

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 6, 2007
(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: Ben Rich, District 3, Chairman
Thomas G. Manuel, District 4, Vice Chair
Cyndi Stevenson, District 1
Ron Sanchez, District 2
James Bryant, District 5
Waldemar Kropacek, Interim County Administrator
Patrick McCormack, County Attorney
Terry Bulla, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Court

(03/06/07 - 1 - 9:01 a.m.)
CALL TO ORDER

Rich called the meeting to order.

(03/06/07 - 1 - 9:01 a.m.)
ROLL CALL

Rich stated that all five commissioners were present.

(03/06/07 - 1 - 9:01 a.m.)
Stevenson introduced Pastor Wes Low, Switzerland, who gave the invocation and Bryant led the Pledge of Allegiance.

(03/06/07 - 1 - 9:05 a.m.)
PUBLIC COMMENT

(9:06 a.m.) Michael West, who represented WQXT Channel 22, 24 Cathedral Place, said they had selected Ben Rich as Man of the Year and presented a plaque to him.

(9:07 a.m.) Dominic Nicklo, 288 Chapel Rd., read a prepared statement into the record in opposition to Rich's comments regarding the fire services and Manuel's agreement with his statements. He said the issue was Rich's irresponsible comments, and asked for his resignation from the Board of County Commissioners.

(9:12 a.m.) Henry Miller, 291 Hickory Acres Lane, Switzerland, retired after 30 years of law enforcement, spoke in opposition to Rich's comments regarding the Sheriff's Office and the Fire Services being overstaffed, and suggested that he wouldn't mind starting a recall petition if they decided to challenge the budgets of either department.

(9:15 a.m.) Charles Shinholser, representing the Northeast Florida Chapter of Police Survivors, spoke in opposition to Rich's statements. He said he represented those who had lost family members in the law enforcement community in the line of duty.

(9:16 a.m.) Robert Humphries, 1840 Century Blvd., spoke in opposition to the statements made by Rich. He said he originally supported Rich with his vote, but had now taken personal offense to the statements he had made. He noted that Rich's statements had not been taken out of context and he could not think of any context in which his comments would have been acceptable.

(9:23 a.m.) Phyllis Abbatiello, 1133 River Birch Rd., Fruit Cove, addressed her comments to Rich, and expressed admiration to him and stated that despite his comments the County still needed his service.

(9:26 a.m.) Clay Murphy, 3553 Kings Rd. S., said the Board served at the pleasure of the voters, and were responsible for things they thought and said in public. He took exception to the premise that public safety was not issue number one and with the attitude coming from the Commission regarding public safety. He emphasized that it was important to understand when you were wrong and to accept correction.

(9:30 a.m.) Carl Burchfield, 355 Armas Ave., a resident of St. Augustine for 71 years, spoke in opposition to Rich's comments. He expressed concern regarding Rich's comments on the cutting of funding for the Council on Aging, Betty Griffith's House and other worthy community agencies. He said Rich was wrong to allow public safety to become a political issue, and that County employees were terrified because of his comments regarding possible budget cuts. He commented about Rich carrying a Smith & Wesson, asked for his resignation, said there was no conspiracy and no one was out to get him. He said Rich was doing this all by himself.

(9:36 a.m.) Kirk Clark, 2370 Blossom Ridge Dr., North, Jacksonville, a retired Jacksonville police officer and vice-president of COPS, stated he had been shot seven times in 1990 and his partner at the time, was killed. He said it was an honor to be able to serve, and he strongly protested the comments made by Rich, which depicted an unstable politician. He asked if public safety officials were that expendable. He said he spoke for over 15,000 families who valued the lives of their family members and friends.

(9:43 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, said Rich's comments had been taken out of context, spoke in support of Rich, and said this was about intimidation and greed on the part of the developers.

(9:46 a.m.) Jean Blyler, P. O. Box 28713, Jacksonville, represented the Northeast Florida Police Survivors, and said she was a survivor, as her son was killed in the line of duty while responding to a 911 call. She stated that she strongly opposed the statement that Rich had made about shooting an officer.

(9:48 a.m.) Marvis Johnston, 65 Village Las Palmas Circle, St. Augustine, spoke in opposition to Rich's comments, which sent a message that police killing was acceptable, and his comments were appalling and unacceptable.

(9:57 a.m.) Ellen Whitmer, 1178 Nature's Hammock Rd. S., St. Johns, said she was there to support Rich and the other commissioners. She stated that he was her hero and he was a brave soul that America so desperately needed.

(9:59 a.m.) Mary Kohnke, 29 S. Roscoe, Palm Valley, said she spoke in support of Rich's comments. She said he misspoke, had apologized, and admonished them to "go and sin no more."

(10:02 a.m.) Bill Rosenstock, 57 White Court, spoke about the post office in St. Augustine Beach, and that it was going to be closed. He noted it was a time sensitive issue and asked the Board for their support in locating one acre of land near CR 312. Manuel asked the County Administrator to follow up on the matter. Rosenstock also commented on the pier park bathrooms and asked for support from the Board to buy the property for the bathroom.

(10:06 a.m.) Charlie Hotchkin, 33 Davis St., St. Augustine, said he was a retired fire fighter, and he did not consider himself a hero. He spoke in support of Rich.

(10:12 a.m.) Dwight Hines, 150 Nesmith, spoke regarding open records. He said the County was not in compliance with the Open Records Act and cited instances to reflect such.

(10:16 a.m.) John Birney, 400 N. Ponce de Leon Blvd., spoke on behalf of the Early Learning Coalition of Putnam and St. Johns County. He reported on the funding of their program, and asked the Board to confirm their support for this very important program.

(10:20 a.m.) Nicholas Meiszer, 252 Redfish Creek Dr., expressed concern about the Sunshine Law, and said he was denied access to public records by the personnel office and then went to the County Attorney's office where they made every effort to get the requested information. He asked the Board to direct the County Administrator to have the requested information readily available. Additionally, he expressed concern that vacant positions should be kept open for at least 30 days to allow people to apply for them, as recent vacancies had been filled by friends or those with an inside track.

(10:29 a.m.) Walter Sauls, 65 Magnolia Avenue, remarked on the February 21st comments by Rich, and asked Rich to resign his post as Chairman of the Board.

(10:33 a.m.) Stevenson said the Board needed to provide integrity in government and they needed to give careful attention to civility. She suggested to the Chairman that they consider a leadership workshop to be more effective as a group.

