRUG SCREENING SERVICES, AND RELATED SERVICES, FOR 2008-2009, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

4. Motion to approve the transfer of \$10,000 from the General Fund Reserve [0083 59920] to County Court - Court Costs [0025 53141] necessary to fund the projected remaining County Court filing fees for Fiscal Year 2008
5. Motion to adopt **Resolution No. 2008-264**, approving the Letter of Agreement between the State of Florida, Agency for Health Care Administration and St. Johns County and directing the County Administrator, or designee, to execute the agreement on behalf of the County

RESOLUTION NO. 2008-264

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE STATE OF FLORIDA,

APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE STATE OF FLORIDA, AGENCY FOR HEALTHCARE ADMINISTRATION, AND ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

6. Motion to adopt **Resolution No. 2008-265**, authorizing the Chairman to execute a County Deed and Temporary Construction Easement for the conveyance of the property needed on A1A for improvements to the Matanzas Bridge by the State of Florida Department of Transportation

RESOLUTION NO. 2008-265

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO EXECUTE A COUNTY DEED AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONVEYANCE OF PROPERTY NEEDED ON A1A FOR IMPROVEMENTS TO THE MATANZAS BRIDGE BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

7. Motion to adopt **Resolution No. 2008-266**, accepting a donation of property from the State of Florida Department of Transportation certifying that the property be used for public purpose only, which is located on Beachcomber Way in Vilano Beach

RESOLUTION NO. 2008-266

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DONATION OF PROPERTY FROM THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION CERTIFYING THAT THE PROPERTY TO BE USED FOR PUBLIC PURPOSE ONLY, WHICH IS LOCATED ON BEACHCOMBER WAY IN VILANO BEACH

8. Motion to adopt **Resolution No. 2008-267**, approving the terms and authorizing the County Administrator to execute a Purchase and Sale Agreement for property needed for a pond site for the improvements to Woodlawn Road

RESOLUTION NO. 2008-267

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR PROPERTY NEEDED FOR A POND SITE FOR THE IMPROVEMENTS TO WOODLAWN ROAD

9. Motion to adopt **Resolution No. 2008-268**, accepting the conveyance of an alternate 2.28 acre site near the intersection of CR 223 and Racetrack Road for a future County use and satisfying the fire station site provision in special condition 30(a) of the Aberdeen Development Order

RESOLUTION NO. 2008-268

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING CONVEYANCE OF A 2.28 ACRE COUNTY USE SITE SATISFYING THE FIRE STATION SITE PROVISION IN SPECIAL CONDITION 30(A) OF THE ABERDEEN DEVELOPMENT ORDER

10. Motion to adopt **Resolution No. 2008-269**, approving and authorizing the County Administrator to execute the Lease Agreement on behalf of the County between The Eddy Company and St. Johns County Tourist Development Council for rental space based on a month to month basis

RESOLUTION NO. 2008-269

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE COUNTY BETWEEN THE EDDY COMPANY AND ST. JOHNS COUNTY TOURIST AND DEVELOPMENT COUNCIL FOR RENTAL SPACE

11. Motion to adopt **Resolution No. 2008-270**, approving the terms and conditions associated with Federal Transit Administration Grant 04-0071, and authorizing the County Administrator or his designated representative to execute a Federal Transit Administration 5309 Earmark Grant in the amount of \$182,507

RESOLUTION NO. 2008-270

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, AND AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE FEDERAL TRANSIT ADMINISTRATION GRANT FL-04-0071 WHICH PROVIDES \$182,507 FOR PUBLIC TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

12. Motion to adopt **Resolution No. 2008-271**, approving the terms, provisions, conditions, and requirements of discontinuing the use of Mast Arm Paint between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the construction and maintenance of mast arm paint on the traffic signal devices located Countywide and authorizing the Chairperson of the Board

of County Commissioners to execute the Agreements on behalf of the County

RESOLUTION NO. 2008-271

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RESOLVING TO DISCONTINUE THE PRACTICE OF PAINTING MAST ARMS FOR CONSTRUCTION AND MAINTENANCE OF MAST ARM TRAFFIC SIGNALS IN ST. JOHNS COUNTY. THE RESULTING FINISH OF THE MAST ARMS SHALL BE GALVANIZED PER CURRENT FDOT DISTRICT II PRACTICE

13. Motion to adopt **Resolution No. 2008-272**, approving, in substantially the form presented, the terms, provisions, conditions, and requirements of the Joint Project Agreement between the Board of County Commissioners of St. Johns County, Florida, and the State of Florida Department of Transportation, regarding the construction of W. King Street and authorizing the County Administrator to execute said agreement

RESOLUTION NO. 2008-272

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE COUNTY INCENTIVE GRANT PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND ST. JOHNS COUNTY PERTAINING TO THE CONSTRUCTION OF W. KING STREET FROM WHITNEY STREET TO US 1; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE

14. Motion to approve a transfer in the amount of \$24,830 from the 2004 Sales Tax Bond Capital Outlay Reserve (3366-59927) and a transfer in the amount of \$23,000 from the 2006 Sales Tax Bond Capital Outlay Reserve (3395-59927) to the Vilano Town Center Project (1283-56301) to complete this project
15. Motion to authorize the County Administrator, or his designee, to award a contract to AWA Contracting Company, Inc., for work described in the bid proposal 08-85, Countywide Sidewalk and Drainage Construction
16. Motion to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm Sencilo Solutions for RFP 08-164, Email Archive Solution. If an agreement cannot be reached with the No. 1 ranked firm, authorization is requested to begin negotiations with the next ranked respondent and continue until an agreement is reached
17. Motion to adopt **Resolution No. 2008-273**, approving the terms and conditions of a revised patron registration policy and procedures

RESOLUTION NO. 2008-273

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE REVISED PATRON REGISTRATION POLICY AND PROCEDURES

18. Motion to adopt **Resolution No. 2008-274**, approving the terms, provisions, conditions and requirements of a State of Florida State Aid to Libraries Grant Agreement and authorizing the County Administrator, or his designee, to execute the agreement on behalf of the County

RESOLUTION NO. 2008-274

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

19. Motion to adopt a Resolution approving the terms, and conditions of a Memorandum of Understanding among St. Johns County, St. Joe Company and The Main Street Community Development District, and authorizing the Chairman of the Board of County Commissioners to execute the Memorandum of Understanding on behalf of the County

This item was pulled from the consent agenda and placed on the regular agenda as Item 13b. (See page 21)

20. Motion to adopt a Resolution approving the terms and conditions of an Interlocal Agreement between St. Johns County, Florida, and the City of St. Augustine Beach, Florida for the development of off-beach parking and restrooms, and authorizing the chairman of the Board of County Commissioners to execute the Interlocal Agreement on behalf of the County

This item was pulled from the consent agenda and placed on the regular agenda as Item 13a. (See page 20)

21. Motion to adopt **Resolution No. 2008-275**, approving the terms, provisions, conditions, and requirements of an Agreement between St. Johns County, Florida, and the City of St. Augustine, Florida, for the development and restrooms of Pomar Park, to be located on Masters Drive in the City of St. Augustine, Florida and authorizing the County Administrator to execute the Agreement on behalf of St. Johns County

RESOLUTION NO. 2008-275

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY,

FLORIDA, AND THE CITY OF ST. AUGUSTINE, FLORIDA, FOR THE DEVELOPMENT AND RESTROOMS OF POMAR PARK, TO BE LOCATED ON MASTERS DRIVE IN THE CITY OF ST. AUGUSTINE, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

22. Motion to adopt **Resolution No. 2008-276**, accepting the terms, conditions and provisions of the agreement between St. Johns County, Florida and Flagler Hospital for the provision of Baker Act Related community-based substance abuse and mental health services to adults and children within St. Johns County and authorize the County Administrator to execute the FY 2007-2008 Agreement on behalf of the County

