

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARCH 27, 2007
(5:30 P.M.)**

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

Present were: Thomas G. Manuel, District 4, Vice Chair
 Cyndi Stevenson, District 1
 James Bryant, District 5
 Waldemar Kropacek, Interim County Administrator
 Jerry Cameron, Assistant County Administrator
 Laura Barrow, Senior Assistant County Attorney
 Pam Halterman, Deputy Clerk

Absent: Ben Rich, District 3
 Ron Sanchez, District 2

(03/27/07 - 1 - 5:34 p.m.)
CALL TO ORDER

Manuel called the meeting to order.

(03/27/07 - 1 - 5:34 p.m.)
ROLL CALL

Manuel stated that Rich and Sanchez were absent.

(03/27/07 - 1 - 5:35 p.m.)

Manuel gave the Invocation and Stevenson led the Pledge of Allegiance.

(03/27/07 - 1 - 5:35 p.m.)
PUBLIC COMMENT

William Rosenstock, 57 White Court, St. Augustine Beach, asked if the Beach Fund accounting would remain the same because it was very informative for the citizens of the county. Stevenson advised that no changes would occur in the accounting process. Rosenstock suggested that land lines for 911 be placed at each toll booth at the beach for safety purposes.

(03/27/07 - 1 - 5:39 p.m.)
ADDITIONS/DELETIONS TO SPECIAL AGENDA

No changes.

(03/27/07 - 1 - 5:40 p.m.)
APPROVAL OF SPECIAL AGENDA

Motion by Bryant, seconded by Stevenson, carried 3/0, with Rich and Sanchez absent, to approve the special agenda.

(03/27/07 - 2 - 5:40 p.m.)

1. PUBLIC HEARING - BEACH CODE ORDINANCE - THIS IS A CONTINUATION OF THE SECOND OF TWO PUBLIC HEARINGS CONSOLIDATING ALL PREVIOUS REVISIONS TO COUNTY ORDINANCE 97-34 (THE ST. JOHNS COUNTY BEACH CODE). PROPOSED CHANGES INCLUDE U.S. FISH AND WILDLIFE SERVICE REQUIREMENTS PURSUANT TO THE FEDERAL ENDANGERED SPECIES ACT TO AMEND COUNTY ORDINANCES TO COMPLY WITH THE HABITAT CONSERVATION PLAN AND INCIDENTAL TAKE PERMIT THAT WAS APPROVED BY THE U.S. FISH AND WILDLIFE SERVICE AND ISSUED TO ST. JOHNS COUNTY IN AUGUST 2006. THE INCIDENTAL TAKE PERMIT ISSUED TO THE COUNTY BY THE FEDERAL GOVERNMENT ALLOWS BEACH DRIVING TO CONTINUE IN A MANNER THAT IS COMPATIBLE WITH PROTECTED SPECIES CONSERVATION. THE ORDINANCE AMENDMENTS REQUIRED BY THE FEDERAL GOVERNMENT ARE MANDATORY IN ORDER TO PROTECT BEACH DRIVING COUNTY-WIDE. IF THE COUNTY FAILS TO ENACT AND COMPLY WITH THE FEDERAL GOVERNMENT'S REQUIREMENTS, THE FEDERAL GOVERNMENT MAY OBTAIN AN INJUNCTION AGAINST THE COUNTY PROHIBITING ALL BEACH DRIVING IN ST. JOHNS COUNTY. THE FEDERAL GOVERNMENT MAY ALSO SEEK TO IMPOSE FINES UP TO SEVERAL HUNDRED THOUSANDS OF DOLLARS, AND CRIMINAL PENALTIES OF IMPRISONMENT.

Proof of publication for the notice of public hearing regarding St. Johns County Beach Code Ordinance, was received, having been published in *The St. Augustine Record* on January 27, February 26, March 14, March 23, 2007, and published in *the Ponte Vedra Recorder* on February 9, 2007.