The board recessed at 10:38 a.m. and reconvened at 10:50 a.m.

(03/06/07 - 3 - 10:50 a.m.)
DELETIONS TO CONSENT AGENDA

There were none.

(03/06/07 - 3 - 10:50 a.m.)
APPROVAL OF CONSENT AGENDA

Motion by Stevenson, seconded by Manuel, carried 5/0 to approve the Consent Agenda.

1. Approval of the Cash Requirement Report
2. Minutes:
 - 02/06/07 - BCC Regular Meeting
 - 2/07/07 - BCC Special Meeting
 - 02/15/07 - BCC Special Meeting
 - 02/15/07 - BCC Joint Meeting

3. Sheriff's Office Bonds:
Approve: Jeremy Banks Gerald Del Gaizo

Cancel: Leigh Skelton
4. Motion to adopt **Resolution No. 2007-63**, approving final plat for Aberdeen (Parcel CC2B)

RESOLUTION NO. 2007-63

**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA APPROVING A SUBDIVISION
PLAT FOR ABERDEE (PARCEL CC2B)**

5. Motion to adopt **Resolution No. 2007-64**, approving final plat for Summer Point

RESOLUTION NO. 2007-64

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
APPROVING A SUBDIVISION PLAT FOR SUMMER
POINT**

6. Motion to adopt **Resolution No. 2007-65**, approving the terms, conditions, and requirements of Amendment #13 to the Community Based Care Contract #DJ993 between St. Johns County, Florida and the State of Florida, Department of Children and Families, and authorizing the County Administrator to execute Contract Amendment #13 on behalf of the County

RESOLUTION NO. 2007-65

**A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR TO
SIGN THE THIRTEENTH AMENDMENT TO THE
CONTRACT DJ993 BETWEEN ST. JOHNS COUNTY
BOARD OF COUNTY COMMISSIONERS AND THE
DEPARTMENT OF CHILDREN AND FAMILIES**

7. Motion to adopt **Resolution No. 2007-66**, approving the terms and authorizing the Chairman to execute Amendment No. 4 Tower Agreement from Nextel South Corp., for the Ponte Vedra Annex Tower site to modify their equipment

RESOLUTION NO. 2007-66

**A RESOLUTION BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING THE TERMS AND AUTHORIZING THE
CHAIRMAN OF THE BOARD TO EXECUTE
AMENDMENT NO. 4 TOWER AGREEMENT FROM
NEXTEL SOUTH CORP. FOR THE PONTE VEDRA
ANNEX TOWER SITE TO MODIFY THEIR EQUIPMENT**

8. Motion to adopt **Resolution No. 2007-67**, accepting the terms of the renewal of a Lease from the Town of Hastings to St. Johns County Tax Collector and authorizing the County Administrator to execute said Lease

RESOLUTION NO. 2007-67

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING THE TERMS OF THE RENEWAL OF A LEASE FROM THE TOWN OF HASTINGS TO ST. JOHNS COUNTY FOR THE ST. JOHNS COUNTY TAX COLLECTOR AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID LEASE

9. Motion to adopt **Resolution No. 2007-68**, accepting an Easement for Utilities for water service to The Estuaries subdivision off of A1A South

RESOLUTION NO. 2007-68

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER SERVICE FOR THE ESTUARIES CONDOMINIUM OFF OF A1A SOUTH

10. Motion to adopt **Resolution No. 2007-69**, accepting an Easement for Utilities for water and sewer service to Palmetto Woods Subdivision

RESOLUTION NO. 2007-69

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO PALMETTO WOODS SUBDIVISION

11. Motion to adopt **Resolution No. 2007-70**, accepting an Easement for Utilities for water and sewer service to Tuscany Village South Subdivision

RESOLUTION NO. 2007-70

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING AN EASEMENT FOR UTILITIES FOR WATER AND SEWER SERVICE TO TUSCANY VILLAGE SOUTH SUBDIVISION

12. Motion to execute a renewal of the Certificate of Public Convenience and Necessity for St. Johns County Fire Rescue and Ambulance Service, Incorporated, effective until March 5, 2010
13. Motion to authorize County Administrator, or his designee, to negotiate with and enter into contract with Ambulance Services, Inc. (ASI) to provide non-emergency BLS and ALS ambulance services in St. Johns County, and to issue the appropriate Certificate(s) of Public Convenience & Necessity (COPCN) to ASI
14. Motion to adopt **Resolution No. 2007-71**, adjusting the Transit Fund revenue and expenditure budgets to account for unanticipated funds from the Florida Department of Transportation Service Development Grant, Joint Participation Agreement Contract #A0K98 for the amount of \$83,000

RESOLUTION NO. 2007-71

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2007 TRANSIT SYSTEM FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY ST. JOHNS COUNTY

15. Motion to adopt **Resolution No. 2007-72**, adjusting the Transit Fund revenue and expenditure budgets to account for unanticipated funds from Florida Department of Transportation Block Grant, Joint Participation Agreement Contract # A0236 for the amount of \$161,954

RESOLUTION NO. 2007-72

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2007 TRANSIT SYSTEM FUND BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY ST. JOHNS COUNTY

16. Motion to approve the transfer of salary and benefit appropriations from the Board of County Commissioners and Planning Departments (as reflected on the attached budget transfer form] to the County Administration Department to reflect attrition and restructuring
17. Proofs:
- a. Proof, Notice of Meeting, County Commission District 1 Town Meeting, Thursday, February 15, 2007 at 6:00 p.m.
 - b. Proof, Notice to Bidders, Bid No. 07-64
 - c. Proof, Notice of Meeting, Special/Private Meeting of the Board of County Commissioners, Thursday, February 15, 2007 at 8:00 a.m.
 - d. Proof, Notice of Meeting, Special/Private Meeting of the Board of County Commissioners, Thursday, February 20, 2007 at 8:00 a.m.
 - e. Proof, Notice to Bidders, Bid No. 07-67
 - f. Proof, Notice of Meeting, Special Meeting of the Board of County Commissioners, Wednesday, February 21, 2007 at 9:00 a.m.
 - g. Proof, Notice of Meeting, Intergovernmental Committee, Changed Regular Meetings, Wednesday, March 7, 2007 and every other month thereafter on the first Wednesday of the month
 - h. Proof, Notice to Bidders, Bid No. 07-57
 - i. Proof, Notice of Meetings, St. Johns County Board of County Commissioners, St. Johns County Beach Code Ordinance Amendment, Tuesday, February 20, 2007 at 9:00 a.m. and Tuesday, March 6, 2007 at 5:30 p.m.

