

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
DECEMBER 28, 2006
(9:00 A.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida.

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

Present was: Cheryl Strickland, Clerk of Courts

(12/28/06 - 1 - 9:04 a.m.)
Chairman Rich called the meeting to order.

(12/28/06 - 1 - 9:04 a.m.)
ROLL CALL

Rich announced that all five commissioners were present.

(12/28/06 - 1 - 9:05 a.m.)
The invocation was given by Rich and the Pledge of Allegiance was led by Manuel.

(12/28/06 - 1 - 9:07 a.m.)
PUBLIC COMMENT

Robert Fitzgerald, 1954 Grove Bluff Circle West, spoke on the health and preservation of the governor's trees in the Villa Sovana subdivision area, Exhibit A. Discussion ensued. Fitzgerald asked the Board to help with protecting the trees.

(9:18 a.m.) Phyllis Abbatiello, 1133 River Birch Road, asked for protection of these trees.

(9:21 a.m.) Al Abbatiello, 1133 River Birch Road, spoke on protecting and persevering 17 miles of scenic highway on SR 13.

(9:25 a.m.) Jay Kamys, Urban Forestry Manager, gave a brief report on the subject trees. Stevenson asked Kamys for information in reference to the trees and Kamys responded, giving general information regarding the trees. Rich asked how they could make the developers follow the rules and procedures.

(9:39 a.m.) Patrick McCormack, County Attorney, stated that he would like the opportunity to look through the LDC rules and policies, and if they were not adequate, then the Board could do something about changing them. Manuel stated that they needed to look at the Tree Ordinance. Stevenson stated that she would like Staff to give a brief update on the rules. Sanchez stated the best way to get someone's attention, was with a stop work order. Manuel stated that the consensus of the Board was for McCormack to take a look at the suggestions made and make recommendations to the Board on how to better protect these trees.

(12/28/06 - 2 - 9:46 a.m.)
DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(12/28/06 - 2 - 9:46 a.m.)
APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Minutes:
 - 11/15/06 - BCC Special Meeting
 - 11/21/06 - BCC Special Meeting
 - 12/04/06 - BCC Special Meeting
3. Sheriff's Office Bonds:
 - Approve: Bethany Jordan

 - Cancel: Jeffrey Scott
4. Motion to adopt **Resolution No. 2006-478**, accepting the terms of the Qualified Service Organization Agreement between the County and the Northeast Florida Safety Council, Inc., and authorizing the County Administrator to execute the Agreement on behalf of the County

RESOLUTION NO. 2006-478

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ON BEHALF OF THE ST. JOHNS COUNTY MENTAL HEALTH DEPARTMENT ACCEPTING THE AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE NORTHEAST FLORIDA SAFETY COUNCIL, INC. AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

5. Motion to adopt **Resolution No. 2006-479**, authorizing the County Administrator to execute the Licensing Agreement between FEC Railway and St. Johns County for grade crossing improvements at Stratton Road; and motion to transfer \$300,000 from the General Fund Reserves (0083-59920) to Animal Control Facility (0064-56301-8940-56301)

RESOLUTION NO. 2006-479

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LICENSE AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE FLORIDA EAST COAST RAILWAY LLC FOR GRADE CROSSING IMPROVEMENTS AT STRATTON ROAD

6. Proofs:
 - a. Proof, Notice of Meeting, Town Meeting County Commission District 1, Wednesday, December 6, 2006 at 7:00 p.m.