RESOLUTION NO. 2008-276

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS, CONDITIONS, AND PROVISIONS OF THE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND FLAGLER HOSPITAL, AND AUTHORIZING THE COUNTY ADMINISTRATION TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

23. Motion to approve the transfer of \$339,000 from SHIP Reserves (1100-59920) and of \$47,944 from SHIP Grant Contract Reserve (1100-59901) to fund remaining FY 08 items in the following accounts: \$29,200 for HO Education [1100-58204], \$112,000 for Non-Profit Development [1100-58206], \$245,744 for Rehab (1100-58209)
24. Motion to approve an expenditure of \$50,000 from the Housing Department Contractual Services FY 09 [0094-53120] to pay for the extension of the credit underwriting period for the Comprehensive Workforce Housing Innovation Pilot Program (CWHIP)
25. Motion to adopt **Resolution No. 2008-277**, extending the length of the approved terms, provisions, conditions, and requirements of an Agreement between the Board of County Commissioners and Flagler Hospital, and authorizing the Chairman of the Board of County Commissioners to execute the Agreement on behalf of the County

RESOLUTION NO. 2008-277

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, EXTENDING THE LENGTH OF THE APPROVED TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND FLAGLER HOSPITAL, AUTHORIZING THE COUNTY ADMINISTRATOR OF ST. JOHNS COUNTY TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

26. Motion authorizing County Attorney Patrick McCormack, or his designee, to petition the Court to appoint Arthur W. Milam, Esq. as statutory trustee pursuant to Section 607.1405(5), F.S., and to specifically authorize Attorney Milam to execute conveyance of St. Johns Seaview Park, Unit 3 to the County for its acceptance
27. Proofs:
- a. Proof, Notice of Hearing, Board of County Commissioners, Renaming Lewis Street to Scheidel Way, Tuesday, August 19, 2008 at 9:00 a.m. (Ponte Vedra Recorder)
 - b. Proof, Notice of Canceled and Rescheduled Meeting, St. Johns County Water & Sewer Authority, canceled Monday, September 1, 2008 and rescheduled for Monday, September 8, 2008 at 9:00 a.m.
 - c. Proof, Notice to Bidders, RFP No. 08-158
 - d. Proof, Notice to Bidders, Bid No. 09-03
 - e. Proof, Notice to Applicants, Seeking Applications for Private Counsel to the Value Adjustment Board
 - f. Proof, Notice of Canceled and Rescheduled Meeting, St. Johns County Water & Sewer Authority, canceled Monday, September 8, 2008 and rescheduled for Monday, September 22, 2008 at 9:00 a.m.
 - g. Proof, Certificate of Liability Insurance, Realco Recycling Co, Inc.
 - h. Proof, Certificate of Liability Insurance, Applied Technology & Management Inc.

(09/30/08 - 8 - 9:14 a.m.)

PUBLIC COMMENT

Henry Tobin, 116 Surfside Avenue, spoke on the Special Use Permit that Planning and Zoning issued to the Church at Vilano, to use a single family residential house as a church hall, *Exhibit A*. McCormack stated that a factual determination needed to be made because Mr. Tobin had brought up a concern. He recommended that the Board refer it to the County Administrator and staff for review of the matter, to see whether, in fact, the Special Use Permit had expired, and to make that determination and any ancillary decisions that needed to be made. He said that this did not need to be decided during public comment. Stevenson stated that they were going to refer the matter to staff so they could look into it. Manuel spoke on entering into agreements. Toby spoke on calling the Building Department continuously to see if a building permit had been applied for.

(9:22 a.m.) Doug Burnett, 170 Malaga Street, spoke on commercial development in the county, the traffic concurrency ordinance, and impact fee agreement, *Exhibit A*. Manuel spoke on meeting with the County Administrator, County Attorney and Doug Burnett about the whole concept of internal capture. Stevenson stated that she would appreciate it if it was scheduled as an open noticed meeting so they could casually workshop the issues. Burnett spoke on development agreements and impact fee agreements. Wanchick reviewed the status on the traffic concurrency ordinance.

(09/30/08 - 8 - 9:29 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Sanchez suggested adding the discussion of the Hastings Medical Clinic as regular agenda Item 13c. McCormack requested to add a resolution of support for St Johns River Water Management litigation as Item 13d. Wanchick requested to add an emergency 911 grant application for the Sheriff's Department as Item A1.

(09/30/08 - 9 - 9:31 a.m.)
APPROVAL OF REGULAR AGENDA

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

(09/30/08 - 9 - 9:31 a.m.)
A1. E911 STATE GRANT

Sgt. Dale Mitchell, St. Johns County E911 Coordinator, stated that they had applied for a State grant for equipment that helped their E911 service become seamless, next generation, to help them prepare to be able to take text messaging, voice over IP and capture the information when it came in so they knew where that person was located. She stated that no county in the state of Florida could do that yet. She also stated that it was non-matching and non-payback.

(9:33 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to authorize the Chairman of the Board of County Commissioners to execute the application for the E911 State Grant Program which assists counties with the installation of Enhanced 911 (E911) systems and provides "seamless" Enhanced 911 throughout the State of Florida.**

(9:34 a.m.) Michael Hunt, Deputy County Attorney, entered the meeting.

(09/30/08 - 9 - 9:34 a.m.)

1. CONSIDER A MOTION TO ADOPT A RESOLUTION REQUESTING THE GOVERNOR TO SUPPORT A CONSTITUTIONAL AMENDMENT THAT REQUIRES STATE LEGISLATORS TO OPERATE UNDER THE SAME SUNSHINE LAWS UNDER WHICH COUNTY OFFICIALS OPERATE

Patrick McCormack, County Attorney, stated that they had, before them, a proposed resolution requesting that the Governor support a constitutional amendment that required the State Legislatures to operate under the same sunshine laws under which the county officials operated. Rich stated that he couldn't support any kind of law that automatically suspended the rights of people to talk. Sanchez stated that he didn't think it should be enforced. Manuel spoke in support of it, even though he disagreed with the whole concept. Stevenson stated that she supported it. Bryant stated that he did not support it because there were some basic differences between the local, state, and federal governments on the issues that they decide on. (9:42 a.m.) *There was a consensus of the Board that there would not be a resolution.*

Sanchez mentioned that Dr. Marathe was present for Item 13c and asked if it could be heard now. Manuel stated that they would hear Item 2 next and then move Item 13c to Item 2a.

(09/30/08 - 9 - 9:43 a.m.)

2. CONSIDER A MOTION TO APPROVE THE WRITE-OFF OF 2,384 EMS ACCOUNTS TOTALING \$1,030,572.21, 665 UTILITY SERVICES ACCOUNTS TOTALING \$118,920.36 AND 51 PONTE VEDRA UTILITY SERVICES ACCOUNTS TOTALING \$3,836.05 FROM THE APPROPRIATE ACCOUNTS RECEIVABLE EFFECTIVE SEPTEMBER 30, 2008 AND WHERE APPROPRIATE, HAVE BEEN SENT TO A COLLECTION AGENCY AND REPORTED TO A CREDIT BUREAU

Jesse Dunn, Office of Management & Budget, stated that the current agenda served as an annual process to bring forth those accounts that were posted 360 days and therefore deemed uncollectible. Rich asked if they had increased or decreased since last year. Dunn responded that it had increased. Bryant asked if they had analyzed how many of the bad debts were repeat customers. Dunn stated that he had not done any such analysis. Bryant mentioned that if they didn't have that many in numbers, but it was a high dollar figure, maybe they needed to address the issue by trying to address client's medical condition and alleviate that. Stevenson spoke on the reason that the uncollectable debts went up and on resolving them. Discussion followed.