(03/06/07 - 6 - 10:51 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Rich stated that Items 4 & 5 would be heard behind Item 1, and Items 2 & 3 would follow Item 5. Manuel stated he would be unable to attend for Item 10 and asked that it be continued. Bryant stated that it was a second public hearing. General discussion ensued. McCormack reviewed their options. *It was the consensus of the Board to schedule a quorum at 5:30 to hear public comment and reschedule the item for March 20th.* McCormack asked that Item 6 on the Regular Agenda be pulled and rescheduled

until March 20th as item No. 2. Kropacek asked to pull Item No. 2 and to change the title of Item No. 9 to the "Southeast Annex" from "Tax Collector's Annex".

(03/06/07 - 7 - 10:58 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Manuel, seconded by Sanchez, carried 4/0, with Stevenson absent, to approve the Regular Agenda as amended.

(10:58 p.m.) Bryant asked that Stevenson be addressed as Commissioner Stevenson and treated with respect.

(03/06/07 - 7 - 10:59 a.m.)

1. PRESENTATION OF THE INTELLIGENT TRANSPORTATION SYSTEM (ITS) PLAN

Jeff Sheffield, Planning Director of the First Coast Metropolitan Planning Organization, began the presentation on the First Coast Metropolitan Planning Organization's Intelligent Transportation System (ITS) Plan. He introduced Wayne Spaulding of Telvent Fairdyne and Victoria Pennington of the First Coast Metropolitan Planning Organization. Spaulding gave a PowerPoint presentation explaining the program and its dynamics. Pennington gave a presentation explaining the 511 for Northeast Florida Traffic Information and how it worked.

The meeting moved to Item No. 4.

This item was pulled.

(03/06/07 - 7 - 11:11 a.m.)

2. CONSIDER MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO NEGOTIATE A CONTRACT IN THE AMOUNT OF \$1,808,000.00 WITH THE LOW BIDDER K.P. MEIRING, FOR CONSTRUCTION OF THE NEW SOUTHEAST ANNEX BUILDING

(03/06/07 - 7 - 3:09 p.m.)

3. CONSIDER A MOTION TO AUTHORIZE THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AND ENTER INTO CONTRACT WITH THE NO. 1 RANKED FIRM, JONES EDMUNDS & ASSOCIATES FOR RFQ 07-11, COUNTYWIDE STORMWATER MODEL

Joe Burch, Purchasing Manager, spoke on the matter and offered details to the board. Manuel voiced concern about the large DRI Mariposa. (3:15 p.m.) Stevenson entered the meeting. Sanchez questioned whether the project would be obsolete in five years. Burch advised that the project should be updated on an annual basis.

(3:17 p.m.) Press Tompkins, County Engineer, advised that the model would be an evolving document for all County departments to utilize. Stevenson pointed out several elements involved with such documents.

(3:20 p.m.) **Motion by Sanchez, seconded by Manuel, carried 4/0 with Bryant absent, to authorize the County Administrator, or his designee, to negotiate with and enter into contract with the No. 1 ranked firm, Jones Edmunds & Associates, for RFQ 07-11, Countywide Stormwater Model. If an agreement cannot be reached with the No. 1 ranked firm, authorization is granted to terminate negotiations and begin negotiations with the next ranked firm and continue until an agreement is reached with one firm.**

(03/06/07 – 8 - 11:11 a.m.)

4. CONSIDER MOTION TO ADOPT A RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT CONTRACT BETWEEN THE COUNTY AND THE FLORIDA COMMUNITIES TRUST (FCT) FOR A PARTIAL REIMBURSEMENT OF THE VILANO BEACH OCEANFRONT PARK ACQUISITION

Will Smith, Recreation Administrative Manager, gave the presentation to seek approval to execute a contract with the Florida Communities Trust for the joint acquisition of the Vilano Beach Ocean Front Park, and gave the background of the grant process. He said the FCT portion on the grant was 75 percent of the \$5.5 million or \$4,162,500, and the County was responsible for the remaining \$1,387,500. He noted that Fiddler's Green Restaurant was currently on site and reviewed the specific statistics related to the property and possible proposed uses.

(11:15 a.m.) Bryant said it was part of his district and there had been over eight years of participation to design the community and this element was an important part of that. He asked the Board to support the project and not to turn their back on \$4 million plus, which would give the wrong message to the State. He said there were healthy reserve funds or they could be obtained from other areas, and it should be a priority.

(11:17 a.m.) Manuel said he supported Bryant's comments and said he believed in empowering communities and the project had his support.

(11:18 a.m.) Stevenson said she was encouraged to hear the direction and comments of her fellow Board members. She said it was more than 1.7 acres, was special and was the most seaward of the coastal property. She said it was an opportunity to avoid more high-risk construction, and it was an important piece of property which had helped them to leverage other improvements.

(11:22 a.m.) Sanchez asked how the funding was budgeted. Troy Blevins, Parks and Recreation, said it was funded through commercial paper, a five year loan. Sanchez asked if the CRA expanded its boundaries, whether the dollars could be recouped later for the CRA. Doug Timms, Director of Management and Budget, said it would require an amendment to the current agreement with the CRA, but it could be done. He said payback for Vilano was pushed back for one or two more years into the future. Sanchez asked if he was comfortable with it. Timms said he was comfortable with it, but it would restrict the Board in terms of other projects down the road. He said the amount was small enough that it could be done. Sanchez asked if they were in possession of the grant from the Florida Communities Trust. Smith said they would have to write a management plan for the property and explain how it would be run. Smith said it would be done in-house. Sanchez cautioned that they be very careful with the management plan.

(11:27 a.m.) Rich said he could count to three and would leave it at that.

(11:27 a.m.) Manuel commented regarding the sales tax recreational bond and said it was a source that could be looked into.

(11:28 a.m.) Stevenson said the property could be used as a revenue generator, there was significant enthusiasm for that and asked if they would expand on that. Smith talked about what Martin County had done in that regard. Smith introduced Sasha Martin who had researched that issue. Stevenson said the real value of the parcel was the land because there was so little of it left.