- b. Proof, Notice of Public Hearing & Organizational Meeting, St. Johns County Legislative Delegation, Wednesday, December 13, 2006 at 4:00 p.m.
- c. Proof, Notice of Meeting, St. Johns County Board of County Commissioners and St. Johns County Community Redevelopment Agency, Tuesday, December 12, 2006 at 9:00 a.m.
- d. Proof, Notice to Bidders, RFP No. 07-35
- e. Proof, Notice of Meeting, Special Meeting of the St. Johns County Board of County Commissioners, Amphitheatre, Monday, December 4, 2006 at 9:00 a.m.
- f. Proof, Notice of Meeting, Special Meeting of the St. Johns County Board of County Commissioners, Budget Workshop, Wednesday, December 13, 2006 at 9:00 a.m.
- g. Proof, Notice to Bidders, Bid No. 07-36
- h. Proof, Notice to Bidders, Bid No. 07-38
- i. Proof, Notice of Meeting, Representatives of the Board of County Commissioners, Six Special Meetings, Wednesday, November 29, Thursday, November 30, Wednesday, December 6 and Thursday, December 7, 2006 at 10:00 a.m. Wednesday, December 13, 2006 at 9:30 a.m. and another at 3:00 p.m.
- j. Proof, Notice to Bidders, Bid No. 07-31
- k. Proof, Notice to Bidders, Bid No. 07-20R
- l. Proof, Certificate of Liability Insurance, Berman Brothers, Inc.
- m. Proof, Certificate of Liability Insurance, Life Care Ponte Vedra, Inc. dba Vicars Landing
- n. Proof, Certificate of Liability Insurance, Builder Services of North Florida
- o. Proof, Certificate of Liability Insurance, Waste Services of Florida, Inc.
- p. Proof, Certificate of Liability Insurance, Frank Crum
- q. Proof, Notice to Bidders, Bid No. 07-46
- r. Proof, Notice of Meetings, St. Johns County Board of County Commissioners, Schedule for Regular Meetings, Beginning Tuesday, December 12, 2006 and every other Tuesday thereafter at 9:00 a.m.
- s. Proof, Notice of Meeting, St. Johns County Board of County Commissioners, Proposed Exchange of County Property, Tuesday, December 12, 2006 at 9:00 a.m.
- t. Proof, Notice to Bidders, Bid No. 07-40

(12/28/06 - 3 - 9:47 a.m.)

ADDITIONS /DELETIONS TO THE SPECIAL MEETING AGENDA

There were no additions or deletions to the Special Meeting Agenda.

(12/28/06 - 3 - 9:47 a.m.)

APPROVAL OF SPECIAL MEETING AGENDA

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

(12/28/06 - 3 - 9:47 a.m.)

1. CONSIDER APPOINTMENT TO THE ADJUSTMENT & APPEALS BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item. **Motion by Sanchez, seconded by Stevenson, carried 5/0, to appoint Mr. Ted Meade to the Adjustment & Appeals Board for a one-year term scheduled to expire December 28, 2007.**

(12/28/06 - 3 - 9:49 a.m.)

2. CONSIDER APPOINTMENTS TO THE HEALTH & HUMAN SERVICES ADVISORY COUNCIL

Melissa Lundquist, Administrative Coordinator, reviewed this item. McCormack asked if there was a quorum on the counsel at this time. Lundquist replied no. McCormack explained why he brought it up. (9:54 a.m.) **Motion by Rich, seconded by Manuel, carried 5/0, to appoint Stan Gustetic to the Health & Human Services Advisory Council for a partial term ending January 24, 2010. Motion by Rich, seconded by Manuel, to appoint Stephen Larew to the Health & Human Services Advisory Council for a partial term ending October 17, 2008.** Manuel suggested making it nine members instead of thirteen members because of the quorum issue. Lundquist explained why they recently went from nine members to thirteen members. Bryant spoke on the problems with filling the vacancies on this board. Rich ask if they should ask Lundquist to come back to the next meeting with suggestions on reducing the number of members. Bryant replied to go ahead and add these two members to the board so that they might have a chance at having a quorum and then have Lundquist investigate further. Lundquist explained why they had trouble getting people on this board. McCormack spoke on the selection of members. Lundquist spoke on appointing people. Bryant reviewed the original intent of this board. Rich spoke on the big amount of money handled by this board. (10:12 a.m.) **The motion carried 5/0.**

(12/28/06 - 4 - 10:12 a.m.)

3. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO PURCHASE SIX 2007 MID-SIZE SPORTS UTILITY VEHICLES 4X2 AND 4X4 FROM DON REID FORD, IN ACCORDANCE WITH BID NO. 07-23 IN THE AMOUNT OF \$116,787

Leigh Daniels, Purchasing, reviewed this item. Sanchez mentioned that his main concern was keeping government cost down. Sanchez spoke on the possibility of a complex pool rather than a department pool of vehicles. Daniels explained why they needed the six vehicles.

(10:16 a.m.) Joe Stephenson, Public Works Manager, spoke on replacing vehicles, explaining how it was done and why. Rich spoke on the mileage on vehicles. Daniels spoke on the types of vehicles being purchased. Stephenson spoke on room for improvement in their specifications of vehicles that could be purchased that would last longer. Kropacek and Manuel spoke on purchasing new vehicles. Bryant spoke on department requests for vehicles and getting rid of one of the two vehicles in administration. Stephenson spoke on replacement vehicles. Lengthy discussion followed on purchasing vehicles. (10:44 a.m.) **Motion by Bryant, seconded by Rich, to authorize the County Administrator, or his designee, to purchase six 2007 mid-size sports utility vehicles 4x2 and 4x4 from Don Reid Ford, in accordance with Bid No. 07-23, in the amount of \$116,787.** Stevenson suggested authorizing the Administrator to purchase up to six vehicles. **The motion was modified to include the wording behind purchase to "up to six." The maker of the motion approved the modification mentioned by Stevenson and the second also approved it. The motion carried 4/1 with Manuel opposed.**

The meeting recessed at 10:49 a.m. and reconvened at 10:58 a.m.

(12/28/06 - 4 - 10:58 a.m.)

4. DISCUSSION CONCERNING THE HIRING PROCESS FOR THE NEW COUNTY ADMINISTRATOR

Bryant announced that he would have to leave at 11:30 a.m.

Bob Peters, Human Resources Director, gave a presentation on the hiring process for the new County Administrator, stating that he had done an extensive review of the entire process. He noted there were many possible alternatives and time lines. He stated the basic components were being objective, fair, and taking the politics out of the picture. He said the St. Johns County School Board had a very interesting process when they elected their new superintendent and he reviewed it. He presented an alternative, an executive search firm, which gave objectivity and fairness and removed the political aspect from the process.

He said a fee would be necessary, but was not out of line, and the Board would still be allowed to set the framework for the process. He asked a representative from Colin Baezinger & Associates, Colin Baezinger, to speak.

(11:04 a.m.) Colin Baezinger, Associate of Colin Baezinger & Associates, 12970 Dartford Trail, Suite 8, Wellington, stated that they were an executive recruiting firm that specialized in local government recruiting. He said of the last 32 cities or counties in Florida that had used a recruiting firm to do their city or county manager search, they had gotten the job 24 of those 32 times. He listed the counties they had served. He gave a review of the process and timeline and recommendations of possible interview techniques. Discussion ensued.

(11:31 a.m.) Nick Meiszer, 252 Redfish Creek Drive, spoke on looking at other firms and checking the fees. He stated that there should be an open selection process to be fair and that the qualifications of the candidates were up to the Board. He spoke on the selection committee having too many members. (11:39 a.m.) *It was the consensus of the Board to go with an outside recruiting firm.* Rich voiced concern about the time restraint on hiring a County Administrator. Manuel spoke on running a recruitment process. McCormack stated that the County Attorney's Office would like to review their purchasing policy. Kropacek spoke on reviewing the process in house. (11:44 a.m.) **Motion by Manuel, seconded by Bryant, carried 5/0, to authorize Mr. Peters in his roll as the head of Human Resources to do the necessary investigation, and if he is satisfied that Mr. Baenziger's firm is the firm that he wishes to utilize, authorize him with the assistant of the County Administrator to enter into a contract.**

(11:46 a.m.) Bryant left the meeting.

(12/28/06 - 5 - 11:46 a.m.)

5. OTHER BUSINESS AS NECESSARY

Kropacek mentioned getting a replacement for Assistant County Administrator Ted Zebrowsky and the hiring freeze. Rich stated that he trusted the County Administrator's judgment and would appreciate the Board supporting any kind of motion to lift the hiring freeze and allow the County Administrator to do his job without interference by the Board. Manuel stated that he felt like the County Administrator had the flexibility to hire whom he saw fit, but to make sure the full time employee head count did not go up. Discussion ensued. (11:55 a.m.) *Motion by Rich that any hiring freeze that presently exist in St. Johns County be lifted immediately and that the hiring of and termination of employees be turned back over to the County Administrator. The motion died due to lack of a second.* Kropacek spoke on a replacement for Ted Zebrowsky and suggested Joe Vonasek. (12:01 p.m.) **Motion by Sanchez, seconded by Manuel, carried 3/1 with Stevenson dissenting and Bryant absent, to grant the County Administrator the right to hire Joe Vonasek as the Assistant County Administrator.** Kropacek spoke on having two critical need positions, one in Planning and one in Utilities. Discussion ensued.

(12/28/06 - 5 - 12:06 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson spoke on the Charter language that would appear on the ballot and stated that she would like to have a discussion on it. McCormack spoke on the status of the Charter language and stated that he would present it to the Board on January 9th. Discussion ensued.

Stevenson spoke on getting calls about the median maintenance on CR 210 and wanted to make sure it wasn't taken off of the budget.

(12:18 p.m.)

Commissioner Sanchez:

Sanchez spoke on the amphitheater and stated that he would like to have Mike Rubin come back to the January 9th meeting and discuss the parking lot. He stated that the commissioners didn't need aids.

(12:24 p.m.)

Commissioner Rich:

Rich stated that he supported Sanchez on not needing aids, but suggested giving Commissioners at least six months to wean off of their aids.

Rich spoke on signing property over to the County. Discussion ensued.

(12:36 p.m.)

Commissioner Manuel:

Manuel spoke on putting money into something and owning it.

Manuel spoke on the MPO meeting that he had attended. He responded to Stevenson's comments regarding the level of service and the Charter.

(12/28/06 - 6 - 12:40 p.m.)

COUNTY ADMINISTRATOR'S REPORT

No reports.

(12/28/06 - 6 - 12:40 p.m.)

COUNTY ATTORNEY'S REPORT

McCormack stated that he needed to schedule three Chapter 286 shade meetings pertaining to litigation strategy on January 9th, January 16th, and January 23rd at 8:00 a.m. McCormack stated that he was going to advertise the Neighborhood Bill of Rights and bring it back to the Board on January 9th.

(12/28/06 - 6 - 12:44 p.m.)

CLERK OF COURT'S REPORT

Cheryl Strickland, Clerk of Courts, requested to be placed on the January 9th agenda to give her proposal for the fraud investigator position within the Audit Department. Rich requested to place it as Item 1 on the agenda. Strickland asked about the time line on the Charter issue. Rich responded that it was to be submitted for the 2007 Legislature for approval on the 2008 ballot. McCormack mentioned that the statute stated that it would have to be a special election and that he would check it out.

(12:45 p.m.) Rich spoke on the reference to aids to the commissioners. He spoke on giving the paid aids six months before dismissing them. Manuel spoke on his aid serving a very important function for him within the frame of the community. Discussion ensued. McCormack stated that it would be preferable to dismiss the aids by a motion. Rich requested that the County Administrator place it on the January 9th as agenda Item 2, and that the motion would be, that the paid aids for the County Commissioners be phased out from the date that the hearing takes place, anytime between January 9th and six months from that date, that any commissioner that had a paid aid could release that aid from paid status.

Motion by Stevenson, seconded by Manuel, carried 5/0, to adjourn the meeting. With there being no further business to come before the Board, the meeting adjourned at 1:00 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register Check Nos. 394172 through 394506, totaling \$3,372,754.63
2. St. Johns County Board of County Commissioners Check Register Check Nos. 395507 through 394531, totaling \$41,661.32
3. St. Johns County Board of County Commissioners Check Register Check Nos. 394532 through 394841, totaling \$4,954,052.48
4. St. Johns County Board of County Commissioners Check Register Check Nos. 394842, totaling \$1,360.00

CORRESPONDENCE:

1. Letter to Liz Cloud, Chief, Bureau of Administrative Code, filing Ordinance Numbers 2006-154 through 2006-157 (12/15/06)
2. Invoice dated 12/14/06, from Hopping Green & Sams for a CD regarding Item #6 from BCC Meeting 10/31/06, totaling \$5.00

Approved February 6, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Uwanna King
Deputy Clerk

