

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JUNE 10, 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  
                          Michael D. Wanchick, County Administrator  
                          Patrick McCormack, County Attorney  
                          Lenora Newsome, Deputy Clerk

Also present:        Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director; Michael Hunt, Deputy County Attorney

(06/10/08 - 1 - 9:03 a.m.)  
CALL TO ORDER

Manuel called the meeting to order.

(06/10/08 - 1 - 9:03 a.m.)  
ROLL CALL

Manuel stated that four commissioners were present with Bryant absent.

(06/10/08 - 1 - 9:03 a.m.)  
Manuel gave the Invocation and Sanchez led the Pledge of Allegiance.

(06/10/08 - 1 - 9:04 a.m.)  
DELETIONS TO CONSENT AGENDA

McCormack requested to pull Items 8, 10, and 11. Wanchick requested to pull Item 12 and place it on the Regular Agenda as Item A and pull Item 13.

(06/10/08 - 1 - 9:05 a.m.)  
APPROVAL OF CONSENT AGENDA

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

1.     Approval of the Cash Requirement Report
  
2.     Minutes:
  - 04/15/08 - BCC Regular Meeting
  - 04/29/08 - BCC Regular Meeting
  - 05/08/08 - BCC Special Meeting
  - 05/13/08 - BCC Regular Meeting

3. Motion to adopt **Resolution No. 2008-155**, recognizing unanticipated revenue in the amount of \$23,974.09 and increasing the General Fund General Government Federal Grant Revenue (0001-33110) and increasing the expenditure budget of the Supervisor of Elections Federal Grant Expenditure (0030-55304) in the same amount

**RESOLUTION NO. 2008-155**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ELECTIONS DEPARTMENT**

4. Motion to adopt **Resolution No. 2008-156**, accepting two Bills of Sale conveying all of the personal property associated with the water main extension and sewer facilities to serve Countrywalk Subdivision

**RESOLUTION NO. 2008-156**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING TWO BILLS OF SALE CONVEYING ALL OF THE PERSONAL PROPERTY ASSOCIATED WITH THE WATER MAIN EXTENSION AND SEWER FACILITIES TO SERVE COUNTRYWALK SUBDIVISION**

5. Motion to adopt **Resolution No. 2008-157**, accepting a deed from E. Virginia Hein to St. Johns County releasing restrictions and a reverter clause reserved in a previous deed and motion to approve the transfer in the amount of \$25,000 from the General Fund Capital Outlay Reserves (0083-59927) to Board of County Commissioners Contractual Services (0002-53120) to purchase the property mentioned above

**RESOLUTION NO. 2008-157**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A DEED FROM E. VIRGINIA HEIN TO ST. JOHNS COUNTY RELEASING RESTRICTIONS AND A REVERTER CLAUSE RESERVED IN A PREVIOUS DEED**

6. Motion to adopt **Resolution No. 2008-158**, accepting a Grant of Easement for drainage purposes along Woodlawn Road

**RESOLUTION NO. 2008-158**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A GRANT OF EASEMENT FOR DRAINAGE PURPOSES ALONG WOODLAWN ROAD**

7. Motion to adopt **Resolution No. 2008-159**, accepting the terms of a License Agreement for an ocean front resident to use a portion of the unopened County

right of way of Anahma Drive on Vilano Beach for a private beach walkover and authorizing the County Administrator to execute the Agreement on behalf of the County

**RESOLUTION NO. 2008-159**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A LICENSE AGREEMENT FOR AN OCEAN FRONT RESIDENT TO USE A PORTION OF THE UNOPENED COUNTY RIGHT OF WAY OF ANAHMA DRIVE ON VILANO BEACH FOR A PRIVATE BEACH WALKOVER AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY**

8. Motion to adopt a resolution approving the Final Plat for Verona Way

*This item was pulled from the Consent Agenda.*

9. Motion to adopt **Resolution No. 2008-160**, approving the final plat for Bartram Downs Lot 5 Replat

**RESOLUTION NO. 2008-160**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR BARTRAM DOWNS LOT 5 REPLAT**

10. Motion to adopt a resolution approving the Final Plat for Palencia North Phase II A

*This item was pulled from the Consent Agenda.*

11. Motion to adopt a resolution approving the Final Plat for Marshall Creek DRI North Loop Parkway Guardhouse

*This item was pulled from the Consent Agenda.*

12. Motion to adopt a resolution declaring and finding that County expenditures of public funds for the County events associated with hosting the Veterans Nursing Home Groundbreaking Ceremony serve a paramount public purpose and such funds may lawfully be used for such purpose and motion to approve the transfer of \$3,500 from General Fund Reserves (0083-59920) to Administration Special Events (0004-54801) for the Veterans Nursing Home Groundbreaking Ceremony

*This item was pulled from the Consent Agenda and added to the Regular Agenda as Item A. (See page 5)*

13. Motion to authorize the County Administrator, or his designee, to enter into a 48 month lease agreement with the low bidder, Ikon Business Solutions, for Bid 08-101, Lease of Digital Copier Machine Systems

*This item was pulled from the Consent Agenda.*

14. Motion to authorize the County Administrator, or his designee, to negotiate with and, if negotiations are successful, enter into a long term agreement with Fish Bone Outfitters and Concessions for RFP 08-114, Vilano Boat Ramp building lease for Concession, Bait and Tackle Store
15. Motion to approve the transfer of \$5,631 from General Fund Reserves and to increase the FTE from 0.5 to 1 in the Fairgrounds budget effective June 2, 2008
16. Motion to authorize the County Administrator, or his designee, to bid, purchase and install six (6) new washing machines and six (6) new dryers for the jail and motion to approve a transfer in the amount of \$140,000 from General Fund Reserves (0083-59920) to Detention Facility Subsidy Equipment (0042-56400)
17. Motion to authorize the County Administrator or his designee to award Lump Sum Bid # 08-126 to Energy Resources and negotiate a contract in the amount of \$241,000 Lump Sum for the Vilano Boat Ramp Dredging project
18. Motion to adopt **Resolution No. 2008-161**, recognizing unanticipated revenue in the amount of \$1,406 and increasing the General Fund Donations – Bartram Trail (0078-36611) and increasing the expenditure budget of the Library Donated Operating Supply-Bartram Trail (0078-55224) in the same amount

**RESOLUTION NO. 2008-161**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 GENERAL FUND TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE LIBRARY SYSTEM**

19. Motion to adopt **Resolution No. 2008-162**, accepting the terms of the sixth amendment to Contract #DH646 between the State of Florida Department of Children and Families, and the St. Johns County Board of County Commissioners, and authorizing the Chairman of the Board of County Commissioners to execute the Amendment on behalf of the County

**RESOLUTION NO. 2008-162**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE SIXTH AMENDMENT TO THE CONTRACT BETWEEN ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS AND THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES**

20. Motion to approve a transfer in the amount of \$34,500 from General Fund Reserves (0083-59920) to Risk Management Contractual Services (0007-53120) in order to contract for consulting services for a RFP for the County's insurance and workers compensation
21. Motion to authorize staff to prepare and submit an application for funding for youth mentoring under the OJJDP-FY 2008 Strengthening Youth Mentoring through Community Partnerships program

22. Proofs:

- a. Proof, Notice to Bidders, RFP No. 08-114
- b. Proof, Notice to Bidders, Bid No. 08-125
- c. Proof, Notice to Bidders, Bid No. 08-131
- d. Proof, Notice to Bidders, Bid No. 08-132
- e. Proof, Notice to Bidders, Bid No. 08-135
- f. Proof, Notice of Public Hearing, Board of County Commissioners, Ordinance proposing Home Rule Charter to the electors of St. Johns County, Thursday, May 29, 2008 at 1:30 p.m.
- g. Proof, Notice of Special Meeting, Board of County Commissioners, Thursday, May 29, 2008 at 1:30 p.m.
- h. Proof Notice of Public Hearing, Board of County Commissioners, Renaming roadway currently known as Whetstone Place, Tuesday, May 27, 2008 at 9:00 a.m.
- i. Proof, Notice of Public Hearing, Board of County Commissioners, Ordinance for Affordable Housing Advisory Committee, Tuesday, May 27, 2008 at 9:00 a.m.
- j. Proof, Notice of Meeting, Value Adjust Board, Thursday, May 22, 2008 at 9:00 a.m.
- k. Proof, Notice of Adoption, Board of County Commissioners, Resolution vacating, abandoning, discontinuing and closing certain streets, alleyways, roads or easements, part of Riverside Boulevard, adopted on the 15th day of April, 2008
- l. Proof, Notice of Public Hearing, Board of County Commissioners, Small Cities Community Development Block Grant (CDBG), Tuesday, May 27, 2008 at 9:00 a.m.

(06/10/08 - 5 - 9:05 a.m.)

PUBLIC COMMENT

Dwight Hines, 105 Nesmith Avenue, spoke on the Gamble Rogers Folk Festival, St. Johns County Sheriff's Office cooperating with the public records request, and named several other departments and offices that were also cooperating with the public records request.

(06/10/08 - 5 - 9:11 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

There were no additions or deletions to the Regular Agenda.

(06/10/08 - 5 - 9:11 a.m.)

APPROVAL OF REGULAR AGENDA

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

(06/10/08 - 5 - 9:11 a.m.)

- A. MOTION DECLARING AND FINDING THAT COUNTY EXPENDITURES OF PUBLIC FUNDS FOR THE COUNTY EVENTS ASSOCIATED WITH HOSTING THE VETERANS NURSING HOME GROUNDBREAKING CEREMONY SERVE A PARAMOUNT PUBLIC PURPOSE, AND SUCH FUNDS MAY LAWFULLY BE USED FOR SUCH PURPOSE AND MOTION TO APPROVE THE TRANSFER OF \$3,500 FROM GENERAL FUND RESERVES (0083-59920) TO ADMINISTRATION SPECIAL EVENTS (0004-54801) FOR THE VETERANS NURSING HOME GROUNDBREAKING CEREMONY (*Formerly Consent 12*)

Wanchick reviewed this item. (9:12 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to declare the paramount public purpose for the Veterans Nursing Home Groundbreaking Ceremony and approve the use of \$5,000, contributed by Northrop Grumman, to pay for food, beverage, and other items associated with the event.** Rich thanked Northrop Grumman for their support. Manuel asked Wanchick to draft a letter for the signature of all the Commissioners to the head of Northrop Grumman thanking them.

(06/10/08 - 6 - 9:16 a.m.)

1. CONSIDER MOTION TO ADOPT A RESOLUTION APPROVING THE TERMS, CONDITIONS, PROVISIONS, AND REQUIREMENTS OF A JOINT AGREEMENT WITH THE JEA FOR THE CONSTRUCTION OF FORCE MAIN IMPROVEMENTS ALONG U.S. 1, NORTH OF CR 210 TO THE JEA TWIN CREEK MASTER LIFT STATION, AND AUTHORIZING THE CHAIRMAN TO EXECUTE, ON BEHALF OF THE COUNTY, THE JOINT AGREEMENT WITH JEA

Bill Young, Utility Director, reviewed this item, Exhibit A. Rich asked about the funding. Stevenson stated that the funding would come out of the Utility Fund not the General Fund. Manuel mentioned the discussions on creating the St. Johns Utility Authority and asked about this having a positive impact on that. Young replied yes.

(9:20 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to adopt Resolution No. 2008-163, approving the terms, conditions, provisions, and requirements of a joint agreement with the JEA for the construction of force main improvements along U.S. 1, north of CR 210 to the JEA Twin Creek Master Lift Station, and authorizing the Chairman to execute, on behalf of the County, the Joint Agreement with JEA.**

#### RESOLUTION NO. 2008-163

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF THE JOINT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE JACKSONVILLE ELECTRIC AUTHORITY (JEA), JACKSONVILLE, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY**

(06/10/08 - 6 - 9:21 a.m.)

2. CONSIDER MOTION TO ADOPT A RESOLUTION ACCEPTING THE TERMS OF THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES PUBLIC LIBRARY CONSTRUCTION GRANT PROGRAM, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE GRANT ON BEHALF OF THE COUNTY

Debra Rhodes Gibson, Library System Director, reviewed this item. Manuel responded.

(9:23 a.m.) **Motion by Rich , seconded by Stevenson , carried 4/0 with Bryant absent, to adopt Resolution 2008-164, accepting the terms of the Florida Department of State,**

Division of Library and Information Services Public Library Construction Grant Program, and authorizing the Chairman of the Board of County Commissioners to execute the grant on behalf of the County.

RESOLUTION NO. 2008-164

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008 GENERAL FUND TO ACCEPT THE TERMS OF THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES PUBLIC LIBRARY CONSTRUCTION GRANT PROGRAM

(06/10/08 - 7 - 9:24 a.m.)

3. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO AWARD A CONTINUING UNIT PRICE CONTRACT TO ALL THREE (3) BIDDERS: 1) AMERICAN LIGHTING & SIGNALIZATION 2) TRAFFIC CONTROL DEVICES, INC. 3) MILLER ELECTRIC COMPANY PER THE UNIT PRICE PROPOSAL SUBMITTED BY EACH BIDDER

Joe Burch, Purchasing Director, reviewed this item.

(9:25 a.m.) Motion by Rich , seconded by Sanchez, carried 4/0 with Bryant absent, to authorize the County Administrator, or his designee, to award a Continuing Unit Price Contract to all three (3) bidders: 1) American Lighting & Signalization 2) Traffic Control Devices, Inc. 3) Miller Electric Company per the Unit Price Proposal submitted by each bidder.

(06/10/08 - 7 - 9:27 a.m.)

4. CONSIDER AN APPOINTMENT TO THE NORTHWEST COMMUNICATIONS TOWER CITIZENS ADVISORY BOARD

Melissa Lundquist, Administrative Coordinator, reviewed this item, stating that there was a vacancy on this Board requiring a Civic Association Representative. She stated that there had been a request to consider Mr. Clark Bailey as the Civic Association Representative and Mr. William Earl Newman as the District 1 Representative.

(9:29 a.m.) Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to suspend BCC Policy 2.3 to allow appointment of Mr. William Earl Newman to the Northwest Communications Tower Citizens Advisory Board as the District 1 Representative for a full four-year term scheduled to expire June 10, 2012.

(9:30 a.m.) Motion by Stevenson, seconded by Rich, carried 4/0 with Bryant absent, to affirm Mr. Clark Bailey as the Civic Association Representative on the Northwest Communications Tower Citizens Advisory Board retaining his original expiration date of November 29, 2010.

(06/10/08 - 7 - 9:31 a.m.)

5. CONSIDER AN APPOINTMENT TO THE PONTE VEDRA ARCHITECTURAL REVIEW COMMITTEE

Melissa Lundquist, Administrative Coordinator, reviewed the item, stating that there was one vacancy for a regular member and one vacancy for an alternate member.

(9:31 a.m.) **Motion by Manuel, seconded by Sanchez, carried 4/0 with Bryant absent, to appoint Bradley Wester to the Architectural Review Committee as a "regular" member for a full four-year term, scheduled to expire June 10, 2012.**

(9:32 a.m.) **Motion by Manuel, seconded by Rich, carried 4/0 with Bryant absent, to appoint Jennifer King to the Architectural Review Committee as an "alternate" member for a full four-year term, scheduled to expire June 10, 2012.**

(9:33 a.m.) Sanchez left the meeting.

(06/10/08 - 8 - 9:33 a.m.)

6. CONSIDER APPOINTMENTS TO THE 2008 VALUE ADJUSTMENT BOARD

Paras Desai, Assistant County Attorney, stated the purpose of the item was to appoint three members from the Board of County Commissioners to the VAB Board.

(9:33 a.m.) **Motion by Rich, seconded by Manuel, carried 3/0 with Bryant and Sanchez absent, to appoint Commissioner Bryant, Commissioner Stevenson and Commissioner Sanchez to serve on the 2008 Value Adjustment Board and Commissioner Rich as an alternate.** (9:34 a.m.) Sanchez returned to the meeting.

(06/10/08 - 8 - 9:35 a.m.)

7. PUBLIC HEARING - FIRE SERVICES MUNICIPAL SERVICES BENEFIT UNIT - CONTINUING THE PROCESS OF INSTITUTING A MUNICIPAL SERVICES BENEFIT UNIT (MSBU) TO FUND COUNTY FIRE SERVICES REQUIRES THAT THE BOARD OF COUNTY COMMISSIONERS CONSIDER AND ENACT THE ATTACHED ORDINANCE AND ADOPT THE ATTACHED RESOLUTION RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS IN ST. JOHNS COUNTY, FLORIDA AND AUTHORIZING THE CREATION OF THE MSBU AND PROVIDING FOR COLLECTION OF FIRE RESCUE ASSESSMENTS AGAINST PROPERTY

Proof of publication of the notice of public hearing regarding the Fire Services Municipal Services Benefit Unit was received, having been published in *The St. Augustine Record* on May 30, 2008.

Jesse Dunn, Office of Management and Budget, gave a quick review of the Fire Services MSBU, displaying a map, Exhibit A.

(9:36 a.m.) Heather Encinosa, Nabors, Giblin & Nickerson Firm, spoke on the proposed ordinance in the packet.

(9:37 a.m.) Dwight Hines, 150 Nesmith Avenue, stated that he was going to speak against anything having to do with the St. Johns County Fire Department and explained. McCormack spoke on disagreeing with some of Dwight's comments.

(9:42 a.m.) Ellen Whitmer, 1178 Natures Hammock Road, spoke in opposition of the MSBU.

(9:46 a.m.) Ed Paucek, 970 Irma Way, spoke in opposition of the MSBU. Sanchez commented.

(9:52 a.m.) Encinosa, replied to the public comments and explained the foreclosure clause. Sanchez asked about the impact fee and the agricultural land. Encinosa



responded to the impact fee and stated that she would let Camille Tharpe respond on the agricultural land.

(9:54 a.m.) Camille Tharpe, Government Services Group, spoke on the agricultural land. Sanchez asked about charging people who own big wooded areas. Tharpe replied that it was to protect the developed property instead of the undeveloped property. Discussion followed on reviewing the program, appointing a committee to recommend to the Board any increases in the MSBU, agricultural land, and finishing the professional Fire Department. (10:11 a.m.) *Motion by Rich, to table this item to the next meeting. Motion failed for lack of a second.*

(10:12 a.m.) **Motion by Sanchez, seconded by Stevenson, to enact Ordinance No. 2008-34, relating to the provision of fire rescue services, facilities and programs in St. Johns County, and authorizing the imposition and collection of fire rescue assessments against property and at the same time repealing County Ordinance 94-12 (the St. Johns County Fire Protection Ordinance).** Rich spoke on having a full Board present before voting and an overview committee that would oversee the MSBU. He stated that he would not be able to support this item. Sanchez stated that bonds could be issued based on the revenue, and if the MSBU wasn't implemented, then they would have to look at scaling down fire departments in the future, or not building one that might be needed. Stevenson clarified that capital costs were to be included in the MSBU, that there was a hardship clause, and for people on fixed incomes. Unlike the commercial properties and vacation homes, resident on fixed incomes did receive some of the benefits of the Amendment I Tax Reform, and so in overall equity, by the time the proposed ordinance is implemented, they should be seeing some of the relief that was implemented. (10:20 a.m.) **The motion carried 3/1 with Rich dissenting and Bryant absent.**

#### ORDINANCE NO. 2008-34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS IN ST. JOHNS COUNTY, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS AGAINST PROPERTY; PROVIDING CERTAIN DEFINITIONS INCLUDING A DEFINITION FOR THE TERM "FIRE RESCUE ASSESSMENT"; ESTABLISHING A PROCEDURE FOR IMPOSING FIRE RESCUE ASSESSMENTS; PROVIDING THAT FIRE RESCUE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A FIRE RESCUE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.33632 AND 197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDING FOR INTERIM ASSESSMENTS; PROVIDING FOR THE INCLUSION

**FOR INCORPORATED AREAS; PROVIDING A PROCEDURE FOR HARDSHIP ASSISTANCE AND CERTAIN EXEMPTIONS; PROVIDING A PROCEDURE FOR COLLECTION OF FIRE RESCUE ASSESSMENTS; PROVIDING A MECHANISM FOR THE IMPOSITION OF ASSESSMENTS ON GOVERNMENT PROPERTY; PROVIDING FOR APPLICABILITY; PROVIDING THAT THE PROCEDURES HEREIN ARE SUPPLEMENTAL AND ADDITIONAL TO POWERS CONFERRED BY OTHER LAWS; REPEALING ORDINANCE 94-12, THE ST. JOHNS COUNTY FIRE PROTECTION ORDINANCE, IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

(10:20 a.m.) Encinosa reviewed the proposed resolution. Sanchez asked about including tree farms, the agricultural property raising trees. Encinosa stated that they would not have been noticed, therefore, their assessments could not go on the tax bill. She stated that if that was an issue, the Board could direct them to go back and look at it, in which case, they could probably find some way to separately bill them this year, and delinquencies could be rolled onto the tax bill next year. Manuel directed Wanchick to start collecting data on calls referring to fires. He also mentioned working with the Fire Chief and the consultants to look at collecting the data, so at the next meeting or when they have the public hearing, they could have further discussion on it. He stated that they may have to have an annual review next year.

(10:24 a.m.) Motion by Sanchez, seconded by Stevenson, carried 3/1 with Rich dissenting and Bryant absent, to adopt Resolution No. 2008-165, the Initial Assessment Resolution as defined in the above Ordinance creating the St. Johns County Municipal Service Benefit Unit for Fire Rescue Services including the incorporated areas of the Town of Hastings, the City of St. Augustine Beach, and the entire unincorporated areas of the County, less the Summerhaven Area.

**RESOLUTION NO. 2008-165**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE INCORPORATED AREAS OF THE TOWN OF HASTING, THE CITY OF ST. AUGUSTINE BEACH, AND THE UNINCORPORATED AREA OF ST. JOHNS COUNTY, FLORIDA (LESS THE SUMMERHAVEN AREA); CREATING THE ST. JOHNS COUNTY MUNICIPAL SERVICE BENEFIT UNIT FOR FIRE RESCUE SERVICES; DESCRIBING THE METHOD OF ASSESSING FIRE RESCUE ASSESSED COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE MSBU; DETERMINING THE FIRE RESCUE ASSESSED COSTS AND THE INITIAL FIRE RESCUE ASSESSMENT RATES; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING A VACANCY ADJUSTMENT; PROVIDING FOR FIRE FLOW MITIGATION CREDITS; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE**

The meeting recessed at 10:25 a.m. and reconvened at 10:41 a.m.

(06/10/08 - 11 - 10:41 a.m.)

8. CONSTITUTIONAL OFFICERS' BUDGET PRESENTATIONS

Doug Timms, Management & Budget Director, introduced the item and the Constitutional Officers.

(10:42 a.m.) Penny Halyburton, St. Johns County Supervisor of Elections, gave the presentation on how her department operated. She reviewed her budget proposal and highlighted the requested increases. She said it was an increase of 8.32%. She said they estimated approximately a 100 percent turn out for the presidential election. She noted there would be a huge cost for paper ballots since they were no longer allowed to use the touch screens for early voting sites. She mentioned the new voting equipment would have to be purchased for the 2010 election.

(10:47 a.m.) Cheryl Strickland, Clerk of Courts, gave a presentation on the Finance Budget. She explained the hits they took for the budget this year was the OPEB requirements and they were still struggling with increased cost in legal advertisements. Manuel complemented her on the great job she had done on the budget. Strickland stated that their turn back this year would be about a half million dollars.

(10:51 a.m.) Sheriff David Shoar, stated that they had been working diligently since OMB provided them with their guidance and that they were pleased to report today, that they were able to comply with their guidance. He stated that they were seeking a 3.4 percent increase. He mentioned so far this year, they had already turned back \$300,000 to the County. He spoke on looking at increasing the discretionary time of their law enforcement deputies. Manuel stated that he would like to commend the Sheriff and his office for working with their OMB and the County Administrator. Discussion followed. Strickland and MacDonald left the meeting.

(06/10/08 - 11 - 10:58 a.m.)

9. PUBLIC HEARING - REZ 2008-06, WINDSWEPT ACRES PARK - THIS IS A REQUEST TO REZONE +/- 3.5 ACRES FROM COMMERCIAL GENERAL (CG) TO PUBLIC SERVICE (PS). THE PLANNING DIVISION FINDS THE REQUEST TO REZONE TO PUBLIC SERVICE (PS) SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT, THE LOCATION OF THE PROPERTY WITHIN THE PUBLIC 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 & ZONING AGENCY RECOMMENDED APPROVAL BY A VOTE OF 6/0 (WILES/WHEELER) AT ITS MAY 1, 2008 MEETING

Proof of publication of the notice of public hearing regarding REZ 2008-06, Windswept Acres Park, was received, having been published in *The St. Augustine Record* on May 26, 2008.

Troy Blevins, Parks Director, gave a brief overview of this item, Exhibit A. Stevenson spoke on coastal access being important. Discussion followed.

(11:03 a.m.) **Motion by Stevenson, seconded by Sanchez, carried 4/0 with Bryant absent, to enact Ordinance 2008-35, known as REZ 2008-06, Windswept Acres Park, adopting findings of fact 1 through 4 to support the motion.**

**ORDINANCE NO. 2008-35**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL GENERAL (CG) TO PUBLIC SERVICE (PS); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE**

(06/10/08 - 12 - 11:04 a.m.)

10. PUBLIC HEARING - PNZVAR 2008-01 JAX 152 - ANASTASIA CONDO CO-LOCATE - THIS APPLICATION IS A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.04.E, MID ANASTASIA OVERLAY DISTRICT, TO REDUCE THE REQUIRED SCREENING FOR ANTENNAS, ALLOWING VISIBILITY FROM ANY ROADWAY OR ADJACENT RESIDENTIAL PROPERTIES. THE PLANNING DIVISION FINDS THE REQUEST FOR A PLANNING NON-ZONING VARIANCE TO SECTION 3.08.04.E SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE, SPECIFICALLY SECTION 10.04.03.B. THIS FINDING IS BASED UPON THE FOLLOWING INFORMATION: THE APPLICATION MATERIALS (INCLUDING THE STATEMENT OF FACTS) AS SUBMITTED BY THE APPLICANT AND OTHER RELEVANT INFORMATION AVAILABLE TO STAFF. THIS FINDING MAY BE SUBJECT TO ANY OTHER COMPETENT SUBSTANTIAL EVIDENCE THAT MAY BE RECEIVED AT THE QUASI-JUDICIAL PUBLIC HEARING. THE MID ANASTASIA DESIGN REVIEW BOARD REACHED CONSENSUS DURING THE MAY 8TH, 2008 MEETING TO APPROVE THE VARIANCE REQUEST

Proof of publication of the notice of public hearing regarding PNZVAR 2008-01, Jax 152 Anastasia Condo Co-locate, was received, having been published in *The St. Augustine Record* on May 26, 2008.

Lindsay Haga, Chief Planner, gave additional information, stating that the Mid Anastasia Design Review Board reached consensus and was recommending approval of the planning non-zoning variance to this policy Board, handing in Adjacent Property Response Forms, Exhibit A. Regina Ross, Assistant County Attorney, entered the meeting and Hunt left the meeting. Rich read from the packet and asked Haga to convince him why this variance was in the best interest of the public. Haga responded. Rich spoke on radio waves. (11:12 a.m.) Hunt entered the meeting. Rich asked if there were any problems with delaying this item. Hunt replied there were no problems with it and no physical problem with interference with screening.

(11:14 a.m.) Lisa Bryant, 1133 Louisiana Avenue, spoke on the antennas not interfering with frequencies, showing maps and pictures, Exhibit B. She stated that they would have to move the equipment back to place a screen around it. (11:17 a.m.) **Motion by Manuel, seconded by Rich, carried 4/0 with Bryant absent, to continue this item to the next meeting.**

Patrick McCormack, County Attorney, entered the meeting and Ross left the meeting.

(06/10/08 - 13 - 11:18 a.m.)

11. ST. JOHNS COUNTY LITIGATION STATUS BRIEF

McCormack briefed the Board on litigation, utilizing the overhead projector, Exhibit A. He described several classes of litigation, and seven petitions for Writ of Certiorari. Rich asked McCormack if the County had made payment on any of these cases. McCormack replied no. He spoke on reducing litigation.

(06/10/08 - 13 - 11:39 a.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

No report.

(11:40 a.m.)

Commissioner Sanchez:

Sanchez announced the name change on a road, to Sgt. Tutten Drive with a ceremony to be held at 9:30 a.m. tomorrow morning.

(11:41 a.m.)

Commissioner Stevenson:

Stevenson stated that she would like to see the Irrigation Ordinance advance and requested to have a hearing on it.

Stevenson spoke on landscaping ordinances involving native plants. She stated that she would like to have some discussions on other ordinances that were being implemented to encourage the right plant in the right place and considering them as separate items. She asked for consensus from the Board on it. Manuel replied that he had no problem with it.

Stevenson mentioned that she would be meeting with the St. Johns River Water Management District to discuss all the supply issues.

Stevenson stated that on June 30<sup>th</sup>, the Legislative Committee on Intergovernmental Relations would be meeting in Jacksonville from 9:30 a.m. to 3:30 p.m. She stated that she would like to encourage people to come to it and that a big part of the discussion would be: *How we serve the citizens of Florida and execute our individual obligations cost effectively.*

Stevenson spoke on the urban sprawl discussion at the Regional Council previously mentioned by Ellen Whitmer.

Stevenson mentioned the St. Johns River Alliance and agricultural preservation.

Stevenson mentioned that the Bet Yam Temple had their grand opening of their new facility on Sunday and relayed that the Rabbi had high praise for the staff's support and the District Commissioner's support. Rich mentioned that Wanchick and his staff were mentioned by Rabbi Goldman in reference to the help they gave which enabled them to dedicate their new temple.

Stevenson spoke on receiving letters about the fire services. She mentioned one letter in particular relating to a visitor, from out of town, that received services from the St.

Johns County Fire Rescue Department and sent money to St. Johns County for the Fire Rescue Department because they were so touched by the service they were provided, even though the person they were providing service to did not survive the incident.

(11: 47 a.m.)

Commissioner Manuel:

Manuel stated that Nocatee was requesting some signage on U.S. 1, which was an FDOT issue and that he would be passing it on to them for their review.

Manuel stated that he would like the County Administrator and the County Attorney to review the Noise Ordinance.

Manuel mentioned that Ron Littlepage wrote an editorial that day in the paper about Duval County and money, Exhibit A. He stated that he would like the County Administrator and Mr. Timms to develop similar numbers so they could see how they compared to other counties.

Manuel mentioned that they had received a letter from the JTA, stating that they had passed a resolution of support for SR 9B as a critical road connection for St. Johns and Duval County. He stated that he would like the Commission's approval to have the County Attorney draft a similar letter of support for SR 9B. Manuel spoke on the budgetary cutbacks in Tallahassee.

(11:49 a.m.) Manuel stated that it had been brought to his attention that many residences weren't paying garbage collection fees and the garbage collection fees were listed on the tax bills. He stated that it was pretty easy to validate whether or not a garbage collection fee had been paid or not. He stated there was a glitch in the computer reporting of when the fees should be collected by the Tax Collector. He stated that he had a record of about 90 unaccounted houses which were getting garbage collection and not paying for it. He instructed the County Administrator to examine it and work with the Tax Collector and whoever was the appropriate party, to make certain that everyone whose garbage was being collected, was paying their garbage collection fee. He stated that it appeared that some of them went back for several years. Stevenson spoke on the tax roll and trim notice. She spoke on the MSBU mailing. Sanchez spoke on the fire MSBU issue.

(06/10/08 - 14 - 11:55 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick spoke on the Temple Bet Yam's new facility opening.

Wanchick spoke on the jail crowding item that had been brought up and stated that he was working with the Sheriff on it.

Wanchick stated that the Office of Management and Budget was doing an excellent job and that they had a balanced budget that they would be bringing to the Board.

(06/10/08 - 14 - 11:57 a.m.)

COUNTY ATTORNEY'S REPORT

McCormack stated that he would be away for a week in Washington DC on Navy duty.

McCormack revisited the Summerhaven item and asked to have a shade meeting to take care of it.

(06/10/08 - 15 - 11:59 a.m.)  
CLERK OF COURT'S REPORT

No report.

**Motion by Rich, seconded by Sanchez, carried 4/0 with Bryant absent, to adjourn the meeting.** With there being no further business to come before the Board, the meeting adjourned at 11:59 a.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 420504 through 420826, totaling \$1,754,581.07 (05/20/08)
2. St. Johns County Board of County Commissioners Check Register, Check Nos. 420827 through 420858, totaling \$78,004.27 (05/22/08)
3. St. Johns County Board of County Commissioners Check Register, Check Nos. 420859 through 420872, totaling \$226,950.70 (05/22/08)
4. St. Johns County Board of County Commissioners Check Register, Check No. 420873, totaling \$211,757.00 (05/23/08)
5. St. Johns County Board of County Commissioners Check Register, Check No. 420874 through 421286, totaling \$5,294,362.01 (05/27/08)

CORRESPONDENCE:

1. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinances Number 2008-27 through 2008-32 (06/03/08)
2. Letter to Liz Cloud, Program Administrator, Bureau of Administrative Code, filing Ordinance Number 2008-33 (06/03/08)

Approved July 8, 2008

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: 

Thomas G. Manuel, Chairman

ATTEST CHERYL STRICKLAND, CLERK

By: 

Deputy Clerk