(9:50 a.m.) **Motion by Rich, seconded by Stevenson, to approve the write-off of 2,384 EMS accounts totaling \$1,041,905.71, 665 Utility Services accounts totaling \$18,920.36, and 51 Ponte Vedra Utility Services accounts totaling \$3,836.05 from the appropriate accounts receivable effective for September 30, 2008 and where appropriate, have been sent to collection agency and reported to a credit bureau.** Bryant mentioned that the write-off amount for the 665 Utility Services should be \$118,920.36. **The maker of the motion accepted the amendment by Bryant and the second also accepted it. The motion carried 5/0.**

(09/30/08 - 10 - 9:53 a.m.)

2A. HASTINGS MEDICAL CLINIC (*Formerly Item 13c*)

Sanchez reviewed this item asking the Board's permission to keep the Hastings Medical Clinic open for a 90-day extension.

(9:55 a.m.) Dr. Sam Marathe, 15 Deanna Court, spoke on the Hastings Medical Clinic, regarding keeping it open for a 90-day extension. He spoke on competitive bidding, needing to give people notice and also finding care for them. Bryant mentioned Marathe opening his private practice in Hastings, and by law, not being able to close down the clinic without notice. Rich spoke on patient lockout. Wanchick stated that the situation had nothing to do with the quality of service provided by Marathe, but that it had to do with the County being in a battle for economic survival. He stated that he was asked by the Board to take a look at running the County like a business. He spoke on providing the services for the County for free. Rich stated that the short answer to his question was that the patient pool that they were concerned about did not have a lockout. Wanchick responded that there was not a lockout. Sanchez stated that his intention was to try and settle this whole thing, including the possibility of leasing the building to Dr. Marathe, but that they had little time to do it. He stated that he would like to get it settled in 60-90 days. Manual stated that, clearly, they were going to follow the law. He suggested delegating the matter to the County Administrator, who would ascertain the legal implications, work with Dr. Marathe during that period, and move forward with the plan that the Administrator had proposed. Dr. Marathe spoke on saving the County more money with competitive bidding. Manual directed the County Administrator to work with Dr. Marathe over the 60-90 days period, whatever the legal requirements were, and to ascertain the direction in which the Board should go. (10:14 a.m.) Hunt stated it was actually a 30-day period for change, but suggested a 90-day extension.

(10:15 a.m.) Jerry Cameron, Assistant County Administrator, stated that the attorney was correct and he suggested 90 days. Bryant mentioned that Dr. Marathe had the same obligation as the County did, and he couldn't abandon his patients. Cameron stated that the easiest thing to do would be to extend the existing contract with its present terms, but by way of clarification, the motion should be clear that this was a notice that the contract would end. Rich asked if this created budget issues, and had said they had not anticipated the extension issue. Wanchick replied no, they had not,

but in fairness they ought to provide a period of time. Rich suggested moving forward within a 60 day window with whatever they were going to present to the Board. Wanchick stated that what they all agree on, and what was paramount, was the welfare of the patients, so they didn't want to do anything that would compromise that. He stated that if the Board would give them up to 90 days to work with Dr. Marathe on a transition for the welfare of the patients, they could manage the situation. He said that he didn't see a need to come back to the Board with anything because they had agreements in place with Flagler Hospital and the Health Department, and they would like to make the transition as easy as possible. He also mentioned that if anything didn't go as planned, they would bring something back to the commission and inform them. He stated that he did not want to get into a competitive bidding situation because they currently had an agreement which was costing the County nothing. Rich recommended to the Board to, allow Wanchick to work out the details and proceed exactly the way he recommended. Bryant stated that he concurred with Rich, but reminded them that they were underwriting a mostly, purely private practice. Stevenson stated that she concurred with the direction. Sanchez agreed with Bryant, but recommended 90 days to handle it properly. (10:22 a.m.) **Motion by Sanchez, seconded by Rich, that the Administrator takes this situation with an extension, up to 90 days, to work something out, and the cost would be around \$16,000-\$17,000 a month, to come out of the General Reserves.** Bryant mentioned keeping in mind, in that 90-day negotiation period, that again this was a purely, vastly, majority private clinic that they were underwriting, and he didn't think that beyond the first 30 days, that they needed to be funding it at the same level that they were now. (10:24 a.m.) Stevenson stated that in the motion the intent to work something out was very nebulous. *She stated that what they were working out was a 90-day transition to insure continuity of care as they moved to a new system of providing indigent care in the Hastings area.* **Sanchez stated that he would include that in his motion with the second agreeing.** Wanchick stated that the Board might want to consider giving Staff the authority to work with Dr. Marathe in negotiating a contract for the building to keep his private clinic where it was today. *Cameron stated that it might facilitate that motion, if the Board just included, not to exceed the existing rate of compensation.* **Sanchez stated that he accepted that change to his motion with the second agreeing. The motion carried 5/0.**

The meeting recessed at 10:25 a.m. and reconvened at 10:31 a.m.

(09/30/08 - 11 - 9:52 a.m.)

3. CONSIDER A MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF HEALTH/ST. JOHNS COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$401,903 TO PROVIDE ENVIRONMENTAL HEALTH SERVICES, COMMUNICABLE DISEASE CONTROL SERVICES AND CHILD PRIMARY CARE SERVICES FOR FY 2008-2009, BEGINNING OCTOBER 1, 2008, AND AUTHORIZING THE CHAIR TO EXECUTE THE CONTRACT ON BEHALF OF THE COUNTY

Jerry Cameron, Assistant County Administrator, gave the presentation. Sanchez and Rich were absent.

(10:32 a.m.) **Motion by Bryant, seconded by Stevenson, to adopt Resolution No. 2008-278, approving the terms provisions, conditions, and requirements of an agreement between the Board of County Commissioners of St. Johns County and the State of Florida Department of Health/St. Johns County Health Department in the amount of \$401,903 to provide environmental health services, communicable disease control**

services and child primary care services for FY 2008-2009, beginning October 1, 2008, and authorizing the Chair to execute the contract on behalf of the County.

(10:33 a.m.) Bryant spoke on the Health Department's pediatric services being kind of misleading. He said that it was his understanding that they basically served pediatric Medicaid patients and or private pay patients. He said that he didn't think that they saw indigent type pediatric patients who did not have a pay source. He also said, in his opinion, that if they were touting themselves as being the pediatric clinic of the County, they should accept the responsibility of seeing those people that didn't have a pay source. Cameron said he would be happy to take that discussion to Dr. Allicott. He stated that he did have a rather lengthy meeting with her, at the direction of the County Administrator, last week to firm up some of the services that were being delivered, and he stated that he expressed to them the importance, in the current economic climate, of even more collaboration than they have had in the past, on delivering services as effectively and as efficiently as possible. (10:34 a.m.) Sanchez returned to the meeting. (10:34 a.m.) **The motion carried 4/0 with Rich absent.**

(10:35 a.m.) Rich returned to the meeting.

RESOLUTION NO. 2008-278

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, AND STATE OF FLORIDA DEPARTMENT OF HEALTH/ST. JOHNS COUNTY HEALTH DEPARTMENT, AUTHORIZING THE CHAIR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

(09/30/08 - 12 - 10:35 a.m.)

(District 5)

4. 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

Proof of publication of the notice of public hearing regarding ZADMAPL 2008-01, Dennis Chipman Zoning Appeal was received, having been published in *The St. Augustine Record* on September 12, 2008.

Janet Beason, Court Reporter, was present.

Dennis Chipman, 5400 Atlantic View, gave a presentation and explained why he appealed the zoning variance. He reviewed the unique features regarding the neighborhood. He explained that the matter of a view was an important factor in the value of oceanfront property. He read a letter into the record from Lavonne Congdon about decreasing her property value if the view was obstructed. He reviewed the five items of his appeal statement, *Exhibit A*. He noted that some variances had been granted in the neighborhood, but there were only two for building widths. He showed photos of homes that had been built 35 feet wide or less, *Exhibit B*. He asked the Board to reverse the decision of the Planning and Zoning Agency, therefore denying the variance. Rich declared ex-parte regarding the e-mail that he received from Woolfolk. Whitehouse mentioned giving the applicant a copy of the email. Stevenson stated that they didn't usually acknowledge poles because they were not supposed to take popularity of an issue into consideration. Discussion followed.