Stevenson opened the meeting to public comment.

Ellen O'Brien, 102 Lands End, Ponte Vedra Beach, spoke on the horseback riding program. She offered the St. Johns County Habitat Conservation Plan Horseback Riding Monitoring Plan for the record.

(5:42 p.m.) Janet Koehler, 109 Sea Hammock Way, Ponte Vedra Beach, spoke about the turtle nest issue, and noted that she had seen horse tracks by a damaged turtle nest. She advised that, as a turtle nest patrol volunteer, it was a challenge to monitor the nests.

(5:49 p.m.) Steve Brandvold, 3233 CR 208, St. Augustine, thanked the board and staff for working with the horseback riding community. He asked for clarification regarding some of the proposed language.

(5:51 p.m.) Cameron stated that he had spoke with legal counsel who had advised that it was not necessary to change the language regarding Section 3.02, paragraph A and B, designated beach location. Brandvold questioned when the master guide application would be available and its implementation. Cameron advised that the process should be set up within thirty days.

(5:52 p.m.) Motion by Stevenson, seconded by Bryant, carried 3/0, with Rich and Sanchez absent, to enact Ordinance No. 2007-19, amending, reaffirming, and continuing the Beach Code Ordinance for St. Johns County; repealing prior Ordinances and Resolutions, and reinstating their provisions as amended and supplemented.

ORDINANCE NO. 2007-19

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CREATING A BEACH ORDINANCE FOR ST. JOHNS COUNTY; IT REPEALS ORDINANCES 70-5, 75-12, 78-29, 78-40 41, 79-38, 80-17, 81-32, 82-42, 83-4, 83-34, 84-14, 84-26, 84-45, 84-46, 85-29, 88-18, 89-39, 89-47, 90-5, 90-6, 92-17, 94-58, 96-48, 97-34, 99-21, 2000-27, 2001-5, AND RESOLUTIONS 85-137, 90-39, 91-44, 91-45, AND 95-11, AND REINSTATES THEIR PROVISIONS HEREIN AS AMENDED AND SUPPLEMENTED IN THE FOLLOWING MANNER: MODIFIES THE ADMINISTRATION OF BEACH MANAGEMENT; ESTABLISHES A DIVISION OF BEACH MANAGEMENT; PROVIDES FOR AN ANNUAL BEACH SEASON; PROVIDES ADDED DEFINITIONS; DECRIMINALIZES SPECIFIC RULES AND REGULATIONS PERTAINING TO BEACH USAGE; ESTABLISHES PENALTIES FOR DECRIMINALIZED PROVISIONS OF THE BEACH CODE; PROVIDES AN EFFECTIVE DATE.

(03/27/07 - 3 - 5:53 p.m.)

COMMISSIONERS' REPORTS

STEVENSON:

No comment.

BRYANT:

He advised that he had received several calls regarding more frequent beach run-outs. He said adequate lifeguard personnel were necessary at the beach for safety reasons. Stevenson stated that she had spoken with staff, and she stated that staff should request additional personnel if desired which she would support.

MANUEL:

He asked for a volunteer to help Koehler with hauling turtle nest stakes to the beach.

(03/27/07 - 3 - 5:55 p.m.)

COUNTY ADMINISTRATOR REPORT

Kropacek thanked the public and the horseback community for working with staff and the board on the Beach Code Ordinance.

(03/27/07 - 3 - 5:56 p.m.)

COUNTY ATTORNEY'S REPORT

No comment.

(5:56 p.m.) Motion by Bryant, seconded by Stevenson, carried 3/0 with Rich and Sanchez absent, to adjourn.

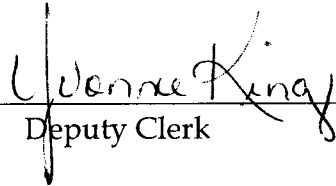
With there being no further business to come before the Board, the meeting adjourned at 5:56 p.m.

Approved April 17, 2007

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ben Rich, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

