

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 9, 2006
(11:00 A.M.)**

Proceedings of an emergency special meeting of the Board of County Commissioners of St. Johns County, Florida, held in Conference Room B at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: James E. Bryant, District 5, Chairman
Karen R. Stern, District 2
Ben Rich, District 3
Darrel Locklear, Assistant County Administrator
Patrick McCormack, County Attorney
Terry Bulla, Deputy Clerk

Also present: Press Tompkins, County Engineer
Debbie Kristiansen, Environmental Coordinator

(11/09/06 - 1 - 11:05 a.m.)
CALL TO ORDER

Bryant called the emergency special meeting to order.

(11:05 a.m.) Press Tompkins, County Engineer, reported that they had received several phone calls due to the recent nor'easter storm. He said it involved three houses south of the area where an emergency order had been issued last year, and that significant erosion had occurred. He said it was deemed as a perilous condition per DEP policies, as the erosion was within 20 feet of the residential structure. He said the property of Susan Banley was approximately 18 ½ feet from the erosion line and they would like to request a state of emergency in order to issue her an emergency permit to make repairs to prevent further erosion of her property. He said the other two neighbors on either side had erosion which was greater than 20 feet from the escarpment, as the houses were set back further.

(11:07 a.m.) Bryant asked if there was further encroachment on the two neighboring houses, how much time they would have to revisit those properties.

(11:07 a.m.) McCormack said the resolution was worded as one or more property owners in the vicinity of that location. That way if the County Engineer determined there was further erosion within 30 days, action could be taken. He said the County Engineer could determine if a structure was vulnerable, and did not have to use the exact same criteria that the State used. He said the local government did have authority to make judgment. However, he noted, 20 feet was the recognized standard.

(11:08 a.m.) Bryant said that Tompkins could continue to monitor the situation and if the neighbors had any further erosion, it could fall under the same resolution.

(11:09 a.m.) Lori Funk, 2833 S. Ponte Vedra Blvd., stated that adjacent neighbors planned to armor on either side of the specified property, and it would leave their property open and vulnerable.

(11:10 a.m.) Tompkins said the emergency permit would allow them to go ahead and do some temporary armoring, but they would have to apply to DEP to do permanent armoring. He said if there was a gap of 100 feet or less, that DEP would issue a permit to fill in that gap. He said there were provisions within that code that had to be followed, but there was a clause that allowed people to connect to existing bulkheads.

(11:11 a.m.) Ms. Funk asked when their clock would start running.

(11:11 a.m.) Tompkins said if they were included in the current resolution, then they would have 30 days from November 3, 2006 to do something. He said they were allowed to grant one 30-day extension.

(11:11 a.m.) Bryant asked if Ms. Funk did something in the interim until she got the DEP approval, if it had to be approved by the Engineering Department.

(11:11 a.m.) Tompkins said he would meet with Ms. Funk and take her through the process.

(11:12 a.m.) Mr. Funk said they had stated 100 feet and he said they had read 250 feet. Tompkins said he had read 100 feet that morning, but they needed to do some additional research.

(11:12 a.m.) Rich reviewed; Tompkins would work with the Funks personally to determine whether they would be covered under the resolution and to ensure that they were given every opportunity to protect their property within the confines of the law.

(11:14 a.m.) Darrel Locklear, Assistant County Administrator, said there was nothing to prohibit them from starting the process with DEP that day. Tompkins said that was correct. Locklear said the issue that was before the Board that day was that of a local state of emergency in regards to imminent collapse of a structure. He said those structures on either side might experience excessive erosion but they had not been deemed in danger of imminent collapse, and they now had time to approach DEP and start the permitting process under the normal guidelines. He said this was not the norm of how bulkheads were installed or how property should be protected. He noted that even under a local state of emergency, it was only allowing temporary armaments. He said the full permitting process would have to be addressed with DEP.

(11:16 a.m.) Bryant reiterated that the County was granting emergency relief and after today DEP would handle everything else they did. He said Mr. Tompkins would guide them through the process.

(11:17 a.m.) McCormack said the resolution described a certain property, 2845 S. Ponte Vedra Blvd. He said section 3 stated that "the affected property owner(s) are authorized to proceed to protect the affected property in compliance with the rule and statute" that the County had. He said he would like to add to the resolution "as reasonably determined by the County Engineer, using recognized professional standards." That way he would be authorized to look around the stated location and if one or more of the other properties in the area fell under that, they would not have to meet again to cover the specified property.

(11:18 a.m.) **Motion by Stern, seconded by Rich, carried 3/0, to enact Resolution 2006-418 with the addition in Section 3, giving the County Engineer authority to walk around the affected property to determine further possible erosion damages "as reasonably determined by the County Engineer, using recognized professional standards."**

RESOLUTION NO. 2006-418

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, DECLARING THAT AN EMERGENCY EXISTS PERTAINING TO DANGER TO PRIVATE PROPERTY AT OR NEAR THE VICINITY OF 2835 SOUTH PONTE VEDRA BLVD. DUE TO RECENT STORM EROSION, AND ANY ACTION TAKEN DURING THE EMERGENCY SPECIAL MEETING ON NOVEMBER 9, 2006 DIRECTLY PERTAINS TO THE EMERGENCY

With there being no further business to come before the Board, the meeting adjourned at 11:19 a.m.

Approved _____ January 9 _____, 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