(11:31 a.m.) Sanchez said he would like to make a motion to support it after public comment. Rich said the will of the Board was to purchase the property and asked if the \$5.5 million purchase price was negotiable.

(11:35 a.m.) Blevins said there was a contract based on appraisals at \$5.5 and it could be renegotiated based on the appraisals. He said the process would be completed based on when the Board granted approval.

(11:37 a.m.) Rich said he had been given new information regarding the property and its development. He said there was a question regarding restoration of the dune line. Smith explained the portion of the beach would have to be restored due to parking. Rich asked if the restaurant would be demolished due to dune restoration. Smith said the building would be maintained as a cultural community center and would remain on site. Rich asked if the CRA could run it. Smith said yes, and that 75 percent of profits would have to go back into the building. Rich said the CRA boundary should be expanded to include the proposed area. Blevins said they had to be cautious regarding the control of the building. Rich asked if there would be any obstacles to moving it into the CRA.

(11:39 a.m.) McCormack said they should not presume that it would automatically go into the CRA, and there was a procedure that had to be followed.

(11:45 a.m.) Manuel noted there was a lot of support from Pedro Menendez High School students for the project and submitted their letters into the record.

(11:46 a.m.) Sasha Martin, 133 Coastal Hollow Circle, gave a slide presentation, gave some of the history of the site, and possible future uses along with possible revenue producing events management. She reviewed what other organizations in the area were doing in that venue. She asked them to preserve the site permanently for the people of St. Johns County.

(11:55 a.m.) Vivian Browning, 30 Beachcomber Way, expressed her support and their willingness to assist. She asked them to support it, to move it forward and to ask that the CRA be extended. She thanked Will Smith and Troy Blevins for their hard work and support.

(12:00 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. S., Fruitcove, said there was disagreement about part of the way it would be financed and suggested that maybe a municipal service taxing unit be established for that area. She said it was taxpayer inequity.

(12:02 p.m.) David Wiles, 8220 A1A South, endorsed the purchase with two caveats. He said the reason they should endorse the plan was because it was in conjunction with the Historic and Scenic A1A and that the coast was a very special thing. It would also remind them that it was a special socially engineered community with special conditions and real restrictions.

(12:05 p.m.) Richard Orenstine, 305 Watner Dr., Vilano, thanked them for being supportive of that great asset and the future of Vilano.

(12:07 p.m.) Motion by Sanchez, seconded by Bryant, carried 5/0, to approve the terms, conditions, provision, and requirements of a Grant Contract between the Florida Communities Trust, and St. Johns County, Florida and authorizing the County Administrator to execute the Contract on behalf of the County, and

designating the Recreation Administrative Manager as Key Contact for the Grant Contract Project.

RESOLUTION NO. 2007-73

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A GRANT CONTRACT AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA AND FLORIDA COMMUNITIES TRUST FOR JOINT ACQUISITION OF VILANO BEACH OCEANFRONT PARK, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

(12:09 a.m.) Sanchez asked the Administrator to put the expansion of the CRA on the next agenda.

The meeting recessed for lunch at 12:09 p.m. and reconvened at 1:30 p.m. with all five Commissioners, Kropacek, McCormack, and Deputy Clerk Lenora Newsome present.

(03/06/07 - 10- 1:33 p.m.)

5. WORKSHOP ON HOMEOWNERS ASSOCIATIONS-ARCHITECTURAL REVIEW COMMITTEES (HOA-ARC) BUILDING PERMIT REVIEW

Patrick McCormack, County Attorney, reviewed this item.

(1:36 p.m.) Barry Ansbacher, 10545 Russell Sampson Road, representing Marsh Landing, explained that the precipitator of the proposed ordinance was Dan Bosanko, who was the County Attorney, when the dispute came up. He stated that the underlying ordinance needed to be fixed. Ansbacher gave a presentation on the proposed changes to the Land Development Code, the current law, the Sunshine Law, and Chapter 720 of the Florida Statutes, Exhibit A. (1:48 p.m.) Bryant left the meeting. He also reviewed the permits that were covered, the proposed new ordinance, the summary and the options. McCormack spoke on the homeowners association, discussion ensued.

(2:19 p.m.) Mary Kohnke, 29 South Roscoe, spoke on costing homeowners money, a list put together by staff and on operating in the sunshine. McCormack responded to Kohnke regarding meeting in the sunshine.

(2:28 p.m.) Barbara Krol, 4440 Royal Tern Court, President of the Marsh Landing Master Association Board, spoke on their goals.

(2:32 p.m.) James Sackett, 1158 Salt Marsh Circle, spoke on the Architectural Review Board and the bills in the Legislature, discussion ensued.

(2:39 p.m.) Clara Cowan, 244 Patrick Mill Circle, spoke on it being a financial burden for the homeowners.

(2:42 p.m.) Manuel read a statement from Bill Garrett, Vice President of the Sawgrass Players Club, regarding the County continuing with its current practice of withholding permits until local ARB approval.

(2:43 p.m.) Ansbacher replied to the public comments on never being able to address all the things in the ordinance, and public notices. (2:50 p.m.) Stevenson left the meeting. Sanchez stated that he was not in favor of letting someone do something and then going back and having the ARB tell them to change it. Ansbacher responded, stating that they were asking for a lesser alternative. (2:55 p.m.) Stevenson returned to the meeting. Rich directed the county attorney to determine what was best, and to meet with the HOAs to discuss this in depth. *Rich stated that it was the consensus of the Board to do what he directed.*

The meeting recessed at 2:58 p.m. and reconvened at 3:08 p.m., with Stevenson and Bryant absent.

The meeting moved to item No. 3.

(Item No. 6 was time certain for 1:30 p.m.)

This item was pulled and rescheduled for March 20th, 2007.

(03/06/07 - 11- 10:58 a.m.)

6. PUBLIC HEARING - APPEAL TO ADMINISTRATIVE DECISION- ROBERT KELSEY AND WILLIAM S. URSELL - THE REQUEST IS AN APPEAL TO THE FINAL ADMINISTRATIVE INTERPRETATION REGARDING THE CONSTRUCTION OF A DOCK ON PROPERTY OWNED BY MR. EARLE HAYFORD. (PAGES 1-3) THE ADMINISTRATIVE INTERPRETATION IS ATTACHED; LETTER DATED DECEMBER 21, 2006 FROM DARRELL LOCKLEAR, ASSISTANT COUNTY ADMINISTRATOR FOR OPERATIONS. (PAGE 4) THE PROPERTY IS LOCATED ADJACENT TO DR. KELSEY ON VAILL POINT ROAD. THE COUNTY CONSIDERS A DOCK AS AN ACCESSORY USE, PURSUANT TO SECTION 2.02.04 OF THE LAND DEVELOPMENT CODE (LDC), HOWEVER SECTION 2.02.04.A (4) STATES THAT DOCKS, DUNE WALKOVERS, BOAT HOUSES AND WELL HOUSES ARE NOT APPLICABLE TO THE PROVISIONS OF THE LDC (SECTION). THEREFORE, THE COUNTY CONSIDERS THOSE NAMED STRUCTURES EXEMPT FROM THE REQUIREMENTS OF ACCESSORY USES, ALONG WITH THE NECESSARY PATHS OR WALKWAYS TO PROVIDE ACCESS

Proof of publication of the notice of public hearing on ZADAMAPL 2007-01, Vaill Point Road, was received, having been published in *The St. Augustine Record* on February 16, 2007.

(03/06/07 - 11 - 3:23 p.m.)

7. PUBLIC HEARING - PNZVAR 2006-13, CORRIDORS AT PONTE VEDRA - THE APPLICANT REQUESTS AN EXCEPTION TO THE REQUIREMENTS OF SECTION 3.06.12.E OF THE LAND DEVELOPMENT CODE (A PROVISION OF THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT) TO ALLOW FOR FOUR COLORS ON THE BUILDING. THIS REQUIREMENT ONLY ALLOWS THREE COLORS TO ANY BUILDING WITHIN THE OVERLAY DISTRICT. THE APPLICANT CAME BEFORE THE PONTE VEDRA ARC ON 11-15-2006 FOR AN INTERPRETATION OF THE COLORS ON THE BUILDING AND A RECOMMENDATION FOR THE ADDITIONAL COLORS ON THE BUILDING. AT THAT TIME THERE WERE A TOTAL OF SEVEN COLORS ON THE BUILDING, INCLUDING PAINT AND COLOR OF THE BUILDING MATERIALS. THE ARC MADE THE DETERMINATION THEY WOULD COUNT TWO SLIGHTLY DIFFERENT COLOR SHADINGS OF A BRICK MATERIAL THE SAME COLOR AND NOT COUNT THE STOREFRONT METAL ALONG THE DOORS AND WINDOWS AS A COLOR. THEREFORE, THE APPLICANT WOULD THEN ONLY HAVE

FIVE EXISTING COLORS ON THE BUILDING. THEREFORE, THE APPLICANT IS CALLING FOR A REDUCTION IN THE NUMBER OF COLORS ON THE BUILDING FROM FIVE TO FOUR COLORS. THESE COLORS WOULD BE THE BRICK, AWNINGS/ARCHITECTURAL STEEL, AND TWO NEW STUCCO COLORS. AT THE PONTE VEDRA ARC PRESENTATION, THEY LOOKED FAVORABLY AT THIS NON-ZONING VARIANCE TO ALLOW FOR THE COLORS ON THE BUILDING

Proof of publication of the notice of public hearing on PNZVAR V2006-13, Corridors, was received having been published in *The St. Augustine Record* on February 19, 2007.

Lindsay Haga, AICP, Chief Planner, offered details of the project to the Board.

(3:25 p.m.) Manuel pointed out an e-mail received regarding the issue. (3:25 p.m.) **Motion by Rich, seconded by Manuel, carried 4/0 with Bryant absent, to approve PNZVAR 2006-13, making findings of fact 1 through 6 to support the motion.**

(03/06/07 - 12 - 3:26 p.m.)

8. PUBLIC HEARING - MAJMOD 2006-13, HILDEN BUSINESS PARK PUD - THE HILDEN BUSINESS PARK PUD CONSISTS OF 10.06 ACRES AND IS LOCATED ON THE EAST SIDE OF US 1 N, APPROXIMATELY TWO MILES SOUTH OF PALM VALLEY RD. THE MAJOR MODIFICATION PROPOSES TO ADD 2.60 ACRES TO THE EXISTING HILDEN BUSINESS PARK IN ORDER TO CONSTRUCT AN ADDITIONAL 28,000 SQUARE FEET OF COMMERCIAL SPACE. THE SITE IS LOCATED IN THE MIXED USE (MD) LAND USE OF THE 2015 FUTURE LAND USE MAP. ST. JOHNS COUNTY UTILITIES WILL BE THE PROVIDER OF CENTRAL WATER AND SEWER. FIVE FOOT SIDEWALKS ARE PROVIDED ALONG HILDEN ROAD AND WITHIN THE PROJECT, AS DEPICTED ON THE MASTER DEVELOPMENT PLAN MAP. ONE NEW ACCESS IS PROPOSED ONTO US 1, PENDING APPROVAL FROM FDOT. SURROUNDING ZONINGS INCLUDE OPEN RURAL (OR), PLANNED UNIT DEVELOPMENT (PUD), AND INDUSTRIAL WAREHOUSE (IW). THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REQUEST AT THEIR SEPTEMBER 21, 2006 MEETING BY A VOTE OF 6/0

Proof of publication of the notice of public hearing on MAJMOD 2006-13, Hilden Business Park, was received having been published in *The St. Augustine Record* on February 19, 2007.

Michael Blackford, Planner II, reviewed this item. (3:28 p.m.) **Motion by Manuel, seconded by Sanchez, to enact Ordinance No. 2007-11, known as MAJMOD 2006-13, Hilden Business PUD, adopting the six findings of fact to support the motion.** Stevenson questioned the access in the area. Blackford responded. (3:29 p.m.) **The motion carried 4/0 with Bryant absent.**

ORDINANCE NO. 2007-11

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A REZONING AND MAJOR MODIFICATION TO THE HILDEN BUSINESS PARK PUD, ORDINANCE NUMBER 2004-70, AS AMENDED; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

(03/06/07 - 13 - 3:29 p.m.)

9. PUBLIC HEARING - REZ 2007-04, SOUTHEAST ANNEX - THIS IS A REQUEST TO REZONE 9.89 ACRES OF LAND FROM OPEN RURAL (OR) TO PUBLIC SERVICE (PS) TO ALLOW FOR THE CONTINUED USE OF THE PUBLIC LIBRARY AND THE CONSTRUCTION OF A NEW SOUTHEAST ANNEX. THE PROPERTY IS LOCATED ON THE EAST SIDE OF US 1 SOUTH, JUST NORTH OF SR 206. THE WESTERN PORTION OF THE PROPERTY IS CURRENTLY THE SITE OF THE PUBLIC LIBRARY, WHILE THE SOUTHEAST ANNEX IS PROPOSED ON THE EASTERN PORTION OF THE PROPERTY. THE SITE IS LOCATED IN RESIDENTIAL-B LAND USE, AS DEPICTED ON THE 2015 FUTURE LAND USE MAP. THE SURROUNDING PROPERTIES ARE ZONED OPEN RURAL (OR) AND PLANNED UNIT DEVELOPMENT (PUD). CENTRAL WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY UTILITIES. THE PLANNING AND ZONING AGENCY RECOMMENDED APPROVAL OF THIS REZONING REQUEST AT THEIR FEBRUARY 15, 2007 HEARING, BY A VOTE OF 6 TO 1. NO DISCUSSION WAS OFFERED REGARDING THE VOTE TO DENY

Proof of publication of the notice of public hearing on REZ 2007-04, SJC TAX, was received having been published in *The St. Augustine Record* on January 31, 2007.

Michael Blackford, Planner II, reviewed this item. (3:30 p.m.) **Motion by Stevenson, seconded by Sanchez, to enact Ordinance No. 2007-12, known as REZ 2007-04, Tax Collectors Annex, adopting findings of fact 1 through 4 to support the motion.**

(3:31 p.m.) Robert Burton, St. Johns County Tax Collector's Office, stated that the motion read "the Tax Collector's Annex" and it should read the "Southeast Annex" (3:31 p.m.) **Motion amended by Stevenson to reflect the Southeast Annex and the second agreed.** James Whitehouse, Assistant County Attorney, stated that the ordinance would have to be amended in that same fashion to reflect the Southeast Annex instead of the Tax Collector's Annex. (3:31 p.m.) **The motion directed the County Attorney's Office to change the ordinance and the motion carried 4/0 with Bryant absent.**

ORDINANCE NO. 2007-12

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

The meeting recessed at 3:32 p.m. and reconvened at 3:42 p.m.

(3:42 p.m.)

COMMISSIONERS' REPORTS

Commissioner Stevenson:

Stevenson stated that April 22nd to April 28th was National County Government Week; she also spoke on protecting the environment. She asked the Board to be involved in it.

Stevenson spoke on the Northeast Florida Regional Land Acquisition Workshop involving Flagler, St. Johns, and Volusia Counties.

(3:49 p.m.)

Commissioner Sanchez:

Sanchez stated that an amphitheater proposal update was scheduled for the March 20th BCC meeting.

Sanchez reported that he visited the YMCA in Macclenny.

(3:52 p.m.)

Commissioner Manuel:

Manuel spoke on the Northeast Regional Planning Council and DRIs. (3:53 p.m.) Bryant returned to the meeting.

(3:54 p.m.) Manuel spoke on getting to know the state, and other, representatives.

(3:55 p.m.)

Commissioner Stevenson:

Stevenson spoke on today being the first day of session and the things coming out of the governor's office.

Stevenson stated that the House Policy and Budget Council would be discussing ideas related to speaker Mark Rubio's property tax relief plan in Tallahassee on Friday, March 9th at 10:15 a.m. They are scheduled to vote on a reform package at their meeting on March 16th.

(3:57 p.m.)

Commissioner Bryant:

Bryant stated that he just left the Transportation for the Disadvantaged Local Coordinating Board meeting, and that he was bringing a request to the Board for some support for the TD Transportation to nominate David Cole, a driver for the COA, Sunshine Bus and the Transportation Disadvantaged Program, as Driver of the Year. Also, they wanted to nominate the local Coordinating Board as the Urban System Coordinator of the Year. He stated that they were asking for a letter of support and/or a resolution for the Urban System Coordinator of the Year from this Board. Rich recommended to the Board that the Administrator put out the letters of support for both David Cole, for Driver of the Year, as well as the Urban System Coordinator Group of the Year for the Board.

(4:00 p.m.)

Commissioner Rich:

Rich spoke on all the public speakers from this morning taking the time to come and speak.

Rich spoke on the issue of public records availability that was addressed during public comment. He stated that they needed to have an open record policy within the Administrative Staff regarding public records availability.

Rich spoke on the issue regarding water management in Flagler Estates.

Rich spoke on the issue regarding lobbyist. He asked the Board if they would consider a short-term contract with Louis, Longman and Walker Group. Stevenson asked what the assignment would be. McCormack mentioned that he got a letter from attorney David Ramba of the Lewis, Longman and Walker firm, regarding transportation. Discussion followed. Rich mentioned the proposal, and stated that the cost would be \$2,500 a month beginning February 1, 2007 through December 31, 2007; and that the

major issues they would deal with would be transportation issues, economic development, and state park issues.

(4:15 p.m.) Deputy Clerk, Lenora Newsome left the meeting and Deputy Clerk, Pam Halterman entered the meeting.

There was general discussion regarding using the Lewis, Longman and Walker group and Rich suggested they should be given the contract. (4:20 p.m.) *The consensus of the board was to allow that group to move forward.* There was discussion regarding the purchasing process. Bryant questioned whether they were asking for earmarks for transportation, and stated that it would be another voice for regional transportation. Rich stated that the County Attorney would be in touch with the Lewis, Longman and Walker staff in reference to that issue.

COUNTY ADMINISTRATOR'S REPORT:

Kropacek noted that a Budget Workshop was scheduled for March 13, 2007 at 9:00 a.m., regarding Bond money. He thanked Stevenson and said that she had agreed to serve on the Advisory Board for the Group Management Plan for the Matanzas National Forest, representing St. Johns County. Rich noted that the County had made a tentative contract regarding the purchase of the Usina boat ramp. He suggested the commissioners might want to consider that in relation to the bond money issue. He suggested they could get an update from the administrative staff. Sanchez added that the bond list should be studied, those items that the Board would not approve should be removed and the remaining items reviewed. Rich concurred.

COUNTY ATTORNEY'S REPORT:

McCormack advised that the County received approximately forty public records requests each month and most had been dealt with professionally on most accounts. He stated that improvements would be completed to correct any problems in the system. Stevenson suggested a workshop on public records requests could be handled by staff in order to assist employees with regulations and laws concerning the issue. General discussion ensued.

The meeting recessed at 4:29 p.m. and reconvened at 5:35 p.m. with Rich, Stevenson, Sanchez, Senior Assistant County Attorney, Laura Barrow and Deputy Clerk Halterman present, and with Bryant and Manuel absent.

This item was carried over from the morning meeting.

(03/06/07 - 15 - 5:36 p.m.)

10. PROPOSED REVISION TO THE BEACH CODE ORDINANCE

Proof of publication of the notice of public hearing on revisions to County Ordinance 97-34 (the St. Johns County Beach Code), was received, having been published in *The St. Augustine Record* on January 27 and February 26, 2007 and in the *Ponte Vedra Recorder* on February 9, 2007.

Dave Williams, Beach Operations Chief, offered details of the proposed changes to the Beach Code and gave a PowerPoint presentation. He noted that this was the second of two public hearings consolidating all previous revisions to County Ordinance 97-34 (the St. Johns County Beach Code). Proposed changes include requirements from the U.S. Fish and Wildlife Service to amend County Ordinances to comply with the Habitat Conservation Plan and Incidental Take Permit that was approved by the US. Fish and Wildlife Service and issued to St. Johns County in August 2006.

Rich clarified that the County had received a 20-year permit in which the County agreed to do certain things, some of which are included in the proposed changes being presented that day. He said that in order to receive the permit, they had to do the proposed changes, and if they decided not to do those changes it was fine with the Fish and Wildlife Service. However, he noted, they needed to either cancel the permit because they were not going to comply, or they needed to submit a new request for a new permit based upon whatever changes that needed to be made. William said that was correct, and outlined the mitigation/minimization measures including: Conservation Zone marking and enforcement, public driving restrictions (times/accessibility/traffic control), driver training program, rut removal program, commercial fisherman training and permitting, daily nesting surveys and standardized sea turtle monitoring, elevation of trash receptacles, increased enforcement staffing, Habitat Conservation Plan (HCP) implementation staff, public awareness program, HCP and protected species training, horseback riding monitoring plan and local ordinance amendments. Williams referenced existing ordinances related to beach activity, previous revisions and proposed HCP Ordinance Amendments. Rich said they had to meet these requirements in order to be able to drive on the beach.

(5:45 p.m.) Stevenson said they probably would not be able to escape a habitat conservation plan of some measure, because safety vehicles would have to access the beaches.

(5:46 p.m.) Williams continued with his presentation saying it also included all of the incorporated areas on the beach as well as the park services. He also reviewed some of the proposed changes and the beach code corrections needed to clean up and update the code. He reviewed the funding costs, and the issue of horseback riding on the beach. He noted that out of twenty-nine counties, only six coastal counties provided for horseback riding on their beaches. He said they wanted to be sure that sport could continue as well as permitting driving on the beach. He emphasized that all the beach activities had to be balanced and those activities did pose a potential take on turtle activities. He said permission had been negotiated with Fish and Wildlife and they would do whatever it took to make it as painless a process as possible for public compliance.

(5:53 p.m.) Sanchez pointed out that the counties allowing horseback riding on beaches involved permits and limited access. Rich noted that the Federal government was difficult to work with on those issues, and the cost of not accepting the proposed changes would result in the elimination of beach driving. Sanchez noted he had been dealing with the Federal government for 14 years on this issue, and sea turtles would always come before horses on the beach. He said the County needed to work with them or they would win.

(6:01 p.m.) Williams detailed the changes that would be experienced by the public. He said that driving on the beaches would be restricted during turtle nesting season, from May 1 to October 31. He said the Habitat Conservation Zone would be strictly enforced, 15 feet from the dunes scarp, east towards the ocean, with no activities permitted within that zone. General discussion ensued. Rich emphasized that they were trying to negotiate with the Federal government and it had been difficult, but they were working hard to allow driving to remain on the beach.

(6:10 p.m.) Laura Barrow, Senior Assistant County Attorney, explained that the County was required to implement the code according to Federal Government Habitat Guidelines and Regulations. She advised that the issue had been discussed through many meetings and with many government representatives over many years.

(6:13 p.m.) Jan Brewer explained how the process had started six years ago and what had transpired up until the current meeting. Stevenson opened the floor for public comments.

(6:17 p.m.) Doug Laidlaw, 120 Stokes Landing Road, spoke on the issue and explained his dissenting vote as a member of the Planning and Zoning Board. He asked that they not take more hours away than they absolutely had to for beach driving. Secondly, he said he hoped the Board would not institute a fee for the horse riders who would be required to get a permit in order to ride on the beach. Rich commented on the pressures on the beaches due to the growth of the population locally and worldwide. He said he did not foresee a cost being passed on to either the riders or horse masters.

(6:26 p.m.) Dawn Jennings, 253 Sparrow Branch Circle, spoke about the horseback riding element of the code. She requested they fund the Habitat Conservation Plan and allow the residents to continue to be allowed to enjoy riding on the beach.

(6:29 p.m.) Ellen O'Brien, 102 Lands End, Ponte Vedra Beach, questioned whether the incidental take permit could be changed through the Federal government arbitrarily during the 20-year period. Rich advised that the answer was no, that once it was negotiated it was locked in. She reported the only recorded instances of interaction between horseback riders and sea turtle nests, and stated that she hoped they would not violate their civil rights through discrimination based on flimsy accusations.

(6:33 p.m.) Stevenson explained they would be taking no action on the item at that meeting because there were two Board members absent.

(6:35 p.m.) David Nolan, General Manager Phantom Fireworks, 120 Fireworks Alley, spoke on the use of fireworks on the beach, and reviewed their community involvement, including donations to various community agencies. He also spoke regarding their willingness to assist in beach cleanups following fireworks displays.

(6:39 p.m.) Ira Schwartz, 2822 Forest Hill Blvd., Palm Springs, Phantom Fireworks Southeast Regional manager, spoke on the fireworks issue. He proposed a meeting with the County and beach representatives to work on the "Respect Your Neighbor" program. Rich pointed out that St. Johns County did not allow discharge of fireworks even though it was legal to sell and possess them. He noted that the use of fireworks on the beach was beyond their control as it was mandated by Fish and Wildlife. Stevenson asked staff to address the issue at the end of the presentation.

(6:47 p.m.) McCormack advised that within St. Johns County fireworks had been prohibited during fire danger periods; however, a general prohibition might exist but additional review was necessary.

(6:49 p.m.) Charlie Saffles, 965 Palm Valley Road, Ponte Vedra Beach, spoke on the issue and said the equestrian users were respectful of the beach. She said education would go a long way in preventing any harm to the sea turtles.

(6:50 p.m.) Sherry Badger, 2772 S. Collins Ave., spoke in opposition to the proposed changes. There was general discussion regarding the beaches, the inlet and gopher tortoise protection.

(6:54 p.m.) Jennifer Kaplan, 3161 La Reserve Dr., Ponte Vedra Beach, spoke on the issue of horseback riding on the beach.

(6:55 p.m.) Rik Lehman, Palm Valley Ranch, 7120 Old SR 207, Elkton, spoke in regards to horseback riding, and reviewed the beginning challenges to horseback riding on the beach and the misinformation that had been circulating regarding it. He noted that access to the beach was a privilege that they had worked hard to protect for almost ten years, and they wanted to work with the Board to solve the problem in the easiest manner. General discussion followed.

(7:03 p.m.) Donna Miani, 112 Seychelles Beach, Crescent Beach, spoke in favor of the proposed changes to the Code and in support of public access to the beach.

(7:06 p.m.) Pam Murphy, 1005 Twenty Mile Road, Ponte Vedra, said she had seen no proven facts that horses caused damage to sea turtles or their nests. She said that permitting horses was unnecessary and a waste of taxpayer money.

(7:07 p.m.) Terri Perrault, 4225 Jefferson Ave. S., Hastings, spoke on the issue of horseback riding. She said that the St. Johns County Horse Council had offered to be involved in any way in educating the horse community about beach riding. She said restrictions already existed and they were willing to follow the restrictions on areas and times for riding. She asked the Board to represent them to the best of their abilities. She also represented Sue Burdan, 8925 Reid Packinghouse Rd., who had to leave the meeting earlier.

(7:10 p.m.) Clark Bailey, 279 Beach Brook St., suggested more research on horse impacts to sea turtle nests needed to be done and documented. He said education was an important element.

The meeting recessed at 7:14 p.m. and reconvened at 7:22 p.m.

(7:23 p.m.) William Rosenstock, 57 White Court, spoke regarding signs and special district code elimination which should be replaced with the County Code. He also spoke regarding the Special Beaches Intergovernmental Fund and proposed changes to its handling.

(7:28 p.m.) Steve Brandvold, 3233 CR 208, spoke as the President of the St. Johns County Horse Council, on the issue and suggested several changes to the proposal. He expressed disappointment that the St. Johns County Horse Council had not been solicited to get involved in any of the workshops.

(7:37 p.m.) Donald Manucy, 5770 Don Manuel Road, Elkton, stated that he had talked to David Dell with Fish and Wildlife in Atlanta, Georgia, who said they had not initiated the process, that St. Johns County had initiated the change to the Beach Code and had received some misinformation. He said according to Fish and Wildlife, they could keep the code just as it was presently. He said he would like to have the proposed changes withdrawn. Stevenson noted that addressing the beach code involved financial issues and litigation.

(7:40 p.m.) Sanchez asked if Manucy was willing to take a chance with the Federal Government which could result in them closing the beach to all activities. He said they had had requested it but that if they did not request the code revisions, they would be subject to certain restrictions. Manucy said it was not true and it was developed by St. Johns County. Sanchez replied that the Federal Government required them to apply.

(7:41 p.m.) McCormack said that Manucy was correct in stating that the County did not have to apply for the permit. However, he advised that if the County did not apply for the permit, the County would be subject to lawsuits such as those experienced by other

counties such as Volusia and Flagler, and resultant restrictions could include no driving on the beach if they did not get an incidental take permit.

(7:42 p.m.) Rich affirmed that Manucy was correct; however, they had been in a difficult negotiating process from which an agreement had been reached with the Fish and Wildlife Service. He asked the County Administrator to direct staff to review Brandvold's comments regarding sign posting code, fireworks, etc. He also requested that staff respond to the issue of monies in the beach fund.

(7:46 p.m.) McCormack stated that the State had addressed firework prohibition with Chapter 791 which established a general prohibition against the use and sale of the items which fall within the definition of fireworks. He said that many counties had developed their own codes in order to enforce the code that the State did not always enforce. He noted that it was possible that the State or Federal Government could file a general application regarding beach regulations at any time which could affect some of the factors in the County code.

(7:48 p.m.) Sanchez asked staff to provide information regarding fees, large information signs at the beach accesses, sea turtle signage and location, the possibility of charging trucks with large tires an extra fee and horse stable education.

(7:51 p.m.) Williams addressed the signage clutter issue. He also stated that they had provided a letter to the St. Johns County Horse Council, dated June 22, 2002, which invited them to attend a public meeting, and the meeting minutes reflected that they had attended the workshop meeting.

(7:52 p.m.) Stevenson said they had worked in good faith and made an agreement that should reasonably protect the County for the next 20 years.

(7:54 p.m.) Williams stated that marking the sea turtle nests had not been a County activity but was managed by the State. He said that education would correct the issue of who was responsible for what on the beach.

(7:55 p.m.) Sanchez said there was no parking available for beach access and if they were told they could not drive on the beach, it would create a major problem. He said he was going to do everything he could to keep the beach from being closed.

(7:57 p.m.) Rich noted that the item had been continued until the March 20, 2007, meeting.

(7:57 p.m.) Barrow advised that the Federal Government did not notify the County in writing that an application was necessary; however, the permit had been received in August 2006 so that beach driving could be protected. She noted that other counties had been sued creating a large expense and the elimination of beach driving in those counties.

(7:59 p.m.) Steve Brandvold, 3233 County Rd. 208, was allowed to speak again, and requested that the item be continued to the evening session on March 20. Barrow advised that it had to be scheduled for 5:30 on that day because one of the two hearings had to be held at 5:30 p.m.

(8:00 p.m.) **Motion by Stevenson, seconded by Sanchez, carried 3/0, with Manuel and Bryant absent, to adjourn the meeting.**

With there being no further business to come before the Board, the meeting adjourned at 8:01 p.m.

Approved _____ April 3 _____, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