(10:57 a.m.) Domenic Grasso, 5172 Medoras Avenue, spoke on public safety issues, photos - *Exhibit C*.

(11:01 a.m.) Nancy Brantley, 5225 Atlantic View, spoke in opposition, displaying pictures - *Exhibit D*.

(11:05 a.m.) Richard Lewis, 780 North Ponce de Leon Blvd., attorney representing the applicant, spoke on setting precedence or not. He read the definition of a variance from the Land Development Code. He displayed a plat and pictures of homes in the neighborhood, *Exhibit E*. He stated that all the properties were in the RS zoning district and explained the reasons for the variances.

(11:16 a.m.) Brian Eckstein, 686 Sixteenth Street, spoke on the width of the lots in the neighborhood, displaying a plat map in block form, *Exhibit F*. Stevenson asked about the lot orientation. Eckstein spoke on the adjacent house, displaying the site clearing plan. He displayed a drawing that was in the public record, *Exhibit G*. Stevenson asked if the whole lot had been cleared. Eckstein showed the property line using the photograph. Stevenson stated that she didn't see how the variance would preserve the dunes. Eckstein responded. Discussion followed on dune preservation.

(11:41 a.m.) Lewis stated that there was no legal obligation for them to preserve the area, but they were, and they weren't asking for anything more than what the other lots had.

(11:42 a.m.) Alan Woolfolk, 46 Surf Drive, spoke on the width of the lot, stating that they were unaware of the lot being only 60 feet instead of 66 feet until the day of the closing and they were already committed. He submitted an appeal from approval of the Zoning Variance, *Exhibit H*. He stated that they had preserved quite a bit of foliage and weren't outside the norm. He requested permission to build a house that would be the same distance back from the road as the house directly across the street from them. He stated that he had to take down some of the dunes to build the house and the

primary objection of the neighbors was that the house would be built so high above the street and they would be starting at 24 feet.

(11:47 a.m.) Cindy Woolfolk, 46 Surf Drive, spoke on the way they proposed to build the house, which was far less than what was allowed. She stated that the neighbors were opposed to variances in general and cited the statutes that spoke on widths with undue hardships.

(11:50 a.m.) Bryant read into the record an email from James and Laura Bradner, *Exhibit I*.

(11:52 a.m.) Dennis Chipman spoke on the trees, the issue on the 66 feet, and 60 foot lots being the intent. Stevenson asked if the elevation at 24 feet for the beginning of the building height was higher than other homesteads in the area, and where it was measured from. Marie Hobbs, Zoning Manager, replied that the Land Development Code stated that the height of the building was measured from the lowest established grade at the perimeter of the structure. Stevenson asked if it was higher than everything else around it. Hobbs replied, based on her site visit, it didn't appear to be higher than some of the other established houses.

(11:55 a.m.) Whitehouse read the definition from the code on width, and said they should take into consideration the width of adjacent properties, and whether the property has a hardship, and if so, weigh the hardship and take into consideration if there was any environmental impact. Rich stated that the size of the house was not a hardship issue. Bryant spoke on non-zoning variances and stated that they could build a house on the property. Stevenson spoke on preserving the land. Bryant stated that he didn't think the hardship had been met.

(12:03 p.m.) Motion by Bryant, seconded by Rich, to approve ZADMAPL 2008-01, reversing the decision of the Planning and Zoning Agency, therefore denying the variance. Whitehouse suggested adopting findings of fact 1-2 to support the motion, taking out the word, "not" in fact 1. The maker of the motion accepted the amendment by Whitehouse and was also accepted by the second. The motion carried 5/0.

The meeting recessed for lunch at 12:06 p.m. and resumed at 1:30 p.m. with all five commissioners, Wanchick, McCormack and Terry Bulla, Deputy Clerk present.

(09/30/08 - 14 - 1:31 p.m.) (District 1)
5. PUBLIC HEARING RESOLUTION VACATING A PORTION OF MAIN AVENUE - THE APPLICANT, DOUG BURNETTE, REQUESTS THE VACATION OF A 200+- FOOT PORTION OF AN 100 FOOT UNOPENED RIGHT OF WAY KNOWN AS MAIN AVENUE, LYING BETWEEN BLOCK 21 & BLOCK 40 OF WOODLAND HEIGHTS SUBDIVISION. THE PLAT DEPICTS MAIN AVENUE AS RUNNING BETWEEN OLD DIXIE HIGHWAY ON THE EAST TO THE INTERSECTION, WITH U.S. 1 ON THE WEST. THIS SEGMENT OF MAIN AVENUE TO BE VACATED IS UNOPENED, IS CURRENTLY NOT BEING USED BY THE COUNTY AND IS LOCATED ADJACENT TO THE APPLICANTS PARCELS WITHIN THE WOODLAND HEIGHTS PLAT. PER A REQUEST FROM THE APPLICATION REVIEW COORDINATOR, THE APPLICANT HAS PROVIDED A SIGNED STATEMENT THAT LOTS 1 THROUGH 4 IN BLOCK 40 AND LOTS 22 THROUGH 27 IN BLOCK 21 WILL NOT BE CONVEYED OR ENCUMBERED EXCEPT AS 1 PARCEL, IN ORDER TO ENSURE THAT NONE OF THESE LOTS ARE LEFT WITHOUT ACCESS. THERE ARE NO OPEN COMMENTS OR OBJECTIONS FROM ANY OF THE

REVIEWING COUNTY DEPARTMENTS, THEREFORE STAFF HAS NO OBJECTIONS TO THE REQUESTED ROAD RIGHT-OF-WAY VACATION.

Proof of publication of the notice of public hearing regarding a resolution vacating a portion of Main Avenue was received, having been published in *The St. Augustine Record* on September 16, 2008.

Bruce Ford, Development Review Examiner, gave a brief explanation of the request to vacate a portion of Main Avenue.

(1:32 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve Resolution 2008-279, vacating a portion of Main Avenue within Woodlawn Heights as described in attached Schedule A.**

RESOLUTION NO. 2008-279

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING A PORTION OF MAIN AVENUE WITHIN THE WOODLAND HEIGHTS PLAT

(09/30/08 - 15 - 1:36 p.m.)

(District 2)

6. PUBLIC HEARING - NZVAR 08-002, VERIZON WIRELESS - COLQUITT ARNOLD - THIS IS A REQUEST TO ALLOW A TOWER ACCESS DRIVEWAY WIDTH REDUCTION FROM 16 FEET TO 12 FEET AND TO PROVIDE AN L TURN-AROUND AT THE TOWER IN LIEU OF A 40 FOOT RADIUS TURN-AROUND PER SECTION 6.04.07.B.3 OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE. THE CELL TOWER SITE WAS APPROVED BY THE PLANNING AND ZONING AGENCY ON JULY 17, 2008, AND IS LOCATED SOUTH OF COUNTY ROAD 208 APPROXIMATELY 1.3 MILES EAST OF S.R. 13. THE SITE WILL BE ACCESSED VIA A 400 FOOT LONG AND 30 FOOT WIDE EASEMENT TO BE USED EXCLUSIVELY FOR THE TOWER ACCESS. FIRE SERVICES HAS INDICATED THAT THE 12 FOOT WIDE ACCESS DRIVE ALONG WITH AN L TURN-AROUND ARE ADEQUATE FOR THEM TO ACCESS THE SITE IF NECESSARY DURING AN EMERGENCY. THE DRIVE AND TURNAROUND WILL BE STABILIZED WITH 57 STONES. ALL REVIEWING DEPARTMENTS HAVE SIGNED OFF ON THIS REQUEST AND THERE ARE NO OPEN COMMENTS OR OBJECTIONS. THEREFORE, STAFF SUPPORTS THE REQUESTED VARIANCES

Proof of publication of the notice of public hearing regarding NZVAR 08-002 Verizon Wireless - Colquitt Arnold was received, having been published in *The St. Augustine Record* on September 12, 2008.

Bruce Ford gave the presentation. Rich asked why there was no turn around.

(1:37 p.m.) Laura Belflower, Verizon Wireless, P. O. Box 47451, Tampa, FL, who represented the applicant, gave her presentation. She noted that the provision in the code did not apply to a telecommunication tower because there was no two-way traffic, and fire services said they did not have a vehicle that would need to turn around in the forty foot radius. She said they had provided an L turn around so that, if necessary, any equipment could turn around and the twelve feet was wide enough. She said fire services had agreed that was all they needed.

(1:39 p.m.) **Motion by Sanchez, seconded by Rich, carried 5/0, to approve NZVAR 08-002 based upon the evidence provided for all of the five findings of fact.**

(09/30/08 - 16 - 1:40 p.m.)

(District 3)

7. PUBLIC HEARING REZ 2008-12, ST. AUGUSTINE TIRE REZONING - THIS IS A REQUEST TO REZONE FROM INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL INTENSIVE (CI) FOR THE CONSTRUCTION OF A TIRE AND AUTO SERVICE FACILITY. SUBJECT PROPERTY IS 1.2 ACRES AND IS LOCATED OFF OF SR 207, SOUTHWEST OF DIXIE HIGHWAY. THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO COMMERCIAL INTENSIVE 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 WILES, SECONDED BY WHEELER)

Proof of publication of the notice of public hearing regarding Proposed REZ 2008-12, St. Augustine Tire Rezoning, was received, having been published in *The St. Augustine Record* on September 15, 2008.

Manuel disclosed ex-parte with the applicant and the applicant's representative about the project.

(1:40 p.m.) Karen Taylor, 77 Saragossa Street, gave the presentation and the particulars of the request.

(1:42 p.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to enact Ordinance 2008-47, known as REZ 2008-12, adopting findings of fact one through four to support the motion.**

ORDINANCE NO. 2008-47

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 COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

(09/30/08 - 16 - 1:42 p.m.)

(District 3)

8. PUBLIC HEARING PUD 2006-21, MAKARIOS SOUTH - THIS IS A REQUEST TO REZONE 20.63 ACRES FROM OPEN RURAL TO PUD FOR THE DEVELOPMENT OF UP TO 57,700 SQUARE FEET OF COMMERCIAL SPACE AND 4.65 ACRES OF BOAT AND RV STORAGE. SUBJECT PROPERTY IS 20.63 ACRES AND IS LOCATED ON THE WEST SIDE OF US 1, SOUTH OF WATSON RD. STAFF SUPPORTS THIS REQUEST BASED ON REVIEW OF THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, AND GENERAL DEVELOPMENT TRENDS IN THE SURROUNDING AREA. THE

PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS PROJECT AT THEIR SEPTEMBER 18, 2008 HEARING BY A VOTE OF 5 TO 0 (MOTION BY WHEELER/LAIDLAW)

Proof of publication of the notice of public hearing regarding PUD 2006-21, Makarios South, was received, having been published in *The St. Augustine Record* on September 16, 2008.

Manuel disclosed ex-parte with Taylor regarding the project.

(1:42 p.m.) Karen Taylor, 77 Saragossa Street, gave the presentation and explained the request to rezone the property for commercial space and for boat and RV storage. She explained some of the changes that had been made. There was discussion about additional buffering along the property with the Center for Living.

(1:46 p.m.) **Motion by Rich, seconded by Sanchez, carried 5/0, to enact Ordinance 2008-48, known as PUD 2006-21, adopting findings of fact one through seven to support the motion, including waiver No. 1, regarding unifying sign plans.**

ORDINANCE NO. 2008-48

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

(09/30/08 - 17 - 1:46 p.m.)

9. PUBLIC HEARING - ORDINANCE DISESTABLISHING THE HOUSING ABATEMENT REVENUE FUND - ORDINANCE NUMBER 2000-48 WAS ADOPTED AUGUST 15, 2000, TO CREATE THE ST. JOHNS COUNTY STANDARD UNSAFE BUILDING ABATEMENT CODE (THE CODE). CHAPTER 5, SECTION 503 OF THE CODE PROVIDES FOR ESTABLISHMENT OF THE ABATEMENT FUND TO DEFRAY THE COST AND EXPENSES INCURRED BY THE COUNTY IN ABATING UNSAFE CONDITIONS. THE ABATEMENT FUND IS FINANCED BY TRANSFERRING MONEY FROM THE GENERAL FUND IN THE FORM OF A LOAN THAT IS TO BE REPAID FROM THE PROCEEDS OF LIENS AND ASSESSMENTS. DISBURSEMENTS MADE DIRECTLY FROM THE COUNTY GENERAL FUND WILL MORE EFFICIENTLY EXPEDITE THE PERFORMANCE OF WORK TO REMEDY UNSAFE CONDITIONS WITHIN THE COUNTY. THE DEPARTMENT OF FINANCE AND THE OFFICE OF MANAGEMENT AND BUDGET THEREFORE, REQUESTS THAT THE ABATEMENT FUND BE DISESTABLISHED AND THE REMAINING BALANCE BE TRANSFERRED TO GENERAL FUND FOR ALLOCATION TO THE DEPARTMENT OF CODE ENFORCEMENT. THE FUND BALANCE OF THE ABATEMENT FUND IS \$69,429 AS OF SEPTEMBER 2, 2008.

Proof of publication of the notice of public hearing regarding an Ordinance disestablishing the Housing Abatement Revenue Fund was received, having been published in *The St. Augustine Record* on September 19, 2008.

Joy Andrews, Office of Management & Budget, gave the presentation and explained the request was due to a lack of activity within the fund. Stevenson clarified that this would simply be a more efficient means of conducting business.

(1:48 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Ordinance 2008-49, disestablishing the Housing Abatement Revenue Fund and transferring all residual funds into the County General Fund.**

ORDINANCE NO. 2008-49

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA RELATING TO THE ST. JOHNS COUNTY STANDARD UNSAFE BUILDING ABATEMENT CODE AND AMENDING ORDINANCE 2008-48 AS IT PERTAINS TO THE ABATEMENT FUND; THIS AMENDMENT REPEALS CHAPTER 5, SECTION 503 OF THE ST. JOHNS COUNTY STANDARD UNSAFE BUILDING ABATEMENT CODE; DISESTABLISHED THE ABATEMENT FUND; PROVIDES FOR THE APPROPRIATION OF FUNDS ASSOCIATED WITH ABATING UNSAFE CONDITIONS WITHIN THE COUNTY; PROVIDES FOR THE TRANSFER OF ANY REMAINING REVENUE IN THE ABATEMENT FUND TO THE COUNTY GENERAL FUND; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR AN EFFECTIVE DATE

(09/30/08 - 18 - 1:48 p.m.)

10. CONSIDER A RESOLUTION THAT IMPLEMENTS THE FISCAL YEAR 2009 FEE SCHEDULE FOR SERVICES PROVIDED BY ST. JOHNS COUNTY DEPARTMENTS

Joy Andrews gave the presentation and noted that the request was required by policy to revise and adopt an updated fee schedule. Stevenson questioned an error relating to camp grounds for impact fees and asked whether it had been addressed. Locklear said it had not, but they would look at it.

(1:50 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution 2008-281, implementing new and/or revised fees for services provided by St. Johns County Departments.**

RESOLUTION NO. 2008-281

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE AMENDED SCHEDULE OF FEES FOR CERTAIN COUNTY DEPARTMENTS, AND PROVIDING AN EFFECTIVE DATE

(09/30/08 - 18 - 1:51 p.m.)

11. CONSIDER A MOTION TO ADOPT A RESOLUTION INCORPORATING TOPO INC. AND H & J INVESTMENTS D/B/A FRUIT COVE PROPERTIES (FRUIT COVE UTILITY) INTO THE ST. JOHNS COUNTY UTILITY SYSTEM AND ADOPTING ALL RULES, REGULATIONS, RATES AND FEES AS

PROVIDED FOR IN ORDINANCE 2006-118; AND PROVIDING AND EFFECTIVE DATE

Proof of publication of the notice of public hearing regarding incorporation of Topo Inc. and H & J Investments d/b/a Fruit Cove Properties (Fruit Cove Utility) into the St. Johns County Utility System, was received, having been published in *The St. Augustine Record* on September 20, 2008.

Bill Young, Utility Director, gave the presentation. He explained the history of Fruit Cove Utility and noted that in April it was abandoned by its owners. He said that since that time the system had been operated and maintained by the County Utility Department and all ownership interests had been transferred to the County. He said staff had worked closely with DEP on replacing and rehabilitating equipment that had been neglected through the years. He explained the new billing schedule for customers and the upgrade of meters used by the customers. He reviewed the reasoning why the system had been abandoned by the previous owners. He said customers had been notified over and beyond the formal notification required. Bryant asked for some rate comparisons and Young responded. Stevenson asked if hardship provisions were available. Young said it was under consideration, but was not available currently.

(1:55 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to adopt Resolution 2008-282, incorporating TOPO Inc. & H&J Investments d/b/a Fruit Cove Properties (Fruit Cove Utility) into the St. Johns County Utility System and adopting all rules, regulations, rates and fees as provided for in Ordinance 2006-73; and providing an effective date.**

RESOLUTION NO. 2008-282

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, INCORPORATING TOPO INC. & H&J INVESTMENTS D/B/A FRUIT COVE PROPERTIES (FRUIT COVE UTILITY) INTO THE ST. JOHNS COUNTY UTILITY SYSTEM AND ADOPTING ALL RULES, REGULATIONS, RATES AND FEES AS PROVIDED FOR IN ORDINANCE 2006-73, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE

(09/30/08 - 19 - 1:56 p.m.)

12. CONSIDER A MOTION TO ADOPT A RESOLUTION CONTINUING THE AUTOMATIC INDEXING OF ST. JOHNS COUNTY PONTE VEDRA UTILITY WATER AND SEWER RATES AND UNIT CONNECTION FEES FOR FISCAL YEAR 2009; INCREASING ALL WATER AND SEWER RATES TO MEET THE OTHER POST EMPLOYMENT BENEFITS (OPEB) FUNDING REQUIREMENT; PROVIDING A DATE FOR THE RATES AND FEES TO RESUME INDEXING; AND PROVIDING AN EFFECTIVE DATE

Proof of publication of the notice of public hearing regarding a resolution for St. John County Ponte Vedra Utility water & sewer rates and sewer connection fees, was received, having been published in *The St. Augustine Record* on September 20, 2008.

Bill Young gave the presentation and said he could not recall a time when the adjustment was more needed or justified. He explained the rational for the requests.

(1:57 p.m.) Motion by Manuel, seconded by Sanchez, carried 5/0, to adopt Resolution 2008-283, continuing the automatic indexing of St. Johns County Ponte Vedra utility water and sewer rates and unit connection fees for fiscal year 2009; increasing all water and sewer rates to meet the Other Post Employment Benefits (OPEB) funding requirement; providing a date for the rates and fees to resume indexing; and providing an effective date.

RESOLUTION NO. 2008-283

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CONTINUING THE AUTOMATIC INDEXING OF THE ST. JOHNS COUNTY PONTE VEDRA UTILITY WATER AND SEWER RATES AND UNIT CONNECTION FEES FOR FISCAL YEAR 2009; INCREASING ALL WATER AND SEWER RATES TO MEET THE OTHER POST EMPLOYMENT BENEFITS (OPEB) FUNDING REQUIREMENT; PROVIDING A DATE FOR THE RATES AND FEES TO RESUME INDEXING; AND PROVIDING FOR AN EFFECTIVE DATE

(09/30/08 - 20 - 1:57 p.m.)

13. CONSIDER A MOTION TO ADOPT A RESOLUTION CONTINUING THE AUTOMATIC INDEXING OF ST. JOHNS COUNTY UTILITY WATER AND SEWER RATES AND UNIT CONNECTION FEES FOR FISCAL YEAR 2009, EXCLUDING THE BLOCK 3 AND 4 WATER RATES; INCREASING ALL WATER AND SEWER RATES TO MEET THE OTHER POST EMPLOYMENT BENEFITS (OPEB) FUNDING REQUIREMENT; PROVIDING A DATE FOR THE RATES AND FEES TO RESUME INDEXING; AND PROVIDING AN EFFECTIVE DATE

Proof of publication of the notice of public hearing regarding a resolution for St. John County Utility Water & Sewer rates and unit connection fees, was received, having been published in *The St. Augustine Record* on September 20, 2008.

Bill Young gave the presentation and noted it was exactly the same request as for the larger southern system.

(1:58 p.m.) Motion by Bryant, seconded by Stevenson, carried 5/0, to adopt Resolution 2008-284, continuing the automatic indexing of St. Johns County Utility water and sewer rates and unit connection fees for fiscal year 2009; increasing all water and sewer rates to meet the Other Post Employment Benefits (OPEB) funding requirement; providing a date for the rates and fees to resume indexing; and providing an effective date.

RESOLUTION NO. 2008-284

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CONTINUING THE AUTOMATIC INDEXING OF ST. JOHNS COUNTY UTILITY WATER AND SEWER RATES AND UNIT CONNECTION FEES FOR FISCAL YEAR 2009; INCREASING ALL WATER AND SEWER RATES TO MEET THE OTHER POST EMPLOYMENT BENEFITS (OPEB) FUNDING REQUIREMENT; PROVIDING A

DATE FOR THE RATES AND FEES TO RESUME INDEXING; AND PROVIDING AN EFFECTIVE DATE

(09/30/08 - 21 - 2:00 p.m.)

13A. CITY OF ST. AUGUSTINE BEACH (*Previously Consent Item No. 20*)

Stevenson said it was a technical question. She noted the wrong information was behind the agenda cover sheet and she had not seen the corrected information. She clarified that it was a new CIP.

(2:01 p.m.) **Motion by Stevenson, seconded by Manuel, carried 5/0, to adopt Resolution No. 2008-285, approving the terms and conditions of an Interlocal Agreement between St. Johns County Florida and the City of St. Augustine Beach, Florida, for the development of off-beach parking and restrooms and authorizing the County Administrator to execute the Interlocal Agreement on behalf of the County.**

RESOLUTION NO. 2008-285

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, FOR THE DESIGN AND CONSTRUCTION OF OFF-BEACH PARKING AND RESTROOMS IN CHAUTAUQUA BEACH SUBDIVISION OF ST. AUGUSTINE BEACH OF ST. JOHNS COUNTY, FLORIDA, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

(09/30/08 - 21 - 1:33 p.m.)

13B. MAIN STREET COMMUNITY DEVELOPMENT DISTRICT (*Previously Consent Item No. 19*)

Stevenson had asked that this item be brought forth. She said when she first read it she was unaware that a Memorandum of Understanding was limited to a period of 15 years. She said that on page 4 No. 11, on the last sentence, a minor revision was needed. Troy Blevins, Parks and Recreation Director, said they would ask to add three words "for five years" to the last sentence. He said they would add another line which would read, "and first right of refusal for the duration on the contract." Manuel suggested adding "in compliance with our, to be adopted, athletic signage policies." Blevins concurred.

(1:34 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 5/0, to approve Resolution No. 2008-280, approving the terms and conditions of a memorandum of understanding among St. Johns County, St. Joe Company, and the Main Street Community Development District and authorizing the Chairman of Board to execute the memorandum of understanding on behalf of the County.**

RESOLUTION NO. 2008-280

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS,

CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT AMONG THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THE ST. JOE COMPANY, AND THE MAIN STREET COMMUNITY DEVELOPMENT DISTRICT AND AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

Blevins gave special thanks to the St. Joe Company for baseball fields and parks and said they had gone above and beyond. Bryant offered his thanks to St. Joe as well.

(09/30/08 - 22 - 9:42 a.m.)

13C. HASTINGS MEDICAL CLINIC

This item was moved to Item 2a. (See page 10)

(09/30/08 - 22 - 2:02 p.m.)

13D. ST JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) HEARING

McCormack gave the presentation and stated that the actual trial phase of the "Water Wars" was to start the next day in Sanford. He said he and Assistant County Attorney, Regina Ross, and County staff would be attending and participating. He said St. Johns County formed Resolution 2008-09 demonstrating its desire to protect the St. Johns River. Subsequently, the County indicated that it wanted to participate in dispute resolution pertaining to the water with the SJRWMD, and that did not work out. He said they had proceeded with litigation. He noted there had been some positive aspects in the matter, including that there had been more public focus on the issue. He said water supply issues, including water withdrawals from rivers, including the St. Johns River, was high on the topics discussed at the recent Florida Water Summit in Orlando with the Florida Attorney General and Secretary Struhs from the Department of Environmental Protection in attendance. He noted that dispute resolution was currently not mandatory and the delegates at the meeting had taken that into consideration in terms of recommending legislation. He said Seminole County, an intervener and the actual applicant for the water withdrawal, was taking a very aggressive approach to the case. He said they would be filing 57-105 attorneys' fees, and motions against our partners in the matter (the City of Jacksonville, the St. Johns River Keeper and St. Johns County). He asked for their recommitment to St. Johns County's effort to ensure protection of the river. He said the resolution presented was for that purpose. Manuel stated that the Board's position had not changed. He said it was important to defend the County and to protect the river. Stevenson said it was important to come up with solutions, rather than to fight over water. She said they had to do something to reduce consumption. She said there would be environmental and economic costs and they needed to do all they could towards conservation.

(2:11 p.m.) **Motion by Manuel, seconded by Sanchez, carried 5/0, to approve Resolution No. 2008-286, confirming the St. Johns County Commissioners' position to go forward with litigation pertaining to the DOAH Case No. 08-1318 (Petition against the St Johns River Water Management District and Intervener Seminole County.)**

RESOLUTION NO. 2008-286

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,

**CONFIRMING ITS POSITION TO GO FORWARD WITH
LITIGATION PERTAINING TO DOAH CASE NO. 08-
1318 (PETITION AGAINST THE ST. JOHNS RIVER
WATER MANAGEMENT DISTRICT AND INTERVENER
SEMINOLE COUNTY.)**

Manuel stated that at the evening session he wanted to reverse the order of the items and that Item 14 would become Item 15 and Item 15 would become Item 14.

(09/30/08 - 23 - 2:11 p.m.)

COMMISSIONERS REPORTS

Commissioner Rich:

Rich commented on the "Mullet Wrapper" reaching a new low on September 21, in an article written by Peter Ellis, dealing with the ethics and legality of running surprise attack ads on Election Day. He noted the ad run by Commissioner Bryant on Election Day outlining that he and Ken Bryan were unfit to serve on the County Commission. He said the damage was done and the point was to cause damage on Election Day.

(2:15 a.m.) Bryant responded said the article had been submitted as a guest column for Sunday publication but it had not published as such. Bryant left the meeting.

(2:15 p.m.) Commissioner Sanchez:

There was none.

(2:15 p.m.) Commissioner Stevenson:

Stevenson said she appreciated that Sanchez and McCormack were at the Water Conference. She said she had a conflicting meeting as a Board member of the Florida Association of Counties (FAC). She said she had also attended an ULI meeting at which they were discussing changing the water law. She said she was disappointed in the discussions that ensued, regarding how untenable Florida's current water law was, and that it was an impossible mission. She said it was no wonder that the Water Management District behaved in an incomprehensible manner. She said the law regulating them was impossible at the far extremes. She said at the FAC, there were two main issues: getting our State legislature to recognize explicitly what unfunded mandates were to counties by eliminating the enormous loop holes that allow public safety to be omitted, and the opportunity for Court funding. She said how the money would be spent was a significant topic. She said it should be watched with great interest. She said she would like the consensus of the Board to have staff support a community meeting in the north part of the development area to talk about transportation improvement issues. *There was board consensus.* Manuel suggested they pick a date and hold a noticed Town Hall meeting.

(2:22 p.m.) Commissioner Bryant:

There was none.

(09/30/08 - 23 - 2:22 p.m.)

COUNTY ATTORNEYS REPORT

McCormack said he would be out of town Wednesday thru Friday of that week.

(09/30/08 - 24 - 2:22 p.m.)
COUNTY ADMINISTRATOR'S REPORT

He reported that the Bookmobile was a part of their library services. He noted that St. Lucie County was unable to staff and maintain their Bookmobile, so an agreement had been reached with them and our library system has assumed their vehicles. Manuel said effective October 1; library fees would go into place for out of county users. Wanchick said that on Monday they would be moving into the new administration building. He said the last BCC meeting in the current room would be October 14 and the first BCC meeting in the new building would be on October 28. He said there would be a low key ceremony and ribbon cutting with tours of the new building. Stevenson commented on the new courthouse and new funding sources.

(09/30/08 - 24 - 2:25 p.m.)
CLERK OF COURTS REPORT

There was none.

(2:26 p.m.) Commissioner Manuel:

Manuel said that on Friday he would be participating with the Cornerstone Regional Economic Development luncheon as a panel member. Sanchez said he would be present also. Manuel said they would discuss the regional transportation and economic development job creation challenges that they were facing.

The meeting reconvened at 5:27 p.m. with all five commissioners, Wanchick, Locklear, McCormack, Hunt and Deputy Clerk Lenora Newsome present.

(09/30/08 - 24 - 5:27 a.m.)

14. PUBLIC HEARING - LAND DEVELOPMENT CODE ORDINANCE AMENDMENTS - THIS IS THE FIRST OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER MODIFICATIONS TO THE LAND DEVELOPMENT CODE. A DESCRIPTION OF THE MODIFICATIONS AND A COPY OF THE PROPOSED ORDINANCE IN REDLINE/OVERSTRIKE FORMAT IS ATTACHED. THE SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF THE PROPOSED AMENDMENTS IS SCHEDULED FOR OCTOBER 28, 2008 AT 9:00 A.M. THE PLANNING & ZONING AGENCY WILL HEAR THIS ITEM AT THEIR REGULAR MEETING OF OCTOBER 2, 2008

Proof of publication of the notice of public hearing regarding Land Development Code Ordinance Amendments, was received, having been published in *The St. Augustine Record* on September 20, 2008.

Betty Sue Stepp, AICP, Project Liaison, reviewed the highlights: requirement for a majority plus one vote, for transmittal of Comprehensive Plan amendments, notice of intent permit from the Florida Department of Transportation for projects that would access from FDOT roadways, clarification of expenditures for the tree bank fund, exemption of a lot of records from the bald eagle management requirements, and expansion of the buffering and screening requirements for solid waste storage. She stated in addition, it added some flexibility for fire service fire protection, allowed an alternative for preservation of specimen trees, and interior driveway access to a development, where in order to save a tree the developer had to give up something else.

(5:30 p.m.) Doug Laidlaw, 120 Stokes Landing Road, spoke on Section 6 of the packet dealing with the Land Development Code changes to Sub-section 5.03.03 regarding interconnectivity. Manuel stated it was the policy of the County to encourage interconnectivity, and that they were planning on holding a workshop on transportation.

(5:37 p.m.) Tom Ingram, 245 Riverside Avenue, spoke on the proposal to require a super majority vote on transmittal and adoption of all land use amendments. He spoke on responding effectively to change. Manuel stated that he agreed with Ingram. Stevenson spoke on shaping and servicing the development area.

(5:46 p.m.) The second public hearing to consider adoption of the proposed amendments was scheduled for October 28, 2008 at 9:00 a.m.

(5:47 p.m.) Wanchick spoke on the budget changes regarding the Constitutional Officers.

(5:47 p.m.) Sheriff Shoar spoke on working with Doug Timms on his budget and found a savings of approximately \$750,000. He reported having a quarter of a million dollars to turn back to the County. He thanked the Chairman for giving him some time to address this group and the citizens watching those proceedings. He stated on September 16th, two weeks ago at a regular Board meeting, his Chief Financial Officer was verbally berated by Commissioner Rich. He spoke on Rich comparing St. Johns County Sheriff's Office budget against Clay County Sheriff's Office. He asked why a commissioner would wait until 14 days before the beginning of a new fiscal year to register any complaints. He spoke on presenting his 2008-2009 Budget in June and that there weren't any questions or concerns mentioned by any of the commissioners at that time. He spoke on being treated with dignity and respect. Sheriff Shoar voiced his concern on Rich mentioning that the budget was mismanaged by the Sheriff's Office.

(09/30/08 - 25 - 5:59 p.m.)

15. PUBLIC HEARING - ADOPTION OF FINAL 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 30, 5:30 P.M. HEARING DATE HAS BEEN NOTICED, AS REQUIRED, AND CONSTITUTES THE FINAL HEARING ON COUNTY MILLAGE RATES AND BUDGET FOR FY 2009. FLORIDA STATUTES PRESCRIBE A SPECIFIC ORDER FOR THE CONSIDERATION OF ITEMS AT THE PUBLIC HEARING. 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 PERCENTAGE DECREASE FOR FY 2009 IN THE COUNTY'S AGGREGATE MILLAGE RATE OVER THE ROLLED-BACK RATE IS 6.97%. 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 FINAL MILLAGE RATES PRIOR TO ADOPTING ITS FINAL BUDGET FOR FY 2009

Proof of publication of the notice of public hearing regarding Adoption of Final Millage Rates & Budget for FY 2009, was received, having been published in *The St. Augustine Record* on September 26, 2008.

Doug Timms, Director, Office of Management & Budget, stated that there was a decrease of 6.97% on the roll back rate in the final budget for FY 2009. He reviewed the FY 2009 Budget Highlights; since July there was hardly any increase in the aggregate from the prior year and these rates are represented in the resolution.

(6:01 p.m.) **Motion by Bryant, seconded by Stevenson.** Rich spoke on the remarks made by the Sheriff regarding the budget. He stated that he was distressed that the Sheriff thought that he was attacking his staff. He spoke on the uncontrolled spending by the Sheriff's Office and if the Sheriff's Office could cut 2.7 million they could cover their fire service. Bryant stated that they were partners with the Constitutional Officers. Rich encouraged the Board to send the Sheriff to the State to have his budget approved at that level. Sanchez said he appreciated what the Sheriff had to say, but because of Rich's questions and pushing for an answer, the County had an extra \$750,000. (6:09 p.m.) **The motion carried 4/1, with Rich dissenting, to adopt Resolution 2008-287, establishing the final millage rates for FY 2009.**

RESOLUTION NO. 2008-287

RESOLVED, that the following FINAL 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%

(6:08 p.m.) Doug Timms, Director, Office of Management & Budget, mentioned from the tentative budget, that they were increasing the final budget another \$809,333, primarily because the fund balances would increase in 2008 due to workers comp and other insurance savings which the Board recognized at its last meeting on the 16th and also due to the Sheriff's additional budget changes that had been mentioned. He stated in the last two years there had been much change in direction. He stated that they still had very healthy reserves and were able to add two reserves during the process. The Board had still maintained a rainy day fund. He spoke on the \$750,000 savings and gave the final highlights showing the deletions. He spoke on the reforms, and the 18% reduction. Timms stated there was a number of challenges for the budget, and asked the Board to approve them.

(6:15 p.m.) Motion by Stevenson, seconded by Bryant. Manuel spoke on the General Fund. The motion carried 4/1, with Rich dissenting, to adopt Resolution 2008-288, establishing the final budget for FY 2009.

RESOLUTION NO. 2008-288

RESOLVED, that the following **FISCAL YEAR 2009 FINAL 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 \$654,037,326 as follows:

General Fund	\$166,760,030
Special Revenue Funds	
Alcohol & Drug Abuse Trust Fund	\$13,410
Beach Fund	\$1,109,149
Building Services Fund	\$5,120,705
C.H. Arnold Rd Grading MSBU Fund	\$12,721
Choose Life Specialty License Plate Fund	\$14,635
Communication Surcharge Fund	\$1,401,988
Community Based Care Fund	\$4,662,306
County Cultural Center Fund	\$3,061,249
County Health Unit Trust Fund	\$401,304
Court Facilities Trust Fund	\$2,793,756
Court Innovation Fund	\$221,971
Court Technology Trust Fund	\$3,946,715
Crimes Prevention Trust Fund	\$79,206
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	\$37,352,468
Flagler Estates CRA Fund	\$1,051,899
Florida Arts Specialty License Plate Fund	\$17,816
Florida Boating Improvement Fund	\$768,810
Impact Fees: Fire/EMS	\$738,032
Impact Fees: Parks Zone A	\$389,540
Impact Fees: Parks Zone B	\$915,656
Impact Fees: Parks Zone C	\$340,531
Impact Fees: Parks Zone D	\$278,357
Impact Fees: Police	\$2,636,374
Impact Fees: Public Buildings	\$1,040,026
Impact Fees: Road Zone A	\$3,369,691
Impact Fees: Road Zone B	\$9,697,749
Impact Fees: Road Zone C	\$5,557,056
Impact Fees: Road Zone D	\$2,522,123
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 Fund	\$84,519
Pier Fund	\$222,686
Rusty Anchor/Wendover Rd MSBU Fund	\$1,577
Sidewalk Fund	\$87,304
St. Augustine South Lighting District Fund	\$46,670
State Housing Initiative Program Fund	\$4,417,058
Summerhaven Fund	\$132,134

Tourist Development Tax Fund	\$7,711,978
Transportation Trust Fund	\$51,509,221
Treasure Beach MSBU Fund	\$408
Tree Bank Fund	\$4,006,361
Vilano CRA Fund	\$513,298
Vilano Street Lighting District Fund	\$16,823
Special Revenue Funds continued	
Water & Sewer Utility Authority Fund	\$239,875
West Augustine CRA Fund	\$2,391,952
World Commerce 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	\$1,050,711
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	\$1,206,568
05 Revenue Sharing Fund	\$3,193,937
06 Sales Tax Bonds Fund	\$11,552,258
06 Transportation Improvement Fund	\$30,812,072
Beach Renourishment Fund	\$2,874,876
Capital Bank Note Fund	\$12,480,779
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	\$20,613,917
Solid Waste Fund	\$30,659,734
St. Johns County Utility Services Fund	\$119,010,577
St. Johns Golf Club Fund	\$2,806,959
Internal Service & Trust 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	\$4,355,392

Manuel spoke on having zero growth for next year. Stevenson spoke on wholesale reduction of revenues hitting the General Fund. Wanchick thanked Doug Timms and his staff for a job well done and also thanked the other departments in the County for cutting back on the budget.

Motion by Bryant, seconded by Sanchez, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 6:23 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 426299 through 426673, totaling \$4,085,476.70 (9/09/08)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 426674 through 426697, totaling \$41,799.90 (9/11/08)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 426698 through 427065, totaling \$3,360,953.63 (9/16/08)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Number 2008-46, the proof of publication and the CODRS Coding Form (September 19,2008)

Approved November 18, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk

