

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
APRIL 25, 2000
(4:00 P.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, began and 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: James Bryant, District 5, Chair
Mary Kohnke, District 4, Vice Chair
Pal Howell, District 1
John Reardon, District 2
Marc Jacalone, District 3
Ben W. Adams, Jr., County Administrator
Daniel Bosanko, Deputy County Attorney
Lenora Newsome, Deputy Clerk

(04/25/2000 - 1 - 4:00 p.m.)

The meeting was called to order by Chair Bryant.

(04/25/2000 - 1 - 4:04 p.m.)

The invocation was given by Reardon. The Pledge of Allegiance was led by Bryant.

(04/25/2000 - 1 - 4:05 p.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(04/25/2000 - 1 - 4:05 p.m.)

ADDITIONS/DELETIONS TO SPECIAL MEETING AGENDA

There were no additions nor deletions to the Special Meeting Agenda.

(04/25/2000 - 1 - 4:06 p.m.)

APPROVAL OF SPECIAL MEETING AGENDA

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

(04/25/2000 - 1 - 4:06 p.m.)

ANNOUNCEMENT OF A CLOSED ATTORNEY-CLIENT MEETING

ST. JOHNS COUNTY & THE OLSEN TIRE TOTAL CARE CENTER AND SLEIMAN ENTERPRISES, CASE NO. CA 00-679 IN THE CIRCUIT COURT, IN AND FOR THE SEVENTH JUDICIAL CIRCUIT, ST. JOHNS COUNTY, FLORIDA AND THE CODE ENFORCEMENT BOARD DECISION FINDING NO VIOLATION BY OLSEN TIRE COMPANY LOCATED AT 220 VALLEY CIRCLE, PONTE VEDRA BEACH, FLORIDA WILL COMMENCE AT 4:00 P.M. IN THE COUNTY COMMISSION CONFERENCE ROOM AND IS ESTIMATED TO LAST FOR 1 HOUR.

Proof of publication of notice of private meeting on Case #CA00-679 St. Johns County, Olsen Tire Total Care & Sleiman Enterprises, was received having been published in *The*

St. Augustine Record on April 15, 2000.

Bosanko reviewed the purpose of the meeting. Bryant announced that the Closed Attorney-Client Meeting is regarding a lawsuit between St. Johns County and Olsen Tire Total Care Car Center and Sleiman Enterprises, Case # CA00-679 in the Circuit Court, in and for the Seventh Judicial Circuit, St. Johns County Florida, and the Code Enforcement Board decision finding no violation by Olsen Tire Company located at 220 Valley Circle, Ponte Vedra Beach, Florida will commence at 4:00 p.m. in the County Commissioner's Conference Room and estimated to last about an hour. He also announced the people attending the meeting: Commissioner James E. Bryant, Commissioner Mary Kohnke, Commissioner Pal West Howell, Commissioner John Reardon, Commissioner Marc A. Jacalone, Attorney Daniel J. Bosanko, Administrator Ben W. Adams, Jr., and the Court Reporter Cathy Upchurch. Bosanko announced how the meeting would be recorded, and stated that the subject of the meeting shall be confined solely to settlement negotiations and strategy sessions related to litigation expenditures.

(4:09 p.m.) Bryant recessed the Open Meeting and reconvened the Closed Attorney-Client Meeting in the adjoining conference room.

(4:56 p.m.) Bryant announced that the Closed Attorney-Client Meeting is adjourned and reopened the Public Board Meeting. Bosanko stated that he advised the Board in the Closed Attorney-Client Meeting regarding this case and how it may affect litigation expenses and the strategy of the case, no vote or decision was made. He stated with no further direction from the Board, he will bring another item back to their agenda for action on May 2, 2000, if properly advertised. Bosanko mentioned the item he will bring back before the Board is a mediation plan and a proposal to take action to try to resolve this case. He remarked in the mean time to preserve the County's position, he will be filing a notice of appeal in the Code Enforcement action notice today.

(4:58 p.m.) Bryant stated that this conclude Item # 1 of the Special Meeting for April 25, 2000, and will recess until 5:30 p.m. for the Public Hearing.

(5:35 p.m.) Bryant reconvened the Special Meeting for April 25, 2000.

(04/25/2000 - 2 - 5:35 p.m.)

PUBLIC HEARING – AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 97-34, AS PREVIOUSLY AMENDED, THE ST. JOHNS COUNTY BEACH CODE. THIS AMENDMENT LIMITS VEHICULAR ACCESS TO THE BEACHES OF ST. JOHNS COUNTY, FLORIDA, NORTH OF THE VILANO BEACH RAMP TO FOUR WHEEL DRIVE VEHICLES; REQUIRING A PERMIT TO BE OBTAINED FOR EACH SUCH VEHICLE ACCESSING SUCH BEACHES; SETTING OTHER REQUIREMENTS FOR SUCH PERMITS; PROVIDING FOR SIGNS AND BARRIERS TO PREVENT UNPERMITTED VEHICLES TO HAVE ACCESS TO THE ST. JOHNS COUNTY BEACHES NORTH OF THE VILANO BEACH RAMP; AND PROVIDING AN EFFECTIVE DATE.

Proof of publication of notice of public hearing on Ordinance #97-34, Vehicular access to beaches of St. Johns County, was received having been published in *The St. Augustine Record* on April 15, 2000.

Richard Barfield, Assistant County Attorney, entered the meeting. Jacalone reviewed this item explaining that it is not an ordinance to close North Beach but to require vehicles accessing North Beach to obtain a permit from the Beach Management Division of the County. Bosanko made several legal points: this item requires only one hearing and suggested one clarification to the ordinance where it refers to *4 wheel drive vehicle*, add */all wheel drive vehicles*. (5:41 p.m.) Dave Williams, Recreation Department, explained the

placement of the decal, how to get a decal, and where to fill out an application for one. Discussion followed on transferring the decal from one vehicle to another, adjusting the proposed permit application, and having a set speed limit for the beach. Williams recapped information from the last meeting with audio-visual display. Reardon voiced concern on not allowing people access to the beach, mentioned the County providing parking along A1A for beach usage, and on opening up pedestrian access ways. Bryant questioned no parking on the right-of-way. Williams stated that is correct and Guana just opened up two additional parking areas, a walk over at the Gate Station, increased the parking, and added a mid section parking area. Jacalone spoke on unopened rights-of-way and being pressured from private groups and other agencies about the activities on North Beach and in some people's opinion, the County's inability to properly manage that section of the beach.

(6:00 p.m.) Leo Bloomfield, 405A Flagler Blvd., spoke on access to the beach having no parking signs and stated that he was opposed to closing the beach.

(6:03 p.m.) Steve Wasson, 3090 Lewis Speedway, spoke in favor of having permits to drive on the beach.

(6:04 p.m.) Bobby Jones, 5850 Capo Island Road, presented being able to drive on North Beach with audio-visual display and stated that he is opposed to making the beach a private beach.

(6:07 p.m.) Thomas Kinsinger, 2960 First Street, spoke on keeping the beaches open.

(6:10 p.m.) Michael Foster, 32 Madeira Drive, spoke in favor of driving on the beach.

(6:13 p.m.) E. B. King, 2761 Joe Ashton Road, spoke in opposition of stopping people from going on the beach.

(6:14 p.m.) Eileen Adams, 410 Boating Club Road, suggested putting off the permitting process until more beach accesses are provided and stated that she is opposed to any restrictions.

(6:15 p.m.) Vivian Browning, 175 Meadow Avenue, suggested eliminating beach driving in certain areas, providing parking areas along A1A, provide pavilions with restrooms, and stated that she is in favor of reducing driving on the beach.

(6:19 p.m.) Dan Rourke, 101 Azalea Point Drive North, spoke in favor of the proposed ordinance and stated that he is opposed to driving on the beach.

(6:23 p.m.) Brad Burchfield, 357 Tyrana Avenue, spoke in opposition of stopping beach driving and spoke on bulldozing dunes to build houses.

(6:26 p.m.) Mark Fulton, 22 Sylvan Drive, opposed to any more restrictions on the beach.

(6:26 p.m.) Marty Miller, 29 Hildreth Drive, spoke on being against people stopping people from accessing the beach and requested having no more restrictions on the beach.

(6:29 p.m.) Talmadge Skinner, 3017 Coastal Hwy., stated he was opposed to any restrictions on driving on the beach and private beaches.

(6:32 p.m.) Mel Longo, 620 21st Street, spoke in opposition of any more regulations on the beach.

(6:34 p.m.) Harold Baker, 4240 Coastal Hwy., stated that he had built a home on the dunes

and wasn't against people using the beach and that he supported the ordinance.

(6:39 p.m.) Heather Michael, 981 Irma Way, spoke in opposition of stopping driving on the beach and stated that the beach is a valuable source of revenue.

(6:45 p.m.) Veronica Adams, 116 Surfside Avenue, questioned the objective with the ordinance and if the ordinance meets the objective, and what the external pressures are from the unknown sources.

(6:46 p.m.) Phillip Milliken, 215 16th Street, spoke in opposition of any restrictions and stopping driving on the beach.

(6:50 p.m.) Dante Salamone, 5225 Datil Pepper Road, spoke in opposition of stopping driving on the beach and stated that more accesses to the beach are needed.

(6:54 p.m.) Andre Van Ekeris, 1 Sylvan Drive, spoke on the handicap having access to the beach.

(6:56 p.m.) Sasha Martin, 133 Coastal Hollow Circle, spoke in favor of not driving on the beach and how fragile the beach was.

(7:01 p.m.) Jacalone addressed some of the questions asked by the public. He stated that the ordinance would accomplish two main goals: would instruct drivers who are unfamiliar with that section of the beach and would allow the Officials a record of who is accessing that section of the beach to help with controlling the violations. He suggested adding a whereas to the ordinance with help from Bosanko on the language. (7:06 p.m.) Reardon stated that he takes any new regulations as a very serious infringement on people's rights and that this was a good ordinance. (7:12 p.m.) Kohnke spoke on legal pressures that may cause driving to stop on North Beach, the County having a legal responsibility to keep people out of the conservation area, rights and responsibilities going hand in hand, and stated that she does not want to see the beach closed.

(7:15 p.m.) Jacalone suggested adding: *Whereas Vilano Beach Ramp shall remain open to all vehicles, the beach north of said ramp shall require said permit to be obtained*, and also add in the second whereas the language, *north of Vilano Beach Ramp*. Kohnke suggested adding at the top of page 2 behind four wheel drive vehicles the language, */all wheel drive vehicles*, as well as in the second whereas. Reardon mentioned one of the public speakers talking about the threat of lawsuits. Bosanko reiterated that the County is subject to the Endangered Species Act and part of that Act makes the County liable for penalties up to \$10,000 for each taking of a endangered species. He stated that Scott Clem, Director of Growth Management, stated his intent was to bring to the Board a formal proposal that this County seek a Habitat Conservation Plan and an incidental take permit from the Federal Government to protect the County from those types of penalties. He mentioned that he would have to look more into the Conservation Zone before speaking on it. Reardon questioned if the Board wanted to have the Recreation Department pursue other access points to the beach. Bryant stated that to him that was a budget item and needed to be addressed during the budget process. Reardon expressed that it's a planning item as well as a budget item and requested Board direction to pursue other access points to the beach. Jacalone suggested for Reardon to place it on a workshop agenda. He asked Bosanko if this ordinance amends the Beach Code of St. Johns County if it is adopted. Bosanko answered yes. Kohnke questioned if this will add to the regular ordinance. Bosanko responded that it will amend Ordinance No. 97-34. Bosanko explained the meaning of 4 wheel drive and all wheel drive vehicles. (7:28 p.m.) **Motion by Jacalone, seconded by Kohnke, carried 5/0, to approve Ordinance No. 2000-27 as amended with the changes that were made earlier.**

ORDINANCE NO. 2000-27

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 97-34, AS PREVIOUSLY AMENDED, THE ST. JOHNS COUNTY BEACH CODE. THIS AMENDMENT LIMITS VEHICULAR ACCESS TO THE BEACHES OF ST. JOHNS COUNTY, FLORIDA, NORTH OF THE VILANO BEACH RAMP TO FOUR WHEEL DRIVE VEHICLES; REQUIRING A PERMIT TO BE OBTAINED FOR EACH SUCH VEHICLE ACCESSING SUCH BEACHES; SETTING OTHER REQUIREMENTS FOR SUCH PERMITS; PROVIDING FOR SIGNS AND BARRIERS TO PREVENT UNPERMITTED VEHICLES TO HAVE ACCESS TO THE ST. JOHNS COUNTY BEACHES NORTH OF THE VILANO BEACH RAMP; AND PROVIDING AN EFFECTIVE DATE.

(04/25/2000 - 5 - 7:30 p.m.)
OTHER BUSINESS.

There was no other business.

Motion by Kohnke, seconded by Jacalone, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 7:31 p.m.

Approved ____ May 9 _____, 2000

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk