



**AGENDA
PLANNING ADVISORY BOARD
SPECIAL MEETING
MARCH 22, 2018
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. NEW BUSINESS**
 - 2.1 PAB Case 2018-09: Comprehensive Plan Amendment - Port Sub-element
 - 2.2 Presentation: Telecommunications Master Plan (6 pm)
- 3. BOARD BUSINESS**
- 4. STAFF REPORT**
- 5. PUBLIC COMMENT**
- 6. ADJOURNMENT**

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT: Comprehensive Plan Amendment

ITEM TYPE: Comprehensive Plan Amendment

REQUESTED ACTION:

SYNOPSIS: Review and consider comprehensive plan amendments as directed under Florida Statutes 163.3178 and as prepared by the Planning Advisory Board in workshops on August 25, 2016. Florida Statutes require that the City's Conservation and Coastal Management Element contain policies which direct the orderly development, maintenance and use of its deepwater ports. Therefore, the change from a stand alone Port Element to an element which is integrated with Goal 5 of the Comp Plan is being requested in order to comply with state law.

CITY ATTORNEY COMMENTS:

Date: March 16, 2018

Submitted By: Kelly Gibson, AICP, Planning Manager

OFFICE USE ONLY

REC'D: 2/22/18 BY: KG

PAYMENT: \$ N/A TYPE: _____

APPLICATION #: _____

CASE #: 2018-09

BOARD MEETING DATE: MARCH 22, 2018
Special Meeting



PLANNING ADVISORY BOARD APPLICATION

- | | |
|--|--|
| ☐ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – PRELIM (\$750) |
| ☐ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☐ LDC TEXT AMENDMENT (\$850) | ☐ VACATION OF R.O.W. (\$850) |
| ☒ COMP PLAN AMENDMENT (\$850) | ☐ VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Owner Name: City of Fernandina Beach

Mailing Address: 204 Ash Street

Telephone: 904-310-3135 **Fax:** _____

Email: dmartin@fbfl.org

Agent Name: _____

Mailing Address: _____

Telephone: _____ **Fax:** _____

Email: _____

PROPERTY INFORMATION

Street Address: _____

Parcel Identification Number(s): _____

Lot Number: _____ **Block Number:** _____ **Subdivision:** _____

Section: _____ **Township:** _____ **Range:** _____

PROJECT INFORMATION

Total Number of Lots/Parcels: _____

Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: _____

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

Amendments requested for compliance with Florida Statutes 163.3178 to strike Element 9 - Port Goals, Objectives, and Policies and replace as a sub-element in Element 5 (Conservation and Coastal Managment). Amendments contained herein are as considered by the Planning Advisory Board through a workshop setting in summer 2016, with drafted documents dated August 25, 2016.

See Attached Document

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

2/22/18 *Nicole Bednar*
Date Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 22nd day of February, 2018

Nicole Bednar Nicole Bednar Feb. 2, 2020
Notary Public: Signature Printed Name My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____



From: [Tammi Bach](#)
To: "cwvd@netlaw.com"; [Len Kreger](#); [Dale Martin](#); [Laura DiBella](#)
Cc: ohpnc@gmail.com; [Kelly Gibson](#)
Subject: RE: Port of Fernandina
Date: Tuesday, December 19, 2017 10:40:25 AM

Whatever is submitted by OHPA for the Port Element must be approved by vote by OHPA. Alternatively, whatever is suggested as changes in Goals and Policies for Port Element by the City (PAB or Commission) must be approved by vote of OHPA.

Tammi E. Bach, J.D., B.C.S.
Board Certified Specialist City, County & Local Government Law
City Attorney
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
Ph# (904) 310-3275
Fax# (904) 310-3466

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

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-----Original Message-----

From: Clyde Davis [<mailto:cwdavispa@bellsouth.net>]
Sent: Tuesday, December 19, 2017 8:49 AM
To: Len Kreger; Dale Martin; Laura DiBella
Cc: ohpnc@gmail.com; Tammi Bach; Kelly Gibson
Subject: Re: Port of Fernandina

Excellent idea.

The Port Master Plan has been adopted by OHPA and accepted by FDOT.½ This was, I believe, in late 2014 or early 2015.½ I recognize that there is a legal requirement that the City include the plan in their Comprehensive Land use Plan as part of the coastal element.½ When and how this takes place is strictly up to the City.

To some degree you have a moving target.½ This Plan is not etched in stone.½ There are aspects of the plan that are very relevant to OHPA but which may not be relevant at all to the City.½ I see no reason why the City cannot edit the document, but do not know if that is permitted and will defer to Ms. Bach and Ms. Gibson.½ It may also be that with a new group in charge at Nassau Terminals there may be changes initiated from that direction.½ We will simply have to wait and see.

Regardless, there is an awful lot of work stacking up for 2018. So, with best wishes for the season, I remain,

Clyde

On 12/19/2017 5:32 AM, Len Kreger wrote:

> All:
>
> Some background to the Master Plan comment below.
>
> About three years ago the hearings were held at the PAB for the updated Port Master Plan. After about 20 hours of Public Hearing the Plan was rejected. For reasons I am not complete aware of the Plan was never brought to the Commission. At a later time the PAB crafted a Port Master Plan. Again this was not moved forward.
>
> At the present time the Port Facilities in in Goal 9 of the Comprehensive Plan. State Statute 163.3178 (1.d)(6)(k) Coastal Management) requires the a comprehensive master plan prepared by each deep water port which addresses existing port facilities and an proposed expansions, etc be included in the Conservation and Coastal Management Element.
>
> We are approaching the initiation of the 2009 Evaluation and Appraisal Report which would be an excellent time to get this issue resolved.
>
> Len
>
>
> _____
> From: Len Kreger
> Sent: Monday, December 18, 2017 2:45 PM
> To: Dale Martin; Laura DiBella
> Cc: cwvdavispa@bellsouth.net; ohpnc@gmail.com; Tammi Bach; Kelly Gibson
> Subject: RE: Port of Fernandina
>
> We should be prepared to discuss in some detail the status of the OH&PA Master Plan Status.
> _____
> From: Dale Martin
> Sent: Monday, December 18, 2017 8:38 AM
> To: Laura DiBella
> Cc: cwvdavispa@bellsouth.net; ohpnc@gmail.com; Chip Ross; Johnny Miller; Len Kreger; Philip Chapman; Robin Lentz; Roy G. Smith; Tim Poynter; Shelley Hirsch; Sherri Mitchell
> Subject: RE: Port of Fernandina
>
> Good morning, Laura:
>
> Thank you. I will ask the City Commission to offer time for your comments and insight during the Presentations portion of the agenda.
>
> I look forward to seeing you tomorrow evening.
>

>
> Mr. Dale L. Martin
>
> City Manager, Fernandina Beach
>
>
>
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>
> From: Laura DiBella [<mailto:laura@nassauflorida.com>]
> Sent: Saturday, December 16, 2017 5:13 PM
> To: Dale Martin
> Cc: cwdxavspa@bellsouth.net; ohpanc@gmail.com; Chip Ross; Johnny Miller; Len Kreger; Philip Chapman; Robin Lentz; Roy G. Smith; Tim Poynter; Shelley Hirsch; Sherri Mitchell
> Subject: Re: Port of Fernandina
>
> Please forgive my delay, Dale, as I was out of the office most of the day yesterday. I planned on attending the meeting on Tuesday and would be happy to provide an update at any time of the meeting you wish, just let me know and I will see you then.
>
> Have a great rest of the weekend.
> Laura DiBella
> 561.756.3132
>
>
>
> On Dec 15, 2017, at 12:33 PM, Dale Martin <dmartin@fbfl.org<<mailto:dmartin@fbfl.org>>> wrote:
> Good afternoon, Laura:
>
> Given the increasing interest in the apparent changes at the Port of Fernandina (the transition from Kinder Morgan to Worldwide Terminals), I would like to invite you, Mr. Davis, or other Ocean Highway Port Authority officials to provide an overview of the transition at Tuesday evening 1/2 City Commission meeting (either during the Proclamation/Presentation or Public Comment portion of the agenda). Since the Port has a prominent presence in Fernandina Beach, I believe that information related to the operator will serve the community well.
>
> Thank you for your consideration.
>
>
> Mr. Dale L. Martin
>
> City Manager, Fernandina Beach
>
> 204 Ash Street
>
> Fernandina Beach, FL 32034
>
> (904) 310-3100
>
>
> Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.
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>

This email has been checked for viruses by Avast antivirus software.

https://urldefense.proofpoint.com/v2/url?u=https-3A__www.avast.com_antivirus&d=DwID-g&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpqnYfiiMM&r=lyuMrLRcGfLpD7slCU0m5w&m=Hv7_VWFp7dk73bgKHCuZZa2viOLD9AcgeDVOlPeg20l&s=4rAjOlF0zn9954GNyqw4AUy2ZpztKIZhbKGMRcfKI0A&e=



GOAL 5P: PORT SUB- ELEMENT

Objective 5P.01.

Port Development

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Objective 5P.02.

Economic Diversification

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Objective 5P.03.

St. Mary's River Entrance Channel and Amelia River Access

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Objective 5P.04.

Intracoastal Connections

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Objective 5P.05

Highway Access and Connectivity

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Objective 5P.06

Rail Service and Connectivity

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Objective 5P.07

Airport Service and Connectivity

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Objective 5P.08

Natural Resource Preservation and Protection

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Plan Implementation Coordination

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Governmental and Agency Coordination

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Objective 5P.16

Collaboration with Local and Regional Maritime, Commercial and Industrial Interests

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GOAL 5P | PORT FACILITIES ELEMENT

THE PORT OF FERNANDINA SHALL MAINTAIN, PLAN AND DEVELOP THE PORT LOCATED IN FERNANDINA BEACH, IN ACCORDANCE WITH MARKET FORECASTS AND THE COMMUNITY'S COMMERCIAL AND INDUSTRIAL RESOURCES, TO CREATE JOBS AND STIMULATE LOCAL AND REGIONAL ECONOMIC DEVELOPMENT WHILE MAINTAINING AND ENHANCING THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH, PROVIDING FOR THE HEALTH, SAFETY AND ECONOMIC WELFARE OF THE COMMUNITY, PROTECTING THE LOCAL MARINE ENVIRONMENT, AND NOT EXPANDING INTO THE SURROUNDING HISTORIC RESIDENTIAL NEIGHBORHOOD.

OBJECTIVE 5P.01.

PORT DEVELOPMENT

Within the City of Fernandina Beach, the Port of Fernandina shall pursue phased planning and development, consistent with the goals of the City of Fernandina Beach Comprehensive Plan and the mandates of Florida Statutes.

POLICY 5P.01.01.

The Port of Fernandina shall prepare a Port Master Plan Map – a land use and inventory map of existing coastal uses including all existing infrastructure including fuel storage tanks, storm water management, zoning, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public evacuation routes, historic preservation areas and conservation areas. The Port Master Plan Map will be posted on the City website and updated at least annually.

POLICY 5P.01.02.

Within the City of Fernandina Beach, the Port of Fernandina shall not expand port operations beyond industrially waterfront zoned or industrially zoned land (as depicted on the 2011 Comprehensive Plan Map). The Port of Fernandina will not expand any ancillary operations including parking lots into the historic district or any other residentially or mixed use zoned land (as depicted in the 2011 Comprehensive Plan Map and in the Land Development Code) with the exception of 501 North 3rd Street and the adjacent parking lot west of the property.

POLICY 5P.01.03.

Prior to any new proposed development or redevelopment, within the City of Fernandina Beach, the Port of Fernandina will conduct an analysis of the environmental, socioeconomic, and fiscal impact on the City of Fernandina Beach.

The analysis will delineate the required infrastructure to support this development or redevelopment and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; unique wildlife habitat; historical and archaeological sites; other fragile coastal resources and the adjacent historic district.

The analysis will be presented to the City of Fernandina Beach for their review and comment. Those comments will be submitted to the Port Council or other state or federal agencies with any new funding requests.

POLICY 5P.01.04.

The Port of Fernandina shall continually maintain and upgrade its in-water and upland facilities to derive the best use from its infrastructure.

POLICY 5P.01.05.

The Port of Fernandina shall coordinate with the U.S. Army Corps of Engineers and the City of Fernandina Beach, regional, state and federal regulatory agencies for maintenance dredging of the Amelia Island River, as needed to accommodate waterborne commerce operations.

POLICY 5P.01.06.

Prior to any future development or redevelopment to the Port of Fernandina, within the City of Fernandina Beach, all plans or proposals for development or redevelopment shall be reviewed by the City of Fernandina Beach for meeting all applicable Comprehensive Plan policies, land development regulations, City Ordinance requirements and provide that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

OBJECTIVE 5P.02.

ECONOMIC DIVERSIFICATION

The Port of Fernandina shall explore opportunities to develop synergies between its waterborne commerce operations and other economic resources in the area.

POLICY 5P.02.01.

The Port of Fernandina shall seek potential users to achieve maximum site utilization.

POLICY 5P.02.02.

The Port of Fernandina shall explore complementary upland developmental opportunities.

POLICY 5P.02.03.

The Port of Fernandina shall continue its participation in Foreign Trade Zone 64 with JAXPORT and shall explore other possible partnering opportunities.

OBJECTIVE 5P.03.

ST. MARY'S RIVER ENTRANCE CHANNEL AND AMELIA RIVER ACCESS

The Port of Fernandina may pursue maintenance dredging activities from the St. Mary's River Entrance Channel to the Amelia River leading to the Port to provide the water depths needed to serve ships and barges that call at the Port. Maintenance dredging activities and the management of spoil material shall be pursued in a manner consistent with the State Comprehensive Plan's goals and policies addressing stewardship of water resources, coastal and marine resources, and natural systems.

POLICY 5P.03.01.

The Port of Fernandina may undertake maintenance dredging, as required to ensure safe navigational conditions for the ships and barges calling at its facilities.

POLICY 5P.03.02.

The Port of Fernandina may undertake maintenance dredging, as required to ensure safe navigational conditions for the ships and barges calling at its facilities.

POLICY 5P.03.03.

Prior to any maintenance dredging the Port of Fernandina in agreement with the Corps of Engineers and other federal, state, or local agencies shall identify an environmentally acceptable spoil site for the disposal of the dredged material the maintenance channel dredging projects generate.

OBJECTIVE 5P.04.**INTRACOASTAL CONNECTIONS**

To take better advantage of its proximity to the Intracoastal Waterway, the Port of Fernandina may support initiatives to improve Intracoastal connections.

POLICY 5P.04.01.

The Port of Fernandina may cooperate with entities seeking to improve conditions along the Intracoastal Waterway.

POLICY 5P.04.02.

The Port of Fernandina, within the City of Fernandina Beach, will not accept, transfer, load or store coal, coal ash, or Liquefied Natural Gas (LNG).

OBJECTIVE 5P.05.**HIGHWAY ACCESS AND CONNECTIVITY**

The Port of Fernandina may collaborate with local state agencies to develop the intermodal connections needed for the efficient movement of goods to and from its facilities.

POLICY 5P.05.01.

The Port of Fernandina shall be required to mitigate traffic impact to the surrounding residential neighborhood, by designing the facilities, and/or scheduling arriving truck traffic to eliminate the queuing of trucks outside the gates.

POLICY 5.05.02.

The Port of Fernandina shall work with the City, the TPO, the Florida Department of Transportation, the local community and other entities to gain funding for any needed improvements to roads over which Port truck traffic must travel.

POLICY 5.05.03.

The Port of Fernandina shall implement a plan to prevent truck access or egress from the Port of North Front, North Second, and North Third Streets.

OBJECTIVE 5P.06.**RAIL SERVICE AND CONNECTIVITY**

The Port of Fernandina shall collaborate with Genesee & Wyoming and CSX to obtain the best possible service and interchanges.

POLICY 5P.06.01.

The Port of Fernandina may continue its use of the on-site rail line and shall seek opportunities for more efficient use of the rail line.

POLICY 5.05.02.

The Port of Fernandina shall collaborate with railways, FDOT, and the City to improve the warning devices at the Dade and Front Street highway-rail grade crossing to increase safety, with the goal of reducing fatalities and injuries.

OBJECTIVE 5P.07.

AIRPORT SERVICE AND CONNECTIVITY

The Port of Fernandina may collaborate with City airports to develop the intermodal connections needed for the efficient movement of goods to and from its facilities.

POLICY 5P.07.01.

The Port of Fernandina may work to explore service opportunities for the efficient movement of goods through the Port.

OBJECTIVE 5P.08.

NATURAL RESOURCE PRESERVATION AND PROTECTION

The Port of Fernandina shall conserve and protect natural resources including forests, wetlands, fish, marine life, and wildlife, and shall cooperate with federal, state, regional, and local agencies in developing sound environmental impacts of Port development and operations.

POLICY 5P.08.01.

The Port of Fernandina shall limit specific and cumulative impacts on water quality to maintain the integrity of the Amelia River and maintain the applicable water quality standards. In doing so, the Port shall design the drainage system on its property to meet National Pollution Discharge Elimination System (NPDES), Florida Department of Environmental Protection, and St. Johns River Water Management District water quality standards and shall coordinate its efforts with federal, state, regional, county and city governmental agencies.

POLICY 5.08.02.

The Port of Fernandina shall not place or build structures including pier or pier extensions in wetlands, wetland transition areas, or conservation area and not conduct activities which degrade any identified wetlands and wildlife habitat.

POLICY 5P.08.03.

The Port of Fernandina shall continue to coordinate with state and federal agencies, the Cumberland Sound Pilots Association, and other interested organizations to protect manatee and right whale communities.

POLICY 5.08.04.

The Port of Fernandina shall use best management practices during construction, operation and maintenance at the Port facility. All new development or redevelopment at the Port of Fernandina, within the City, shall meet or exceed applicable Federal, State, and local regulations.

POLICY 5.08.05.

A plan, including a proposed funding source, to remediate the surface drains which currently empty directly into the Intracoastal Waterway and wetlands will be developed by July 2017.

POLICY 5.08.06.

The Port of Fernandina shall coordinate and implement strategies with industry and the City to meet the air quality standards established by the EPA and DEP

POLICY 5.08.07.

The Port of Fernandina will devise a feasibility plan by July 2017 concerning the benefits and costs of installing and requiring ship to shore power at the Port of Fernandina.

OBJECTIVE 5P.09.**PROTECTION FROM NATURAL HAZARDS**

The Port of Fernandina shall implement or exceed the measures required by the City of Fernandina, Nassau County and other agencies to protect human life and property from natural hazards.

POLICY 5P.09.01.

All new development or redevelopment at the Port of Fernandina, within the City, shall meet the standard of construction for V Flood Zones or a higher standard and be maintained as required by local ordinance and shall not have any adverse effect by increasing the elevation or velocity of flood waters or in increasing flows due to change in drainage or flow characteristic (e.g. change in direction) on the subject site, adjacent properties, or any public or private right-of-way.

POLICY 5.09.02.

The Port of Fernandina shall design and construct all development or redevelopment at the Port in accordance with the Unified Florida Building Code and Fernandina Beach City Ordinances including obtaining all required City permits and floodplain elevation certificates.

POLICY 5.09.03.

The Port of Fernandina shall prepare a hurricane contingency plan and keep its plan up to date, ensuring that it is consistent with city and county emergency plans. This plan will be filed with the City on or before June 1st of each year.

POLICY 5.09.04.

The Port of Fernandina shall implement post-disaster redevelopment procedures to reduce or eliminate exposure to human life and property to natural hazards. These procedures shall include the structural modification or removal of facilities that have experienced repeated storm damage.

OBJECTIVE 5P.10.**PROTECTION FROM MAN-MADE DISASTERS**

The Port of Fernandina shall reduce exposure to harm human life and property from manmade disasters by implementing sound safety and security programs.

POLICY 5P.10.01.

To provide a safe operating environment, the Port of Fernandina shall implement required Federal, state and local safety and health measures and ensure that operations are conducted in accordance with those measures.

POLICY 5.10.02.

The Port of Fernandina shall prepare and implement the security plan mandated and approved under state and federal guidelines. Funding Port Security is a priority and shall preempt funding of any new development or redevelopment in the City of Fernandina Beach.

POLICY 5.10.03.

The Port of Fernandina in cooperation with all federal authorities shall prohibit the handling of unauthorized hazardous materials and shall be prepared to contain hazardous material spills that could occur at the Port facility site.

POLICY 5.10.04.

At the Port of Fernandina all emergency contingency materials and equipment necessary to mitigate petroleum spills in the water shall be stored onsite by July 1, 2017. This shall be verified by the Fernandina Beach Fire Chief or his designee on or before July 1st of each year.

POLICY 5.10.05.

A waterfront facility, which is a facility of particular hazard as defined in 33CFR 126.3, shall not be allowed in Waterfront Industrial or IW zoned areas.

POLICY 5.10.06.

The Port of Fernandina shall prepare an evacuation contingency and warning plan to evacuate the adjacent area in the event of a toxic spill, toxic gas release, Port fire, or other manmade disaster and keep its plan up to date, ensuring that is consistent with city and county emergency plans. This plan shall be filed annually with the City no later than June 1st.

OBJECTIVE 5P.11.

BUDGETARY PROCESS

The Port of Fernandina shall implement a budgetary process that balances Port revenues, operating expenses, and capital expenditures needed to satisfy the anticipated market demand and capture new market share.

POLICY 5P.11.01.

The Port of Fernandina shall monitor tariffs and fees charged by neighboring ports, both north and south, and shall implement a competitive fee structure.

POLICY 5.11.02.

The Port of Fernandina shall update its capital improvement plan annually to reflect budgetary and market changes, prioritizing implementation to obtain the best return on facility investments. The capital improvement plan shall be filed with the City annually on or before June 1st.

OBJECTIVE 5P.12.

FUNDING OPPORTUNITIES

The Port of Fernandina shall pursue diverse funding opportunities to accelerate the rate at which it can implement its capital improvement plan.

POLICY 5P.12.01.

The Port of Fernandina shall prepare a briefing for area legislators, the City, and the public in the fall of each year to review the Port's financial status, proposed capital improvement budget and to reacquaint them with the Port's economic impact on the region and the important of its needs being addressed in the state's budget process.

POLICY 5.12.02.

The Port of Fernandina shall actively seek grant funds from state and federal sources and shall supplement funding needs not met by grants with loans from commercial lending institutions and/or governmental entities.

POLICY 5.12.03.

The Port of Fernandina shall explore opportunities for public/private partnerships in the development and redevelopment of the Port.

OBJECTIVE 5P.13.**COMPATIBILITY WITH THE CITY'S COMPREHENSIVE PLAN**

The Port of Fernandina shall work with the City of Fernandina to insure that port maintenance and development or redevelopment activities are compatible with and support the programs and policies contained in the City's Comprehensive Plan.

POLICY 5P.13.01.

The Port of Fernandina shall coordinate its planning and development efforts with the City of Fernandina Beach to insure that the Port's planned projects and land uses comply with the City's Comprehensive Plan, including the Conservation and Coastal Management Element and Land Development Code and are compatible with adjacent land uses.

POLICY 5.13.02.

The Port of Fernandina shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility. Where Port property is adjacent to the Historic District, a 30-foot landscaped buffer shall be maintained.

POLICY 5.13.03.

The Port of Fernandina shall coordinate with the City to ensure the provision of adequate infrastructure and utilities for Port operations.

OBJECTIVE 5P.14.**PLAN IMPLEMENTATION COORDINATION**

The Port of Fernandina shall be proactive in coordinating its development efforts with local, state and federal permitting agencies and other private entities to ensure that its development and operations are carried out in accordance with the public interest and regulatory requirements.

POLICY 5P.14.01.

The Port of Fernandina shall obtain community input prior to implementing any Port development program.

POLICY 5.14.02.

The Port of Fernandina shall comply with the provisions of the permits governing its in-water and upland development program.

OBJECTIVE 5P.15.

GOVERNMENTAL AND AGENCY COORDINATION

The Port of Fernandina shall coordinate its development and redevelopment program with applicable agencies to promote sound planning and economic opportunities.

POLICY 5P.15.01.

The Port of Fernandina shall support the economic development initiatives of the City of Fernandina Beach, by pursuing activities that expand economic opportunities.

POLICY 5.15.02.

The Port of Fernandina shall review the economic development initiatives of Nassau County and support when consistent with the City of Fernandina Beach Comprehensive Plan.

POLICY 5P.15.03.

In addition to city and county governments, the Port of Fernandina shall cooperate with the Northeast Florida Regional Council; the St. Johns River Water Management District; the Florida Departments of Transportation, Environmental Protection, and Economic Opportunity; the U.S. Army Corps of Engineers, and other applicable agencies in implementing the goals, objective and policies as delineated in the Comprehensive Plan.

POLICY 5.15.04.

The Port of Fernandina shall develop a strategic plan with a 10-year horizon which shall at a minimum include the elements listed in FS 311.14 – Seaport Planning and which adequately addresses the applicable requirements of FS 163.3178. To the extent feasible, the port master plan must be consistent with the City Comprehensive Plan.

The Port of Fernandina shall submit the Master Plan to the City for consistency review with City of Fernandina Beach Comprehensive Plan. Any inconsistencies that cannot be resolved with the Port of Fernandina shall be noted in the Port Master Plan and shall not be adopted in the Comprehensive Plan by reference.

OBJECTIVE 5P.16.

COLLABORATION WITH LOCAL AND REGIONAL MARITIME, COMMERCIAL, AND INDUSTRIAL INTERESTS

To help achieve its primary goal of economic development, the Port of Fernandina may cooperate with other Northeast Florida interests as they seek to expand the region's commercial and industrial base.

POLICY 5P.16.01.

The Port of Fernandina may participate in the efforts of local and regional groups pursuing area wide economic development.

POLICY 5.16.02.

The Port of Fernandina may cooperate with JAXPORT to pursue areas of common interest, such as cargo handling synergies, regional promotional campaigns and special funding opportunities.



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Objective 9.01.

Economic Development

Page 9-1

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Objective 9.02.

Operation and Expansion Planning

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Objective 9.03.

Maintain Community Character

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GOAL 9 | PORT FACILITIES ELEMENT

~~THE GOAL OF THE PORT OF FERNANDINA SHALL BE TO STIMULATE ECONOMIC DEVELOPMENT WITHIN THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY AND COOPERATE WITH THE CITY AND COUNTY IN ITS PLANNING FOR OPERATIONS AND EXPANSIONS WHILE STRIVING TO MAINTAIN THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH.~~

OBJECTIVE 9.01.

ECONOMIC DEVELOPMENT

~~The Ocean Highway and Port Authority shall continue to plan for and Maintain facilities to meet the long-term useful life of the Port facility.~~

POLICY 9.01.01.

~~The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements. The Authority to the best of its ability will implement the Capital Improvements Program cited in section II of this document.~~

POLICY 9.01.02.

~~The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility Access shipping channel and turning basin as Port development continues.~~

POLICY 9.01.03.

~~The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.~~

OBJECTIVE 9.02.

OPERATION AND EXPANSION PLANNING

~~The Port Authority shall coordinate with County and City Commissions to ensure that Port development meets appropriate City and/or County standards or requirements.~~

POLICY 9.02.01.

~~The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.~~

POLICY 9.02.02.

~~Prior to any future expansion to the Port of Fernandina, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach or the County, as appropriate, for consistency in meeting all applicable land development regulations, building permits or other permit requirements. Future Port Development projects shall be consistent with the Port Master Plan and Port Master Plan Map. No port development or project inconsistent with the Port Master Plan shall be undertaken without prior review, input and adoption as a Comprehensive Plan Amendment by the City of Fernandina Beach.~~

POLICY 9.02.03.

~~Any impact to urban services or facilities (i.e., drainage, potable water, wastewater, traffic or solid waste) brought upon by the identified and approved Port Master Plan projects, which results in the degradation of an adjusted level of service standard for such service or facility, shall be mitigated to the satisfaction of~~

~~the City and/or the County, as appropriate, prior to the issuance of a building permit for the expansion.~~

POLICY 9.02.04:

~~The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured.~~

OBJECTIVE 9.03.

MAINTAIN COMMUNITY CHARACTER

~~The Port Authority in operating the Port facility shall take all precautions to protect the environmental and historic assets of the City of Fernandina Beach.~~

POLICY 9.03.01:

~~The Port Authority, in cooperation with the U.S. Coast Guard and the U.S. Department of Transportation, shall prohibit the handling of unauthorized toxic materials and will be prepared to contain toxic spills that could occur at the Port facility site.~~

POLICY 9.03.02:

~~The Port Authority shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility. Where Port property is adjacent to the Historic District, a 30 foot landscaped buffer will be maintained.~~

POLICY 9.03.03:

~~The Port Authority will comply with the Land Development Code of the City of Fernandina Beach to ensure that adequate buffers and screening materials are constructed and maintained between the industrial zoning of the Port and the adjacent single family residential zoned areas.~~

POLICY 9.03.04:

~~Stormwater runoff at the Port facility shall comply with stormwater management requirements established by the St. Johns River Water Management District as well as federal state and local agencies.~~

POLICY 9.03.05:

~~The Port Authority shall continue to coordinate with the Department of Environmental Protection, Division of Marine Resources, the New England Aquarium, the Cumberland Sound Pilots Association and other interested organizations to support protection of manatee and right whale communities that are on the fringe of Port operations.~~

POLICY 9.03.06:

~~The Port Authority will continue to comply with the requirements of the permits from the Department of Environmental Protection in regard to maintaining and preserving the permanent conservation areas and the ten-foot-wide marshland mitigation area.~~

POLICY 9.03.07:

~~The Port Authority shall use best management practices during construction, operation and maintenance at the Port facility to ensure that water quality within the area of the Port facility will receive no degradation as a result of Port activity.~~



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1. **Call to Order** - The meeting was called to order at 3:00 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Vice-Chair
Chris Occhuzzo
Eric Lawrence (alternate)

David Beal
Chip Ross
Jamie Morrill (alternate)

Board Members Absent

Charles Rogers

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney

Member Morrill and Member Lawrence were seated as voting members for this meeting.

2. **Old Business**

2.1 DISCUSS COMPREHENSIVE PLAN AMENDMENTS FOR THE PORT OF FERNANDINA - *The purpose of this discussion is to determine board consensus with respect to the OHPA proposed Comprehensive Plan amendments. The board will also discuss coordination with OHPA.*

The board reviewed and discussed the proposed Comprehensive Plan amendments and provided staff direction for changes. The summary of the changes to the OHPA proposal can be reviewed in the working draft from this meeting (see attached).

A motion was made by Member Ross, seconded by Member Morrill, to approve as written and forward to the Ocean Highway Port Authority (OHPA) so they can review it at their September meeting. It was noted this was a Special Meeting so the board could take action. Ms. Gibson explained the Port requested information about what the board wanted changed to become consistent. She stated this can be taken to them asking for their review as well as request a Special Meeting with the OHPA and the PAB. Member Beal suggested the review be subject to review by the City Attorney, since the board made changes the City Attorney has not seen. Vice-Chair Bennett noted the City Attorney saw everything, but the last couple items and Ms. Gibson can get those to the City Attorney and still get it to the OHPA for their September meeting. Member Ross suggested sending it to each of the Port Commissioners. Vice-Chair Bennett requested the whole corrected document be sent to the PAB as well. There was a brief discussion about a change of language regarding verification annually.

Ms. Joann Bean, 141 North 15th Street, inquired if they have to submit or approve this annually now. Vice-Chair Bennett replied no and explained that was a specific item dealing with mitigation for hazardous spills. He pointed out this would eventually go into the City's Comprehensive Plan. After a brief discussion, **vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

3. **Comments by the public** – There were no additional comments at this time.
4. **Adjournment** - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 5:01 pm.

Secretary

Mark Bennett, Vice-Chair

25 August 2016

Comparison of OHPA Proposed Policy AND ALTERNATE POLICY

Section 163.3177(6) (g) 8, Florida Statutes, requires port related policies to be included in the Coastal Management Element of the local government's Comprehensive Plan. The recommended policies below are intended to be added to the City's Conservation and Coastal Management Element as a new section. Following each Proposed Objective and Policy are references to the Current Port Element Policies or an indication of a New Objective or Policy. The current policies have been included, beginning on page 9, for comparison purposes.

GOAL 5P

OHPA PROPOSAL - The Ocean Highway and Port Authority intends to plan and develop the Port in accordance with market forecasts and the community's commercial and industrial resources, to create jobs and stimulate local and regional economic development while striving to maintain the unique character of the City of Fernandina Beach.

ALTERNATIVE PROPOSAL - The Port of Fernandina shall maintain, plan and develop the Port located in Fernandina Beach, in accordance with market forecasts and the community's commercial and industrial resources, to create jobs and stimulate local and regional economic development while maintaining and enhancing the unique character of the City of Fernandina Beach, providing for the health, safety and economic welfare of the community, protecting the local marine environment, and not expanding into the surrounding historic residential neighborhood.

OBJECTIVE 5P.01 Port Development

OHPA PROPOSAL -The Ocean Highway and Port Authority shall pursue the phased planning and development, consistent with the Port Master Plan, to provide appropriate support facilities that will accommodate projected waterborne commerce demand, and appropriate support facilities. (New Objective)

ALTERNATIVE PROPOSAL - Within the City of Fernandina Beach, the Port of Fernandina shall pursue phased planning and development, consistent with the goals of the City of Fernandina Beach Comprehensive Plan and the mandates of Florida Statutes.

Policy 5P.01.01

OHPA PROPOSAL - The Ocean Highway and Port Authority shall acquire land and work with other land owners as needed to support Port development and economic growth. The addition of lands to the Port's ownership shall prompt a revision to the Port Master Plan. (New Policy)

ALTERNATIVE PROPOSAL - The Port of Fernandina shall prepare a Port Master Plan Map - a land use and inventory map of existing coastal uses including all existing infrastructure including fuel storage tanks, storm water management, zoning, wetland and other vegetative communities, undeveloped areas, areas

subject to coastal flooding, public evacuation routes, historic preservation areas and conservation areas. The Port Master Plan Map will be posted on the City website and updated at least annually.

Policy 5P.01.02

OHPA PROPOSAL -The Ocean Highway and Port Authority shall plan and develop waterfront and supporting upland infrastructure to accommodate the demand projections in the Port Master Plan and subsequent user commitments. The anticipated on-site development includes extending the existing wharf, site improvements, storage areas, cargo-handling equipment and other infrastructure needed for user service. Prior to any future expansion to the Port of Fernandina, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach or the County, as appropriate, for consistency in meeting all applicable Comprehensive Plan policies, land development regulations, building permits or other permit requirements. (Similar to Objective 9.02, Policy 9.02.01 and 9.02.02)

ALTERNATIVE PROPOSAL Within the City of Fernandina Beach, the Port of Fernandina shall not expand port operations beyond industrially waterfront zoned or industrially zoned land [as depicted on the 2011 Comprehensive Plan Map] The Port of Fernandina will not expand any ancillary operations including parking lots into the historic district or any other residentially or mixed use zoned land [as depicted on the 2011 Comprehensive Plan Map and in the Land Development Code] with the exception of 501 North 3rd Street and the adjacent parking lot west of the property.

Policy 5P.01.03

OHPA PROPOSAL -The Ocean Highway and Port Authority shall coordinate with the U.S. Army Corps of Engineers and other applicable local, regional, state and federal regulatory agencies and stakeholders for the resumption of maintenance dredging and initiation of new dredging as needed to accommodate the identified waterborne commerce operations. (Similar to proposed Policy 9.01.03)

ALTERNATIVE PROPOSAL - Prior to any new proposed development or redevelopment, within the City of Fernandina Beach, the Port of Fernandina will conduct an analysis of the environmental, socioeconomic, and fiscal impact on the City of Fernandina Beach.

The analysis will delineate the required infrastructure to support this development or redevelopment and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; unique wildlife habitat; historical and archaeological sites; other fragile coastal resources and the adjacent historic district.

The analysis will be presented to the City of Fernandina Beach for their review and comment. Those comments will be submitted with to the Port Council or other state or federal agencies with any new funding requests.

Policy 5P.01.04

OHPA PROPOSAL - -The Ocean Highway and Port Authority shall provide adequate maintenance and upkeep of its in-water and upland facilities to derive the best use from its infrastructure. (Similar to Objective 9.01)

ALTERNATIVE PROPOSAL - The Port of Fernandina shall continually maintain and upgrade its in-water and upland facilities to derive the best use from its infrastructure

Policy 5P.01.05

OHPA PROPOSAL – NONE

ALTERNATIVE PROPOSAL - The Port of Fernandina shall coordinate with the U.S. Army Corps of Engineers and the City of Fernandina Beach, regional, state and federal regulatory agencies for maintenance dredging of the Amelia Island River, as needed to accommodate waterborne commerce operations.

Policy 5P.01.06

OHPA PROPOSAL – NONE

ALTERNATIVE PROPOSAL - Prior to any future development or redevelopment to the Port of Fernandina, within the City of Fernandina Beach, all plans or proposals for development or redevelopment shall be reviewed by the City of Fernandina Beach for meeting all applicable Comprehensive Plan policies, land development regulations, City Ordinance requirements and provide that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

OBJECTIVE 5P.02 Economic Diversification

OHPA PROPOSAL The Ocean Highway and Port Authority shall explore opportunities to develop synergies between its waterborne commerce operations and other economic resources in the area. (New Objective)

ALTERNATIVE PROPOSAL - The Port of Fernandina shall explore opportunities to develop synergies between its waterborne commerce operations and other economic resources in the area.

Policy 5P.02.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall seek potential users to achieve maximum site utilization and pursue expansion and development when new facilities will support economic growth. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall seek potential users to achieve maximum site utilization.

Policy 5P.02.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall explore complementary upland development opportunities through the authority of its Charter. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall explore complementary upland development opportunities.

Policy 5P.02.03

OHPA PROPOSAL The Ocean Highway and Port Authority shall continue its participation in Foreign Trade Zone 64 with JAXPORT and shall explore possible partnering opportunities. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall continue its participation in Foreign Trade Zone 64 with JAXPORT and shall explore other possible partnering opportunities.

OBJECTIVE 5P.03

St. Mary's River Entrance Channel and Amelia River Access

OHPA PROPOSAL The Ocean Highway and Port Authority shall pursue maintenance and new dredging activities at the St. Mary's River Entrance Channel and Amelia River to provide the water depths needed to serve ships and barges anticipated to call at the Port. To the extent possible, consistent with the development and expansion needs of the Port, maintenance and new dredging activities and the management of spoil material shall be pursued in a manner respectful of the State Comprehensive Plan's goals and policies addressing stewardship of water resources, coastal and marine resources, and natural systems. (New Objective)

ALTERNATIVE PROPOSAL The Port of Fernandina may pursue maintenance dredging activities from the St. Mary's River Entrance Channel to the Amelia River leading to the Port to provide the water depths needed to serve ships and barges that call at the Port. Maintenance dredging activities and the management of spoil material shall be pursued in a manner consistent with the State Comprehensive Plan's goals and policies addressing stewardship of water resources, coastal and marine resources, and natural systems.

Policy 5P.03.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall pursue maintenance and new dredging activities at the St. Mary's River Entrance and the Amelia River to provide water depths need to serve ships and barges anticipated to call at the Port. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina may undertake maintenance dredging, as required to ensure safe navigational conditions for the ships and barges calling at its facilities.

Policy 5P.03.02

~~OHPA PROPOSAL The Ocean Highway and Port Authority shall pursue deepening and widening the Amelia River Channel and turning basin in proximity to the Port area to achieve the water depths and width needed to serve the ships and barges that are anticipated to call at the Port. (New Policy)~~

ALTERNATIVE PROPOSAL Strike policy

Policy 5P.03.032

OHPA PROPOSAL The Ocean Highway and Port Authority shall undertake maintenance dredging, as required to ensure safe navigational conditions for the ships and barges calling at its facilities. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina may undertake maintenance dredging, as required to ensure safe navigational conditions for the ships and barges calling at its facilities.

Policy 5P.03.043

OHPA PROPOSAL The Ocean Highway and Port Authority shall identify an environmentally acceptable spoil site for the disposal of the dredged material the channel dredging projects generate. (New Policy)

ALTERNATIVE PROPOSAL Prior to any maintenance dredging the Port of Fernandina in agreement with the Corps of Engineers and other federal, state, or local agencies shall identify an environmentally acceptable spoil site for the disposal of the dredged material the maintenance channel dredging projects generate.

OBJECTIVE 5P.04 Intracoastal Connections

OHPA PROPOSAL To take better advantage of its proximity to the Intracoastal Waterway, the Ocean Highway and Port Authority shall support initiatives to improve Intracoastal connections, including shallow-water barge facilities, if appropriate to meet the requirements of Port users or to serve complementary industrial facility development in the region. (New Objective)

ALTERNATIVE PROPOSAL To take better advantage of its proximity to the Intracoastal Waterway, the Port of Fernandina may support initiatives to improve Intracoastal connections.

Policy 5P.04.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall cooperate with entities seeking to improve conditions along the Intracoastal Waterway and promote more barge traffic. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina may cooperate with entities seeking to improve conditions along the Intracoastal Waterway

Policy 5P.04.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall consider synergies with industrial users that can be served by barge as well as by road and rail. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina, within the City of Fernandina Beach, will not accept, transfer, load or store coal, coal ash, or Liquefied Natural Gas (LNG).

OBJECTIVE 5P.05 Highway Access and Connectivity

OHPA PROPOSAL The Ocean Highway and Port Authority shall collaborate with local and state agencies to develop the intermodal connections needed for the efficient movement of goods to and from its facilities. (New Objective)

ALTERNATIVE PROPOSAL The Port of Fernandina may collaborate with local and state agencies to develop the intermodal connections needed for the efficient movement of goods to and from its facilities.

Policy 5P.05.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall develop internal roads to serve the Port users which provide efficient access to the proximate off-Port, city, county and state highway network and shall coordinate the development of its on-Port roads with the City, County and Florida Department of Transportation. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall be required to mitigate traffic impact to the surrounding residential neighborhood, by designing the facilities, and/or scheduling arriving truck traffic to eliminate the queuing of trucks outside the gates.

Policy 5P.05.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall work with the City, the TPO, the Florida Department of Transportation, the local community and other entities to gain funding for any needed improvements to roads over which Port truck traffic must travel. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall work with the City, the TPO, the Florida Department of Transportation, the local community and other entities

to gain funding for any needed improvements to roads over which Port truck traffic must travel.

Policy 5P.05.03

OHPA PROPOSAL NONE

ALTERNATIVE PROPOSAL The Port of Fernandina shall implement a plan to prevent truck access or egress from the Port on North Front, North Second, and North Third Streets.

OBJECTIVE 5P.06 Rail Service and Connectivity

OHPA PROPOSAL The Ocean Highway and Port Authority shall collaborate with Genesee & Wyoming and CSX to obtain the best possible service and interchanges. (New Objective)

ALTERNATIVE PROPOSAL The Port of Fernandina shall collaborate with Genesee & Wyoming and CSX to obtain the best possible service and interchanges.

Policy 5P.06.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall continue its use of the on-site rail line and shall seek opportunities for more efficient use of the rail line. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina may continue its use of the on-site rail line and shall seek opportunities for more efficient use of the rail line.

Policy 5P.06.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall work with Genesee & Wyoming and CSX to identify and pursue improvements to the off-Port rail infrastructure, which could facilitate goods movement to and from the Port. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall collaborate with railways, FDOT, and the City to improve the warning devices at the Dade and Front Street highway-rail grade crossing to increase safety, with the goal of reducing fatalities and injuries.

OBJECTIVE 5P.07 Airport Service and Connectivity

OHPA PROPOSAL The Ocean Highway and Port Authority shall collaborate with local airports to develop the intermodal connections needed for the efficient movement of goods to and from its facilities. (New Objective)

ALTERNATIVE PROPOSAL

The Port of Fernandina may collaborate with City airports to develop the intermodal connections needed for the efficient movement of goods to and from its facilities.

Policy 5P.07.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall work with Jacksonville International Airport, Cecil Commerce Center, Fernandina Beach Municipal Airport and Hilliard Airpark to explore service opportunities for the efficient movement of goods through the Port. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina may work to explore service opportunities for the efficient movement of goods through the Port.

OBJECTIVE 5P.08

Natural Resource Preservation and Protection

OHPA PROPOSAL In carrying out its development activities and day-to-day operations, the Ocean Highway and Port Authority shall conserve and protect natural resources including forests, wetlands, fish, marine life, and wildlife, and shall cooperate with federal, state, regional and local agencies in developing sound environmental policies and measures to minimize the environmental impacts of Port development and operations. (New Objective)

ALTERNATIVE PROPOSAL

The Port of Fernandina shall conserve and protect natural resources including forests, wetlands, fish, marine life, and wildlife, and shall cooperate with federal, state, regional and local agencies in developing sound environmental policies and measures to minimize the environmental impacts of Port development and operations.

Policy 5P.08.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall limit specific and cumulative impacts on water quality to maintain the integrity of the Amelia River and maintain the applicable water standards. In so doing, the Ocean Highway and Port Authority shall design the drainage system on its property to meet NPDES, Florida Department of Environmental Protection, and St. Johns River Water Management District water quality standards and shall coordinate its efforts with federal, state, regional, county and city governmental agencies. (Similar to Policy 9.03.04 and 9.03.07)

ALTERNATIVE PROPOSAL The Port of Fernandina shall limit specific and cumulative impacts on water quality to maintain the integrity of the Amelia River and maintain the applicable water quality standards. In so doing, the Port shall design the drainage system on its property to meet National Pollution Discharge Elimination System [NPDES], Florida Department of Environmental Protection, and St. Johns River Water Management District water quality standards and shall coordinate its efforts with federal, state, regional, county and city governmental agencies.

Policy 5P.08.02

OHPA PROPOSAL The Ocean Highway and Port Authority avoid projects that destroy or significantly degrade identified wetlands and wildlife habitat or by providing mitigation measures. (Similar to Policy 9.03.06; revised based on SJRWMD comment)

ALTERNATIVE PROPOSAL Policy 5P.08.02 The Port of Fernandina shall not place or build structures including pier or pier extensions in wetlands, wetland transition areas, or conservation areas and not conduct activities which degrade any identified wetlands and wildlife habitat.

Policy 5P.08.03

OHPA PROPOSAL The Ocean Highway and Port Authority shall continue to coordinate with the Department of Environmental Protection, Division of Marine Resources, the New England Aquarium, the Cumberland Sound Pilots Association and other interested organizations to support protection of manatee and right whale communities that are on the fringe of Port operations. (Policy 9.03.05)

ALTERNATIVE PROPOSAL The Port of Fernandina shall continue to coordinate with state and federal agencies, the Cumberland Sound Pilots Association, and other interested organizations to protect manatee and right whale communities.

Policy 5P.08.04

OHPA PROPOSAL The Ocean Highway and Port Authority shall use best management practices during construction, operation and maintenance at the Port facility. (Similar to Policy 9.03.07)

ALTERNATIVE PROPOSAL The Port of Fernandina shall use best management practices during construction, operation and maintenance at the Port facility. All new development or redevelopment at the Port of Fernandina, within the City, shall meet or exceed applicable Federal, State, and local regulations.

Policy 5P.08.05

OHPA PROPOSAL NONE

ALTERNATIVE PROPOSAL A plan, including a proposed funding source, to remediate the surface drains which currently empty directly into the Intracoastal Waterway and wetlands will be developed by July 2017.

Policy 5P.08.06

OHPA PROPOSAL NONE

ALTERNATIVE PROPOSAL - AIR QUALITY - The Port of Fernandina shall coordinate and implement strategies with industry and the City to meet the air quality standards established by the EPA and DEP.

Policy 5P.08.07

OHPA PROPOSAL NONE

ALTERNATIVE PROPOSAL The Port of Fernandina will devise a feasibility plan by July 2017 concerning the benefits and costs of installing and requiring ship to shore power at the Port of Fernandina.

OBJECTIVE 5P.09 Protection from Natural Hazards

OHPA PROPOSAL The Ocean Highway and Port Authority shall implement the measures required by the City of Fernandina, Nassau County and other agencies to protect human life and property from natural hazards. (Similar to Policy 9.03.01)

ALTERNATIVE PROPOSAL The Port of Fernandina shall implement or exceed the measures required by the City of Fernandina, Nassau County and other agencies to protect human life and property from natural hazards.

Policy 5P.09.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall see that any habitable, non-residential buildings in special flood hazard areas are designed and constructed to reduce the potential for flooding and wind damage. (New Policy)

ALTERNATIVE PROPOSAL All new development or redevelopment at the Port of Fernandina, within the City, shall meet the standard of construction for V Flood Zones or a higher standard and be maintained as required by local ordinance and shall not have any adverse effect by increasing the elevation or velocity of flood waters or in increasing flows due to change in drainage or flow characteristic (e.g. change in direction) on the subject site, adjacent properties, or any public or private right-of-way.

Policy 5P.09.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall see that all buildings are designed and constructed in accordance with the Unified Florida Building Code or as approved by the local government. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall design and construct all development or redevelopment at the Port in accordance with the Unified Florida Building Code and Fernandina Beach City Ordinances including obtaining all required City permits and floodplain elevation certificates.

Policy 5P.09.03

OHPA PROPOSAL The Ocean Highway and Port Authority shall prepare a hurricane evacuation contingency plan and keep its plan up to date, ensuring that it is consistent with city and county emergency plans. (New Policy)

ALTERNATIVE PROPOSAL Policy 5P.09.03 The Port of Fernandina shall prepare a hurricane contingency plan and keep its plan up to date, ensuring that it is consistent with city and county emergency plans. This plan will be filed with the City on or before June 1st of each year.

Policy 5P.09.04

OHPA PROPOSAL The Ocean Highway and Port Authority shall implement post-disaster redevelopment procedures to reduce or eliminate exposure to human life and property to natural hazards. These procedures shall include the structural modification or removal of facilities that have experienced repeated storm damage. (New Policy)

ALTERNATIVE PROPOSAL Policy The Port of Fernandina—shall implement post-disaster redevelopment procedures to reduce or eliminate exposure to human life and property to natural hazards. These procedures shall include the structural modification or removal of facilities that have experienced repeated storm damage.

OBJECTIVE 5P.10

Protection from Man-made Disasters

OHPA PROPOSAL The Ocean Highway and Port Authority shall reduce exposure to human life and property to harm from manmade disasters by implementing sound safety and security programs. (Similar to Policy 9.03.01)

ALTERNATIVE PROPOSAL The Port of Fernandina shall reduce exposure to harm human life and property from manmade disasters by implementing sound safety and security programs.

Policy 5P.10.01

OHPA PROPOSAL To provide a safe operating environment, the Ocean Highway and Port Authority shall implement required Federal, state and local safety and health measures and see that operations are conducted in accordance with those measures. (New Policy)

ALTERNATIVE PROPOSAL To provide a safe operating environment, the Port of Fernandina shall implement required Federal, state and local safety and health measures and ensure that operations are conducted in accordance with those measures.

Policy 5P.10.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall prepare and implement the security plan mandated and approved under state and federal guidelines, consistent with funding availability. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall prepare and implement the security plan mandated and approved under state and federal guidelines.

Funding Port Security is a priority and shall preempt funding of any new development or redevelopment in the City of Fernandina Beach.

Policy 5P.10.03

OHPA PROPOSAL The Ocean Highway and Port Authority, in cooperation with all federal authorities, shall prohibit the handling of unauthorized toxic materials and will be prepared to contain toxic spills that could occur at the Port facility site. (Similar to Policy 9.03.01)

ALTERNATIVE PROPOSAL

Port of Fernandina in cooperation with all federal authorities shall prohibit the handling of unauthorized hazardous materials and shall be prepared to contain hazardous material spills that could occur at the Port facility site.

Policy 5P.10.04

OHPA PROPOSAL NONE

ALTERNATIVE PROPOSAL At the Port of Fernandina all emergency contingency materials and equipment **necessary (find reference to equipment required)** to mitigate petroleum spills in the water shall be stored onsite by July 1, 2017. This shall be verified by the Fernandina Beach Fire Chief or his designee on or before July 1st of each year.

Policy 5P.10.05

OHPA PROPOSAL NONE

ALTERNATIVE PROPOSAL A waterfront facility, which is a facility of particular hazard as defined in 33CFR 126.3, shall not be allowed in Waterfront Industrial or IW zoned areas.

Policy 5P.10.06

OHPA PROPOSAL NONE

ALTERNATIVE PROPOSAL The Port of Fernandina shall prepare an evacuation contingency and warning plan to evacuate the adjacent area in the event of a toxic spill, toxic gas release, Port fire, or other manmade disaster and keep its plan up to date, ensuring that it is consistent with city and county emergency plans. This plan shall be filed annually with the City no later than June 1st.

OBJECTIVE 5P.11 Budgetary Process

OHPA PROPOSAL The Ocean Highway and Port Authority shall implement a budgetary process that balances Port revenues, operating expenses, and capital expenditures needed to satisfy the anticipated market demand and capture new market share. (New Objective)

ALTERNATIVE PROPOSAL OBJECTIVE 5P.11 The Port of Fernandina shall implement a budgetary process that balances Port revenues, operating expenses, and capital expenditures needed to satisfy the anticipated market demand and capture new market share.

Policy 5P.11.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall monitor tariffs and fees charged by neighboring ports, both north and south, and shall implement a competitive fee structure. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall monitor tariffs and fees charged by neighboring ports, both north and south, and shall implement a competitive fee structure.

Policy 5P.11.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall update its capital improvement plan annually to reflect budgetary and market changes, prioritizing implementation to obtain the best return on facility investments. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall update its capital improvement plan annually to reflect budgetary and market changes, prioritizing implementation to obtain the best return on facility investments. The capital improvement plan shall be filed with the City annually on or before June 1st.

OBJECTIVE 5P.12 Funding Opportunities

OHPA PROPOSAL The Ocean Highway and Port Authority shall pursue diverse funding opportunities to accelerate the rate at which it can implement its capital improvement program. (Similar to Policy 9.01.01)

ALTERNATIVE PROPOSAL The Port of Fernandina shall pursue diverse funding opportunities to accelerate the rate at which it can implement its capital improvement program.

Policy 5P.12.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall prepare a briefing for area legislators in the fall of each year to acquaint them with the Port's economic impact on the region and the importance of its needs being addressed in the state's budget process. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall prepare a briefing for area legislators, the City, and the public in the fall of each year to review the Port's financial status, proposed capital improvement budget and to acquaint them with the Port's economic impact on the region and the importance of its needs being addressed in the state's budget process.

Policy 5P.12.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall actively seek grant funds from state and federal sources and shall supplement funding needs not met by grants with loans from commercial lending institutions and/or governmental entities. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall actively seek grant funds from state and federal sources and shall supplement funding needs not met by grants with loans from commercial lending institutions and/or governmental entities.

Policy 5P.12.03

OHPA PROPOSAL The Ocean Highway and Port Authority shall explore opportunities for public/private partnerships in the development of maritime and industrial facilities. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall explore opportunities for public/private partnerships in the development and redevelopment of the Port.

OBJECTIVE 5P.13

Compatibility with City's Comprehensive Plan

OHPA PROPOSAL The Ocean Highway and Port Authority shall work with the City of Fernandina to see that port maintenance and expansion activities are compatible with and support the programs and policies contained in the City's Comprehensive Plan. (New Objective)

ALTERNATIVE PROPOSAL The Port of Fernandina shall work with the City of Fernandina to insure that port maintenance and development or redevelopment activities are compatible with and support the programs and policies contained in the City's Comprehensive Plan.

Policy 5P.13.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall coordinate its planning and development efforts with the City of Fernandina to ensure that the Port's planned projects and land uses are consistent with the City's Comprehensive Plan and compatible with adjacent land uses. It shall also evaluate proposed amendments to the City's Comprehensive Plan, particularly the Conservation and Coastal Management Element, as to potential impacts on Port activities. (Similar to Policy 9.02.01)

ALTERNATIVE PROPOSAL The Port of Fernandina shall coordinate its planning and development efforts with the City of Fernandina to ensure that the Port's planned projects and land uses comply with the City's Comprehensive Plan, including the Conservation and Coastal Management Element and Land Development Code and are compatible with adjacent land uses.

Policy 5P.13.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall reduce any land use conflicts by installing and maintaining adequate buffer zones between Port property and adjacent potentially incompatible land uses. (Similar to Policy 9.03.02 and Policy 9.03.03)

ALTERNATIVE PROPOSAL Policy 5P.13.02 The Port of Fernandina shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility. Where Port property is adjacent to the Historic District, a 30 foot landscaped buffer shall be maintained.

Policy 5P.13.03

OHPA PROPOSAL The Ocean Highway and Port Authority shall coordinate with the City to ensure the provision of adequate infrastructure and utilities for Port operations. (Similar to Policy 9.02.03)

ALTERNATIVE PROPOSAL The Port of Fernandina shall coordinate with the City to ensure the provision of adequate infrastructure and utilities for Port operations.

OBJECTIVE 5P.14

Plan Implementation Coordination

OHPA PROPOSAL The Ocean Highway and Port Authority shall be proactive in coordinating its development efforts with local, state and federal permitting agencies and with private stakeholders to ensure that its development and operations are carried out in accordance with the public interest and regulatory requirements. (Similar to Objective 9.03)

ALTERNATIVE PROPOSAL The Port of Fernandina shall be proactive in coordinating its development efforts with local, state and federal permitting agencies and other private entities to ensure that its development and operations are carried out in accordance with the public interest and regulatory requirements.

Policy 5P.14.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall be sensitive to the concerns of local interests in implementing its development program and shall seek out the best possible environmental solutions to controversial issues. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall obtain community input prior to implementing any Port development program.

Policy 5P.14.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall comply with the provisions of the eventual permits governing its in-water and upland development program, and shall work with local, state and federal agencies to achieve a sound balance between its expansion requirements and the need to protect the surrounding environment. (Similar to Policy 9.02.04)

ALTERNATIVE PROPOSAL The Port of Fernandina shall comply with the provisions of the permits governing its in-water and upland development program.

OBJECTIVE 5P.15

Governmental and Agency Coordination

OLPA PROPOSAL The Ocean Highway and Port Authority shall coordinate its development and expansion program with applicable agencies to promote sound planning and economic growth. (New Objective)

ALTERNATIVE PROPOSAL The Port of Fernandina shall coordinate its development and redevelopment program with applicable agencies to promote sound planning and economic opportunities.

Policy 5P.15.01

OLPA PROPOSAL The Ocean Highway and Port Authority shall support the economic development initiatives of the City of Fernandina Beach, by pursuing activities that expand opportunities in trade, industry and manufacturing. (Similar to Policy 9.01.03)

ALTERNATIVE PROPOSAL The Port of Fernandina shall support the economic development initiatives of the City of Fernandina Beach, by pursuing activities that expand economic opportunities.

Policy 5P.15.02

OLPA PROPOSAL The Ocean Highway and Port Authority shall support the economic development initiatives of Nassau County, by pursuing activities that expand opportunities in trade, industry and manufacturing. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina shall review the economic development initiatives of Nassau County and support when consistent with the City of Fernandina Beach Comprehensive Plan.

Policy 5P.15.03

OLPA PROPOSAL In addition to city and county governments, the Ocean Highway and Port Authority shall cooperate with the Northeast Florida Regional Council; the St. Johns River Water Management District; the Florida Departments of Transportation, Environmental Protection and Economic Opportunity; the U.S. Army Corps of Engineers, and other applicable agencies in implementing the goals, objectives and policies of the Port Master Plan. (Similar to Objective 9.02)

ALTERNATIVE PROPOSAL In addition to city and county governments, the Port of Fernandina shall cooperate with the Northeast Florida Regional Council; the St. Johns River Water Management District; the Florida Departments of Transportation, Environmental Protection, and Economic Opportunity; the U.S. Army Corps of Engineers, and other applicable agencies in implementing the goals, objectives and policies as delineated in the Comprehensive Plan.

Policy 5P.15.04

OHPA PROPOSAL NONE

ALTERNATIVE PROPOSAL – The Port of Fernandina shall develop a strategic plan with a 10-year horizon which shall at a minimum include the elements listed in FS 311.14 – Seaport Planning and which adequately addresses the applicable requirements of FS 163.3178. To the extent feasible, the port master plan must be consistent with the City Comprehensive Plan.

The Port of Fernandina shall submit the Master Plan to the City for consistency review with City of Fernandina Beach Comprehensive Plan. Any inconsistencies that cannot be resolved with the Port of Fernandina shall be noted in the Port Master Plan and shall not be adopted in the Comprehensive Plan by reference.

OBJECTIVE 5P.16

Collaboration with Local and Regional Maritime, Commercial and Industrial Interests

OHPA PROPOSAL To help achieve its primary goal of economic development, the Ocean Highway and Port Authority shall cooperate with other Northeast Florida interests as they seek to expand the region's commercial and industrial base. (New Objective)

ALTERNATIVE PROPOSAL To help achieve its primary goal of economic development, the Port of Fernandina may cooperate with other Northeast Florida interests as they seek to expand the region's commercial and industrial base.

Policy 5P.16.01

OHPA PROPOSAL The Ocean Highway and Port Authority shall participate in the efforts of local and regional groups pursuing area wide economic development. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina may participate in the efforts of local and regional groups pursuing area wide economic development.

Policy 5P.16.02

OHPA PROPOSAL The Ocean Highway and Port Authority shall cooperate with JAXPORT to pursue areas of common interest, such as cargo handling synergies, regional promotional campaigns and special funding opportunities. (New Policy)

ALTERNATIVE PROPOSAL The Port of Fernandina may cooperate with JAXPORT to pursue areas of common interest, such as cargo handling synergies, regional promotional campaigns and special funding opportunities.



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APPLICATION:

OWNER/APPLICANT:	City of Fernandina Beach on behalf of Nassau County OHPA
AGENT:	City of Fernandina Beach
REQUESTED ACTION:	Incorporation by reference of the OHPA Strategic Master Plan and to Delete Goal 9 (Port Element) and Add new Goal 5P in the Conservation and Coastal Management Element to contain Port related goals, objectives and policies

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

The full OHPA Strategic Master Plan Update and all appendices along with public comments received and the staff report may be located online at www.fbfl.us/CompPlan.

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The Port of Fernandina was originally developed in agreement with the City of Fernandina Beach through a Preliminary Development Agreement in February 1986 (Resolution #801). The agreement was modified in April of the same year and formally amended in May 1987. In February 1988, the agreement was amended a second time to expand the Port property. A year later (February 1989), the City approved Resolution #962 to permit the Port of Fernandina as a Development of Regional Impact. In December 1990, the City agreed to the construction of a 200 foot extension of the existing berth at the Port of Fernandina (Resolution #90-35). The following February 1991, the City approved Resolution# 91-04 which amended the DRI Resolution #962 and provided for a mitigation plan as part of the berth extension. It is within this mitigation plan that 4.06 acres of wetlands are identified as a conservation area along the back marshlands side of Alligator Creek. The mitigation plan itself states "This conservation easement will eliminate the concern of future impacts by terminating any possible future expansion to the north and east into Alligator Creek." In August 1991, the City approved an amendment under Resolution #91-25 to the DRI resolution #962 to extend the build out date of the Port to December 1992. In March 1992 the City passed Resolution # 92-07 rescinding Resolution #91-25 for not satisfying "all of the prerequisites contained in prior resolutions, including the payment of equitable annual fees as required by paragraph 51 of Resolution Number 962." In March 1997, the original DRI Resolution #962 was amended twice through Resolutions 97-10 and 97-11 to provide for additional conditions, allowed a warehouse development and revised the time table for build out of the DRI.

The City amended its Comprehensive Plan in August 1995 to include a new element titled "Port Facilities Element." This was the first time the City had a Port Element contained within its Comprehensive Plan as was required by the state laws at that time. The Port Facilities Element was amended through the City's 1999 Evaluation and Appraisal Review (EAR) based amendments in January 2000. In July 2003, the City adopted the April 2002 Port Master Plan and associated Comp Plan amendments. The amendments made in 2003 serve as the existing Comp Plan Goals, Objectives, and Policies pertaining to the Port of Fernandina.

When City staff began working on the Evaluation and Appraisal report in 2008-2009, an update to the Port Master Plan as well as associated Comprehensive Plan (Comp Plan) amendments was identified as an area for future consideration. As part of the later EAR- based Comp Plan Amendments City staff reached out to Port staff to request a copy of their master plan in word form so that the formatting of the City's revised plan could be made consistent. At that time, Port staff explained that they would be looking to complete a full master plan update within the next few



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years. The City received the requested documentation from Port Commissioner, Brian Reaves. In late 2011, the City finalized its EAR-based Comprehensive Plan Update.

Port Commissioner Brian Reaves reached out to City Staff in early 2013 to advise that the Port Authority had started the process of updating its 2002 Port Master Plan in order to become compliant with State Law requirements for providing an amended master plan every 10 years. Through a meeting with Commissioner Reaves, City Staff strongly encouraged a thorough and detailed Public Participation Program as part of their overall efforts and offered support, as needed. By the summer of 2013, the OHPA had hired a consultant team, Genesis Group, to work with them on developing a revised Master Plan. The consultant met with City Staff to obtain documents and materials necessary for their analysis. Through these meetings City Staff again encouraged the consultant to engage the public early in the process of developing a revised Port Master Plan. To date, neither a Public Participation Program nor an outline of public outreach activities has ever been provided to City Staff.

City Staff received a draft copy of the OHPA Port Master Plan for its initial review in mid- January 2014. By the end of that month, Staff had provided feedback to the consultant indicating that the document needed to reference existing Comp Plan policies, Staff expressed concern about the proposed filling of wetlands referenced in the draft as being in conflict with Coastal Management Objectives 5.08 and 5.09. Staff again provided the consultant with reference documents for the City's Comp Plan and Land Development Code. In March, City Staff requested that DEO provide some procedural direction on how to incorporate the Master Plan and Comp Plan amendments. Given the request to adopt the Master Plan update by reference and requirements to specifically cite a date and version, the Port decided to wait until they made a few adjustments.

In July 2014, City staff circulated the document for a courtesy level review among state reviewing agencies, obtained feedback, and provided the information back to OHPA via their consultants. Agencies choosing to comment included the Florida Department of Transportation – District 2 Office, Department of State- State Historic Preservation Office, and the St. Johns River Water Management District. The OHPA agreed to make changes to address the comments received by those commenting agencies.

The Port Master Plan Update and associated amendments were initially presented to the Planning Advisory Board (PAB) August 13, 2014. At that meeting, the PAB created a three member subcommittee to review the documents and collect public comments. The PAB subcommittee met on three dates in September to discuss various topics and concerns raised by citizens. Public input was permitted at all meetings. Comments received by email through September 8, 2014 were compiled into a single document and provided to the OHPA for their consideration at the OHPA Regular meeting held on September 10, 2014.

The OHPA subsequently requested a meeting with the PAB and City Staff. The meeting was held on Wednesday, October 1, 2014. PAB members were not present since the location was outside of the jurisdictional limits. The City Attorney and Senior Planner attended on behalf of the City. The primary issue presented by Staff was concern with action items contained in the Plan to fill wetlands. These action items would be inconsistent with the existing adopted policies contained in Objective 5.08 of the Conservation and Coastal Management Element which disallows filling of wetlands. The OHPA directed changes to the document in an attempt to address these concerns through a resolution (2014-04) passed at their regular meeting held on Wednesday, October 8, 2014.



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The changes to the document by the Port's consultant following OHPA Resolution 2014-04 are as follows:

- Added subtitles "A REALM OF POSSIBILITIES" "Data and Strategic Analysis performed as mandated by FS 311.14(2)"
- References to the OHPA Master Plan now include the word "strategic"
- Appendix "B" changed to contain Port History and Charter discussion
- Executive Summary contains a discussion on the SIS and the Port's position as an "emerging" SIS facility
- Footnote added to Phase 2 –Site Layout Figures contained in the Executive Summary and the Section 5 corresponding figures. Notes read as "*These areas were previously permitted under FDEP Permit #451730689 with mitigation completed. This permit has since expired and would require filing a new permit. The intended use for this area may occasionally include pre-staging cargo but would not be considered a cargo deck or container laydown area."
- Footnote added to Phase 3- Site Layout Figures contained in the Executive Summary and Section 5 corresponding figures. Notes read as "*This is part of a designated conservation easement and not permitted for fill. Filling in this area would be inconsistent with OHPA Resolution 2014-4 (Appendix H). Alternative efficiency improvements may be identified over time."
- Footnotes added to tables to clearly note that Dade Street connects to the Port
- Appendix "G" added to demonstrate consistency with FS 311.14
- Minor revisions to some of the proposed Comp Plan policies to be contained in sub-element 5P as requested through citizen input.
- Added Appendix "H" Resolution 2014-04
- Link 48 on all transportation tables revised to reflect an undivided highway. The prior error resulted in Link 48 not being "deficient" and promoted changes to Figures 2.2-5, 2.2-6, 6.1-5, 6.1-7, 6.1-8, 6.1-10, 6.1-11, 6.1-15 and 6.1-16
- A footnotes was added to Table 6.1-8 to provide source of the 1.5 passenger car equivalency
- Tables 4.5-2 and 5.2-1 revised for consistency

Following the updated documents provided to the City in late October 2014, Staff recommended that the Port include the recorded conservation easement specific to the area within City limits as part of Appendix D. It was also requested that the Port include an appendix to host all of the DRI history. The Port's representation felt these documents should not be included citing legal concern. Therefore, Staff has included them as part of the staff report to follow documentation associated with the request. Staff feels these are important aspects of the background and history of Port development and those documents should be easily located in the future. If included with the Strategic



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Master Plan Update then, all pertinent documents would be bundled together making everything accessible in one location.

CONSISTENCY WITH THE APPLICABLE FLORIDA STATUTES:

1. Section 163.3177(6)(b), Florida Statutes, identifies different levels of transportation analysis that must be included in the local government's comprehensive plan, based on the size and location of the local government.

This section of Florida Law requires that the City's transportation element address certain aspects of mobility and transportation system needs and availability of services. It requires that local governments within a Metropolitan Planning Organization (ours is the North Florida Transportation Planning Organization), address aviation, rail, seaport facilities, access to those facilities and intermodal terminals. As it pertains to the Port of Fernandina, the City's compliance with this Statute is met through Objective 2.11 (Waterways Network). The OHPA Strategic Master Plan provided a detailed transportation analysis and impacts in Section 6.

2. Section 163.3177(6)(g)8, Florida Statutes, requires that the comprehensive plan's coastal management element must "direct the orderly development, maintenance, and use of ports identified in Section 4.03.021(9) to facilitate Deepwater commercial navigation and other related activities." This requirement can be addressed in the port master plan.

*Florida law requires that the City's Coastal Management Element shall set forth the principles, guidelines, standards, and strategies that shall guide the local government's decisions and program implementation with respect to directing the "orderly development, maintenance, and use of ports to facilitate deep water commercial navigation and other related activities." As part of the OHPA Strategic Master Plan Update a proposed set of policies have been drafted as Appendix E which will be located in the City's Conservation and Coastal Management Element and identified as Goal 5P moving forward. As part of this requirement, the City will strike all of previously identified Goal 9 (Port Element). Appendix E provides details on information in **Red text** which identifies where similar Objectives and Policies were transferred over from the previous Goal 9. The new Goal 5P as proposed by the OHPA contains 16 objectives including the following:*

- 5.01 Port Development
- 5.02 Economic Diversification
- 5.03 St. Mary's River Entrance Channel and Amelia River Access
- 5.04 Intracoastal Connections
- 5.05 Highway Access and Connectivity
- 5.06 Rail Service and Connectivity
- 5.07 Airport Service and Connectivity
- 5.08 Natural Resource Preservation and Protection
- 5.09 Protection from Natural Hazards
- 5.10 Protection from Manmade Disasters
- 5.11 Budgetary Process
- 5.12 Funding Opportunities
- 5.13 Compatibility with the City's Comprehensive Plan



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- 5.14 Plan Implementation Coordination
- 5.15 Governmental and Agency Coordination
- 5.16 Collaboration with Local and Regional Maritime, Commercial and Industrial Interests

3. Section 163.3178(2)(k), Florida Statutes, requires port master plans to be included in the local government's coastal management element. It notes that port master plans must identify existing port facilities and any proposed expansions. To the extent that they are applicable, port master plans must also address the following requirements:

- a. Provide a land use and inventory map of existing coastal uses;

OHPA Strategic Master Plan Section 2.4 provides a map and summary of the City's land use and zoning (Figure 2.4-1). Coastal Resources are addressed in Section 2.3 and include: water resources, surface waters, storm water, wetlands, groundwater, and biological resources.

- b. Analyze the environmental, socioeconomic, and fiscal impact of development;

- *Environmental constraints are identified in OHPA Strategic Master Plan Sections 2.3 and 5.6.*
- *Socioeconomic issues are not fully identified in the OHPA Strategic Master Plan. There is some consideration of the City's Downtown Historic District included in Section 2.4.2 which speaks to port owned properties located within the historic district boundaries. However, the Plan itself lacks an analysis of community demographics, and demands for necessary public services in order to complete projects within the planning horizon, changes in employment and income levels, and changes to any aesthetic quality of the community. Much of this data is available through the 2010 Census and older data can be obtained using the City's data and analysis completed as part of its 2011 EAR based Comprehensive Plan Update. A "market study" or general analysis of geographical market conditions was completed and is contained within the OHPA Strategic Master Plan as Section 3 Opportunities and Constraints.*
- *Economic and Funding analysis is provided in Section 7 of the OHPA Strategic Master Plan.*

- c. Analyze effects of existing drainage systems on estuarine water quality;

An analysis of the effects of the existing drainage system on estuarine water quality has not been provided within the OHPA Strategic Master Plan. However, water resources and applicable federal laws are identified in Section 2.3.1 and Stormwater is generally discussed in Section 2.3.1.2.

- d. Outline principles for hazard mitigation and protection of human life;

Appendix E is the Port's Comprehensive Plan language developed as Goal 5P which includes Objectives 5P-09 and 5P.10 and addresses Protection from Natural Hazards and Protection from Manmade Disasters.

- e. Outline principles for protecting existing beach and dune systems;

The beach and dune system are not within proximity of the Port of Fernandina property. There is nothing within the OHPA Strategic Master Plan which calls for acquisition of property located near beaches and dunes systems within City limits. The City's Conservation and Coastal Management element addresses principles for protecting beach and dune systems in Objective 5.02.



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- f. Outline principles to eliminate inappropriate and unsafe development;

Appendix E contains requested new Comprehensive Plan language as Goal 5P which includes Objective 5P.08 and addresses Natural Resource Preservation and Protection. Together with Objectives 5P.09 and 5P.10 addressing Protection from Natural and Manmade Disasters, principles to eliminate inappropriate and unsafe development have been identified.

- g. Identify public access to shoreline areas and preservation of working waterfronts;

The City's Conservation and Coastal Management Element addresses preservation of shoreline areas and working waterfronts through Objective 5.05 and public access more specifically in Objective 5.01. These sections of the City's Comp Plan should be addressed within the OHPA Strategic Master Plan and could be added in Section 2.4 along with the other regulatory constraints identified.

- h. Designate coastal high-hazard areas and mitigation criteria;

The City's Conservation and Coastal Management Element addresses the Coastal High-Hazard Area and mitigation criteria—specifically in Objective 5.04. These sections of the City's Comp Plan should be addressed within the OHPA Strategic Master Plan and could be added in Section 2.4 along with the other regulatory constraints identified.

- i. Outline principles to assure that public facilities will be in place; and,

The City's Public Facilities Element Goal and all of its Objectives and Policies are aimed to ensure that adequate public facilities are in place at the time of development sufficient to meet the needs of current and future residents and visitors. These sections of the City's Comp Plan should be addressed within the OHPA Strategic Master Plan and could be added in Section 2.4 along with the other regulatory constraints identified.

- j. Mitigate the threat to human life and protect the coastal environment.

The OHPA Strategic Master Plan Update does not specifically include mitigation measures to protect human life and the coastal environment. Policies provided within Goal 5P however, do serve to provide for safety and security programs and measures which protect human life and the coastal environment.

4. Section 163.3178(3), Florida Statutes, identifies eligible port projects both in the port and within three (3) miles of the port that are not considered to be Developments of Regional Impact if they are consistent with the port master plan that is in compliance with Section 163.3178(2)(k), Florida Statutes.

The OHPA Strategic Master Plan Update contains Section 5 the Facility Improvement Plan which identifies port use of off-site properties in Figure 5.4.1. Section 5.5 is the 10-year Facility Improvement Plan. This section contains three (3) phases. It is within this Section that Staff previously identified potential conflicts with the City's Comprehensive Plan with language calling for filling of wetlands and those areas specifically identified in Figures 5.5-2 and 5.5-3. The City's Comprehensive Plan and existing Land Development Code regulations disallow filling of wetlands. If the projects contained within these figures are considered, under existing regulations it will require public decision making by the City prior to their approval.



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CONCLUSION:

The OHPA Strategic Master Plan Update generally fulfills statutory requirements. There are a couple of areas where analysis should be considered and included in the document. Socioeconomic analysis, outside of general market conditions, was not performed as part of the updated Strategic Master Plan. Analysis of the existing drainage system's effects on estuarine water quality was not included. Additional language from the City's Comprehensive plan relative to public access and preservation of working waterfronts, coastal high- hazard areas and mitigation criteria, and principles to assure public facilities are in should be included in the OHPA Strategic Master Plan Update. The OHPA should perform such analysis prior to its final approval and adoption by reference into the City's Comprehensive Plan. The recorded conservation easement for the property located within City limits should be included as part of Appendix D. An additional appendix should be included to provide DRI documentation history.

The PAB is requested to issue a recommendation to the City Commission on the incorporation of the OHPA Strategic Master Plan Update by reference in the Comprehensive Plan which will be reflected in Goal 5P. Further, the PAB is requested to issue a recommendation on the remaining Objectives and Policies proposed as 5P of the Conservation and Coastal Management Element.

MOTIONS TO CONSIDER:

I move to recommend **(approval or denial)** of PAB case number 2014-05 to the City Commission requesting that the City adopt by reference the OHPA Strategic Master Plan Update, that existing Goal 9 be deleted and replaced with Goal 5P to be contained in the Conservation and Coastal Management Element and that PAB case 2014-05, as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes to be approved at this time.

Submitted by:

A handwritten signature in blue ink that reads "Kelly N. Gibson".

Kelly N. Gibson
Senior Planner

RESOLUTION NUMBER 91-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING RESOLUTION NUMBER 962, APPROVING THE APPLICATION OF THE OCEAN HIGHWAY AND PORT AUTHORITY TO AMEND THE BUILDOUT DATE ESTABLISHED IN THE FERNANDINA PORT DEVELOPMENT OF REGIONAL IMPACT TO REFLECT THE ACTUAL CONSTRUCTION SCHEDULE.

WHEREAS, the City of Fernandina Beach, Florida, has previously granted approval of a Development of Regional Impact (DRI) for the Port of Fernandina by Resolution Number 962, on February 21, 1989; and

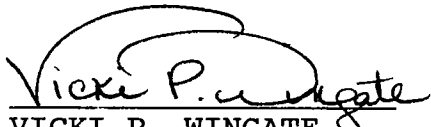
WHEREAS, the City of Fernandina Beach, Florida, has previously granted approval of a 200-foot extension to the existing berth, for the Port of Fernandina by Resolution 90-35, on December 18, 1990; and

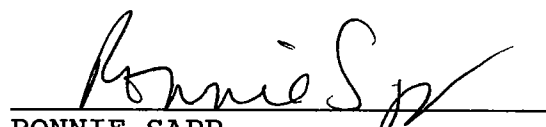
WHEREAS, the buildout date of said DRI was June 1, 1990 and due to delays in obtaining permits from state and federal agencies for construction and buildout was prolonged without additional impact to the City of Fernandina Beach.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fernandina Beach, Florida, at its meeting duly assembled and called, that Resolution Number 962 is hereby AMENDED to extend the buildout date to December 31, 1992. In all respects said Resolution Number 962 shall remain in full force and effect.

ADOPTED this 6th day of August, 1991.

CITY OF FERNANDINA BEACH


VICKI P. WINGATE
City Clerk


RONNIE SAPP
Mayor-Commissioner

City of Fernandina Beach

JOHN GLENN
City Commissioner
214 N. 17th. St.
Fernandina Beach, FL 32034
904-261-9468

Post Office Box 668
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305

February 20, 1992

The Honorable Curtis Smith
Chairman, Ocean Highway & Port Authority
11 N. 14th. Street
Fernandina Bch., FL 32034

In Re: Annual Fees

Dear Chairman Smith;

As you know, the City of Fernandina Beach passed Resolution 91-25 in August of last year. This resolution was adopted upon the request of the Port Authority, and followed much discussion and assurances that the Port Authority would address and redress the failure to pay the City annual fees in lieu of certain ad valorem tax revenue.

A brief history of our agreement is:

- 1) In February of 1986, the City passed Resolution # 801, which conditioned approval of the Preliminary Development Agreement (PDA) upon the payment of "equitable annual fees" separate from wastewater treatment and sanitation.
- 2) In February of 1989, the City passed Resolution # 962, a Development of Regional Impact (DRI). This Resolution incorporated by reference the prior commitments and agreements of the parties. It expanded the prior commitment for equitable annual fees by paragraph 51. This paragraph pegs the annual fee at no less than \$ 50,000.00 per year.
- 3) The OHPA has not paid the City any money in lieu of taxes, although the first payment was due in 1989.

If the Port Authority does not abide by its obligations under the two (2) above resolutions, then the City should seriously consider rescinding Resolution # 91-25 which extended your build-out date.

Sincerely,

John Glenn
Commissioner, Group 5

City of Fernandina Beach

Post Office Box 668
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305

MEMORANDUM

To: City Commissioners, City Clerk, City Manager & City Attorney

From: John Glenn, Commissioner, Grp. 5

Subject: Enforcement of the OHPA's financial obligation to the City

March 9, 1992

In view of the Port Authority's refusal to comply with its obligation to pay "equitable annual fees" to the City in accordance with 2) of the P.D.A., Resolution # 801, and expanded upon by Sections 25 and 51 of the D.R.I., Resolution # 962, I feel that the City Commission has the absolute obligation to its taxpayers to expend every effort to bring the OHPA into compliance.

To this end, I MOVE that Resolution # 91-25, extending the buildout date on the DRI be repealed, and that the appropriate authorities be notified.

It may be recalled that we passed this Resolution as an emergency at the request of a representative of the Port Authority, at which time we were given to expect some positive demonstration of the Port's intent to fulfill its obligation to the taxpayers of Fernandina Beach.

In the continued absence of a good faith plan to pay its fair share of the costs of City services, we would be at least derelict in our responsibilities as elected representatives to do any less.

ARTHUR I. JACOBS, P. A.

ATTORNEY AT LAW
804 ATLANTIC AVENUE
POST OFFICE DRAWER 1

FERNANDINA BEACH, FLORIDA

32034

TELEPHONE (904) 261-3693

JACKSONVILLE DIRECT

(904) 355-6070

FAX NO. (904) 261-7879

July 18, 1991

TALLAHASSEE NO.

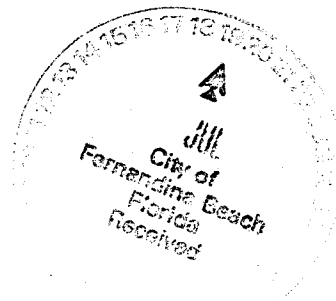
(904) 386-1007

FAX NO. (904) 385-0760

PLEASE REPLY TO:

P. O. DRAWER 1

FERNANDINA BEACH, FLORIDA 32034



The Honorable Larry Myers
City Manager
City of Fernandina Beach
Post Office Box 668
Fernandina Beach, Florida 32034

**Re: Amendment to Resolution No. 962
Port Authority DRI**

Dear Larry:

Enclosed herewith is a proposed resolution amending the DRI extending the buildout date to December 31, 1992. I would appreciate your scheduling this on the agenda for the City Commission and advising me of the date it is scheduled.

Thank you for your kind consideration.

Yours sincerely,


Arthur I. Jacobs

AIJ/bs

Enclosure

Northeast Florida Regional Planning Council

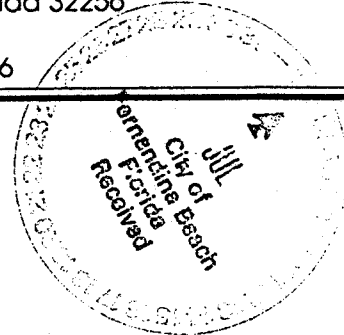
Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

9143 Phillips Highway, Suite 350, Jacksonville, Florida 32256

(904)363-6350 FAX (904) 363-6356

Suncom 874-6350 Suncom FAX 874-6356

June 27, 1991



Mr. Arthur I. Jacobs
Ocean Highway and Port Authority
11 North 14th Street
Box 2, Room 119
Fernandina Beach, Florida 32034

Re: Port of Fernandina DRI Annual Monitoring Report

Dear Mr. Jacobs:

The Northeast Florida Regional Planning Council (NEFRPC) staff has reviewed the Port of Fernandina DRI 1990 Annual Monitoring Report, and does not believe the project is in compliance with the Development Order, Resolution Number 962, since the Development Order has expired. Please refer to Paragraph 4, General Conditions, of Resolution Number 962, which states, "The Applicant shall commence the uncompleted physical development no later than June 1, 1989, and shall complete such development no later than June 1, 1990."

Final sufficiency determination will be made by the City of Fernandina Beach. Please notify the NEFRPC staff of any actions on this issue. If you have any questions, please contact me at (904) 363-6350.

Sincerely,

Joan Pellerin
Regional Planner

cc: Ron Horlick
Larry Meyers
Clyde Davis
Victoria Robas

RESOLUTION NUMBER 91-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING RESOLUTION NUMBER 962, APPROVING THE APPLICATION OF THE OCEAN HIGHWAY AND PORT AUTHORITY TO AMEND THE BUILDOUT DATE ESTABLISHED IN THE FERNANDINA PORT DEVELOPMENT OF REGIONAL IMPACT TO REFLECT THE ACTUAL CONSTRUCTION SCHEDULE.

WHEREAS, the City of Fernandina Beach, Florida, has previously granted approval of a Development of Regional Impact (DRI) for the Port of Fernandina by Resolution Number 962, on February 21, 1989; and

WHEREAS, the City of Fernandina Beach, Florida, has previously granted approval of a 200-foot extension to the existing berth, for the Port of Fernandina by Resolution 90-35, on December 18, 1990; and

WHEREAS, the buildout date of said DRI was June 1, 1990 and due to delays in obtaining permits from state and federal agencies for construction and buildout was prolonged without additional impact to the City of Fernandina Beach.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fernandina Beach, Florida, at its meeting duly assembled and called, that Resolution Number 962 is hereby AMENDED to extend the buildout date to December 31, 1992. In all respects said Resolution Number 962 shall remain in full force and effect.

ADOPTED this ____ day of _____, 1991.

CITY OF FERNANDINA BEACH

VICKI P. WINGATE
City Clerk

RONNIE SAPP
Mayor-Commissioner

Tab L

TAXES PAID BY OCEAN HIGHWAY & PORT AUTHORITY
1987, 1988, 1989, 1990

YEAR	FIC	Leased CCA
1987		
Total Taxes Paid	\$29,274.87	\$30,235.46
1988		
Good Faith Ad.Val. Taxes Pd.	\$8,246.14	\$1,690.34
Balance Due on 1988 A.V. Taxes	\$34,324.53	\$43,044.10
Total 1988 Taxes Pd.	\$42,570.67	\$44,734.44
1989		
Good Faith Ad.Val. Taxes Pd.	\$5,824.62	\$15,191.25
Balance Due on 1989 A.V. Taxes	(See Note #1)	(See Note #2)
Total 1989 Taxes	\$5,824.62	\$15,191.25
1990		
Good Faith Ad.Val. Taxes Pd.	Corporation no longer exists	\$15,190.26
Balance Due on 1990 A.V. Taxes		\$43,457.89
Total 1990 Taxes		\$58,648.15
TOTAL TAXES PAID	\$77,670.16	\$148,809.30

Note #1:

The good faith taxes is a calculation for the land not the improvements. The balance due for FIC was \$42,299.52

Note #2:

The good faith taxes is a calculation for the land not the improvements. The balance due for CCA property was \$39,820.78

MINUTES
Regular Meeting
November 21, 1989
Page Five

A motion was made by Commissioner Roberts, seconded by Commissioner Dees, to accept the City Manager's recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Commissioner Dees stated that it was his understanding that the Port of Fernandina was to begin paying taxes. He further stated that the City was suppose to get a tax bill for the marina properties. He questioned as to whether the Airport property in which the City was negotiating with Summer Beach/Ritz Carlton to develop as a golf course would be placed on the tax roll.

After some discussion, Administrative Assistant Bob Cole advised that the tax bill for the marina property was received and forwarded to the Centre Street Waterfront Group/Fernandina Marine Investors for payment.

There was then more discussion on the matter, but no action was taken.

Commissioner Dees recommended that Mr. Sam Bailey be appointed as an ex-officio member of the Airport Advisory Commission due to his experience. A motion was made by Commissioner Dees, seconded by Commissioner Roberts, to appoint Mr. Bailey as an ex-officio member of the Airport Advisory Commission. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Commissioner Sapp stated that several months ago the City Manager had sent a letter to the County Commission requesting a joint workshop meeting to discuss mutual concerns and the County Commission had not wanted to do so at that time.

A motion was then made by Commissioner Sapp, seconded by Commissioner Roberts, to instruct the City Manager to contact the County Commission and request a workshop meeting to discuss mutual concerns. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Commissioner Sapp inquired as to whether it had been determined as to when the six months extension on the spoils site would expire. City Manager Jones stated that from the available information it appeared that the extension would expire on December 6, 1989 and he would be contacting the Centre Street Waterfront Group/Fernandina Marine Investors concerning same.

Vice Mayor Albert requested that street lights be installed around the housing project.

City Manager Jones commended the Housing Authority on the open lines of communication and progress being made. He stated that he would provide copies of the most recent report on the housing project to the Commission.

MINUTES
Regular Meeting
November 21, 1989
Page Six

Commissioner Roberts presented to the City Clerk information from the report on Municipal Services Benefit Units (MSBUs), prepared by David M. Griffin and Associates for the County, for distribution to the Commission. He stated that in the near future they would be meeting with a representative from said company and then schedule a workshop meeting with the City Commission concerning same.

Commissioner Roberts requested that a Proclamation commending the Amelia Island Chorale be prepared for consideration at the next regular meeting. A motion was made by Commissioner Roberts, seconded by Commissioner Dees, to consider approval of a Proclamation commending the Amelia Island Chorale at the next regular meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Commissioner Sapp stated that he had received several calls from citizens requesting that speed limit signs be installed around the curve on Franklin Street and asked that the Chief of Police check into same.

There being no further business to come before the Commission, it was moved and seconded to adjourn the meeting.

MINUTES
Workshop Meeting
July 28, 1988
Page One

The City Commission of the City of Fernandina Beach, Florida, met in workshop session in the City Commission meeting chambers, its regular meeting place in said City, at 5:30 p.m., Thursday, July 28, 1988. Present were Mayor Ronnie Sapp, presiding; Vice Mayor Milt Shirley; Commissioners Charles L. Albert, Jr., Dale Dees and Don "Beano" Roberts. Also present were City Attorney Wesley R. Poole, Administrative Assistant Bob Cole (in the absence of City Manager Ferris B. Jones who was on vacation) and City Clerk Vicki P. Wingate.

Mayor Sapp called the meeting to order and dispensed with the normal formalities. He stated that the purpose of the meeting was to: 1) Discussion with the Ocean, Highway and Port Authority (OHPA) regarding annual impact fees or annual fees paid to the City; and 2) Discussion regarding the establishment of a bi-racial community relations committee.

The first item was discussion with the OHPA regarding annual fees to be paid to the City. Mayor Sapp stated that when OHPA and the City had met last time they had discussed briefly the resolution that called for beginning to negotiate concerning annual fees to be paid to the City on the part of the OHPA in lieu of ad valorem taxes. He stated that the OHPA did not necessarily agree with that and had advised the Commission to look into the Development of Regional Impact (DRI) proposal that was submitted to the Northeast Florida Regional Planning Council (NEFRPC). He stated that the Commission had been given copies of the DRI proposal and reviewed same.

Mr. Arthur I. "Buddy" Jacobs, Attorney for the OHPA, presented the Commission with a copy of a "Survey of Financial Assistance Given Ports in Selected Ports in Florida, Georgia, and South Carolina," prepared by Victoria B. Robas, Nassau Terminals, dated December 14, 1987, and discussed same. He stated that the City, a governmental entity, leased the marina facility with the lessee developing and operating same and not paying ad valorem taxes, with the same situation occurring at the Airport and Golf Course. He stated that OHPA, a governmental entity, as well, was operating the port and had agreed to pay impact fees as a part of the DRI process. He stated that the port had a tremendous effect on the community by the "ripple effect," by additional businesses locating in the community, jobs, etc. He stated that the DRI hearings had not been scheduled as of yet.

Commissioner Dees inquired if some of the properties involved in the port development were paying taxes. Attorney Jacobs stated that some of the property that had been purchased but not actually been used and was not for a governmental purpose was subject to ad valorem taxes. He stated that the owners of the property were paying the taxes and once it was used for governmental purposes taxes would not be paid. He discussed the previous uses of the property and stated that the port development had improved the neighborhood greatly.

Mayor Sapp stated that the report he had gotten from the City of Savannah was different than what was stated in the Survey presented earlier. He stated that his report indicated that if any non-governmental company leases a building from the Port Authority, the City of Savannah receives revenues which would equal any ad valorem taxes it would have received if the property was not owned by the governmental agency. Attorney Jacobs stated that the OHPA leased the property from the property owners. Vice Mayor Shirley stated that the OHPA had private industry operating the port and he felt that since the City was impacted by the traffic, etc., monies should be allotted to fund the impacts.

MINUTES
Workshop Meeting
July 28, 1988
Page Two

Attorney Jacobs explained that the OHPA had validated a \$100,000,000 bond issue approximately 2 or 3 years before they had the bond issue funded. He stated that they had utilized a 103A portion of the Internal Revenue Code (IRC) which meant that it was not an industrial revenue bond but a governmental owner operation bond by private individuals operating the port. He stated that the OHPA became the owner/operator of the port. He went on to say that they did not get the \$100,000,000 as they could not use same unless they substituted a Triple A credit facility, which was a letter of credit which had the same worthiness as the Triple A bond they had which was sold with the money deposited by the trustees in the Union Bank into CDs for five years. He stated that the difference between that money and what was being paid to the bondholders, underwriter, attorneys, land, etc., was \$2,500,000. He stated that in the year 1990 the bondholders would be paid back because the CDs have collapsed, and then the bonds would be remarketed utilizing the facilities they were able to build as collateral. He explained that the OHPA borrowed the money with Mr. Bill Kavanaugh, Mr. Elton Stubbs and Mr. John Stubbs had personally guaranteed all of that money. After some discussion, he stated that the OHPA was in debt at the present time. He went on to say that the situation in Savannah was the reverse of their situation.

After more discussion, Attorney Jacobs stated that they recognized that there would be impacts on the community and that was what the DRI process was about. He stated that it bothered the OHPA that the City wanted to substitute ad valorem taxes, when the land that was developed previously only provided \$6,000 in revenue and they had developed the port and were pumping \$6-\$50 million into the community.

After more discussion, Commissioner Roberts stated that he felt the City should get what it deserves relative to the impact created. He inquired if the City could get a tonnage fee. Attorney Jacobs stated that the dockage, wharfage and rentals income went towards the debt service. Commissioner Roberts inquired if it would be legal to impose a duty of some sort, if after the debt was repaid whether the money would have to be spent in the area that was impacted. Attorney Jacobs discussed the financing again and stated that under Chapter 380, F.S., the City had the opportunity to talk to them about the impacts the port had caused. Mr. Stubbs stated that there were no funds available through the OHPA and that all funds were committed until the port was paid off. He stated that \$30,000 above all committed funds goes towards the OHPA and all other funds are committed and have to go towards the retirement of the debt.

After still more discussion, Attorney Jacobs suggested that a negotiations committee be appointed from each side and being to negotiate the matter. It was the consensus of the Commission to accept the suggestion and appoint its members at the next regular meeting. Attorney Jacobs stated that the OHPA would appoint its members as well.

After some discussion regarding the jobs created, City Attorney Poole asked Attorney Jacobs to send him a copy of the Second Amendment to the Preliminary Development Agreement that expanded the original Site A. Attorney Jacobs agreed to send same.

TO: Ferris B. Jones, City Manager

FROM: F. R. Cole, Administrative Assistant

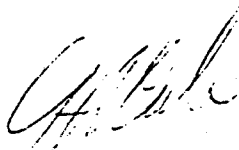
DATE: October 12, 1988

SUBJECT: Property Taxes on Port Development.

This past week we recieved a letter from James Page, Nassau County Property Appraiser, advising that Centre Street Water Front Groun has been assessed with improvements only on the marina development with a value of \$2,000,000. that is taxable.

In addition it was also stated that the properties being used in the port development is taxable and provided us with a list of the properties with anpraished value, tax due for 1987 to the city and proposed tax to the city for 1988. I have nrepared a list of these properties by tax number and owner name to show current taxable value and to compare proposed city tax for 1988 with 1987. These properties have been identified on a city map showing owner name and appraised value so that we can know the extent of the property under development.

I do not recommend that the city make any adjustment to the current year budget as this decision by the apraisers office will surely be tested in the courts.



Property owned by Fernandina Marine Construction Management (FMCM) and/or Fernandina Port Development (FPD).

Name	Tax number	Value	1987tax	1988tax
FMCM	00-00-31-1760-0007-0020	43,920.	360.98	360.98
"	00-00-31-1760-0008-0020	2,599,360	3,847.81	21,364.14
FPD	00-00-31-1760-0013-0000	235,200	00.00	1,932.11
"	00-00-31-1800-0003-0180	21,317	00.00	175.20
"	00-00-31-1800-0006-0150	9,435	87.94	77.55
"	00-00-31-1800-0006-0271	15,360	98.69	126.24
"	00-00-31-1800-0006-0272	3,000	119.82	24.66
"	00-00-31-1800-0006-0310	3,000	58.56	24.66
"	00-00-31-1800-0007-0010	7,500	61.64	61.64
"	00-00-31-1800-0007-0020	16,350	260.94	134.38
"	00-00-31-1800-0007-0080	15,450	126.98	126.98
"	00-00-31-1800-0007-0140	24,176	193.19	198.70
"	00-00-31-1800-0007-0190	22,850	00.00	187.80
"	00-00-31-1800-0007-0230	9,135	00.00	75.08
"	00-00-31-1800-0056-0020	25,230	00.00	207.37
"	00-00-31-1800-0056-0150	7,750	63.70	63.70
"	00-00-31-1800-0056-0330	4,675	38.42	38.42
"	00-00-31-1800-0057-0230	3,608	29.65	29.65
"	00-00-31-1800-0057-0272	41,968	58.93	344.93
"	00-00-31-1800-0057-0260	3,608	276.20	29.65
"	00-00-31-1800-0059-0010	5,000	41.10	41.10
"	00-00-31-1800-0060-0010	5,000	41.10	41.10
		<u>3,122,892</u>	<u>5,765.65</u>	<u>25,666.04</u>

Property owned by Fernandina Industrial Corp. (FIC) and Container Corporation of America (CCA).

FIC	00-00-31-1800-0004-0010	1,727,498	3,164.72	14,198.31
CCA	00-00-31-1800-0005-0010	1,080,692	8,340.99	8,882.21
"	00-00-31-1800-0057-0010	18,950	155.75	155.75
"	00-00-31-1800-0058-0000	715,822	1,505.72	5,883.34
		<u>3,542,962</u>	<u>13,167.18</u>	<u>29,119.61</u>
Total all property		6,655,854	18,932.83	54,785.65

Transcript
attached

MINUTES
Regular Meeting
August 6, 1991
Page Six

After some discussion, a motion was made by Commissioner Smith, seconded by Vice Mayor Albert, to remove this matter from the City Manager and put it in the hands of the City Attorney due to the legal issues involved. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

The fourteenth item on the agenda was to consider appointment of one member to the Financial Advisory Committee to fill the unexpired term of Neil Blalock. City Manager Myers stated that since Mr. Blalock's vacancy, the City had another vacancy that of Steve Kelley making two (2) vacancies to the Financial Advisory Committee. It was the consensus of the Commission to table this item.

The fifteenth item on the agenda was to consider adoption of Resolution No. 91-25 entitled, "A Resolution of the City Commission of the City of Fernandina Beach, Florida, amending Resolution Number 962, approving the application of the Ocean Highway and Port Authority to amend the buildout date established in the Fernandina Port Development of regional impact to reflect the actual construction schedule." City Attorney Davis read said Resolution by title only and explained the contents of same.

Commissioner Coleman commented that she thought you could call this a favor and she thought they should reciprocate the favor to us. She went on to state that the City had a previous agreement where the City was to receive a minimum of \$50,000 per year from the Ocean Highway and Port Authority (OHPA) and the City had not been receiving this money. She stated that she felt that prior to the City agreeing to extend the buildout date, that perhaps they could negotiate payment to the City of the \$50,000. She further stated the City realized the OHPA was in litigation with the Property Appraiser, but perhaps the OHPA could provide this money of \$50,000, but she didn't know if this would apply to the taxes at a later date if the OHPA was required to pay the taxes. She further stated that the minimum of \$50,000 would be paid per year, and said annual amount shall be renegotiated every year, but this has not been renegotiated.

Mayor Sapp stated that he was on the Commission at that time and this payment was in lieu of ad valorem taxes. He further stated that at that point in time it was understood by the Commission that the Port Authority would not pay any taxes, and they came to the City with an offer of \$50,000 to be renegotiated every year. He went on to state that it was his understanding that this amount was not paid annually until the City found out what was going to happen with the suit.

Commissioner Coleman stated that she thought the City should have that money earning interest, and that it should be retroactive with interest charges attached to it.

Topsy Smith, Commissioner for the Ocean Highway and Port Authority, stated that the Port Authority did enter into an agreement with the City stating that if the Port did not pay any taxes they would contribute \$50,000 to the City of Fernandina Beach. He then stated that the OHPA was billed for some property

by Mr. James Page, and the OHPA took Mr. Page to court. He further stated that this should be settled by the end of this month. He stated that it was his understanding that the OHPA paid taxes last year and every year the taxes have been paid. He went on to state that it was his understanding that if the OHPA taxes were over \$50,000, he felt like the OHPA did not owe the City any money the way the agreement read. Mr. Smith went on to state that according to his conversations with Nassau Terminals, that if the OHPA should loose the lawsuit, and say the OHPA had to pay \$10,000 a year, by the way he read the agreement, the OHPA does not owe any money to the City. Mr. Smith stated that he as a Commissioner for the OHPA would bring it up at their meeting, and as a good faith, he thought the OHPA should pay the City \$40,000, bringing the total to \$50,000.

Commissioner Smith stated he understood what Topsy Smith was saying, but he disagreed with him. He went on to say that say the Port paid \$30,000 to the tax collector, the City needs to determine how much of the \$30,000 the City received. He stated the City would not receive the \$30,000 because the City has to share it with the County, therefore, the City should take the amount the City receives of the \$30,000 subtract from \$50,000 and the Port owes the City the balance. He further stated that if he understood Commissioner Coleman, what she was saying is that whatever the balance was \$50,000 or whatever should be paid to the City and placed in escrow so that if the Port did lose the lawsuit and they did have to pay taxes in excess of what the City would receive, the City would have refund certain sums, but in the meantime this money would sit in escrow and the City would have the use of it because the agreement was that the OHPA would pay the City \$50,000 or the taxes equal to that. He stated this has not happened, therefore, the Port owes the \$50,000 to the City.

OHPA Commissioner Topsy Smith stated that he has not seen the agreement. Wayne Stubbs of Nassau Terminals stated that he had the agreement and that is not what the agreement stated. Mr. Stubbs stated that they were trying to maintain compliance in the Development Order. He further stated they were trying to work with the system in this case. He said the OHPA had a very clear legal agreement addressing the situation of the OHPA on paying ad valorem taxes or paying an annual fee. He stated that if there was a disagreement on this he was sure this could be settled legally one way or the other. He stated that he thought everyone was in agreement that if the OHPA was not filling their obligation, they were ready to have this subject addressed and they were ready to respond. Mr. Stubbs stated that if the OHPA must pay taxes on the unimproved land leased from Container Corporation of America, because it is privately owned, they certainly shouldn't pay taxes on the publicly owned improvements. He then stated that if the OHPA won on this they will be paying a level of taxes below \$50,000. He went on to state that by careful legal reading the OHPA would have a tremendous windfall by paying taxes and not paying \$50,000. He further commented that the OHPA acted in very good faith and is going to address this situation, and pay the difference of those taxes of the \$50,000. Mr. Stubbs stated that what they came today asking the Commission for was to help the OHPA to remain in compliance in their Development Order, and by an oversight their buildout date had come and gone. He stated that several actions by this Commission approving road closing, approving dock extensions, workshops with the OHPA have all come and gone since that buildout date, and had become outdated. He then stated that now because some clerk working for the Regional Planning District noticed that the buildout date had expired, they had written a letter and told them this needed to be corrected. Mr. Stubbs then told Commissioner Coleman that this may be asking

for a favor, but he didn't think it was a lot to ask for considering that the OHPA had spent \$200,000 on road improvements to the City as per the agreement, and another \$190,000 putting a water line in for the City as per the agreement. He stated that also together the private development company and the OHPA paid over \$400,000 in real estate taxes and local impact fees. He then stated they were doing their job and they had created fifty-five (55) full-time jobs in the community. He stated that they were asking for the buildout date to reflect the realities of the delays of the permits. He stated they were not asking for an open discussion and renegotiations of that agreement.

Commissioner Coleman then stated that the City was honor bound to grant them that permission, but on the same token she stated she hoped they would be able to draft some type of payment plan to the City to honor that agreement that states the said annual amount shall be renegotiated every year and shall never be less than \$50,000 per year. Mr. Stubbs stated that said amount refers to the amount that will be paid in case the ad valorem taxes are not paid. He stated that any change in the agreement would have to go before the OHPA for action, but all they were asking for now was to extend the buildout date.

Mayor Sapp stated that the good faith needed to be put into some formal agreement so that some OHPA down the road may not feel the way this OHPA feels.

Commissioner Smith then stated that there was an agreement that if the OHPA didn't pay taxes they would provide the City with \$50,000, so to him this is evidence the City was suppose to get \$50,000. He then stated that if the OHPA pays taxes only and doesn't remit anything to the City, the City would get less than \$50,000 unless the OHPA pays a significant tax bill. He stated that the City doesn't get all of the taxes the OHPA pays to the tax collector. He went on to state that he thought it was proper for the City to tie to this approval of the Resolution an agreement as to the funding that the City should get. He stated the City should have money coming in and put in escrow and the City would get the use of it.

Mayor Sapp stated that he disagreed and that he didn't want this Commission to get into the habit of tying things to the Commissions approval. He stated that he had been a critic of the OHPA for years, and they have made some positive changes and he applauded them for it. He stated he was in favor of what Commissioner Smith wanted to do, but these were two (2) different issues and he didn't think the City should tie them together.

Commissioner Glenn stated that he had a recollection of some time in the past the Fire Chief coming before the Commission and talking about some money that was provided by the OHPA to be used for public safety equipment. He asked if this was a separate agreement. Wayne Stubbs stated that they had paid \$4,000 to the Fire Department for toxic waste clean-up vehicle. Commissioner Glenn asked what did the parties care where this money was put because it specified that \$25,000 will be used for development for downtown parking, and \$25,000 for development of a community civic center. Commissioner Glenn stated that \$25,000 times five does not equal anything near enough money to build a civic center so the money will be tied up by the same token that \$125,000 would hardly acquire property and build a parking lot. He inquired as to why should the City agree to tie up money for a purpose that can't be completed.

After some discussion, Mayor Sapp stated that the City needed to renegotiate and reword some of this agreement, and then it would have to go before the Ocean Highway and Port Authority for approval. He recommended that the City consider these issues separately.

Commissioner Coleman asked Wayne Stubbs if this had been set aside annually to meet this obligation. Mr. Stubbs stated they were prepared. Topsy Smith stated that this would be settled, hopefully, at the end of this month.

Mayor Sapp asked if there were any motions. Commissioner Glenn asked if the City would be impacted either favorably or unfavorably by going either way. Commissioner Smith stated the City hasn't received any money so far, and the City was trying to change that. Mayor Sapp stated he didn't think it would change either way and that basically this was a clerical change. Mr. Stubbs stated that actually the Development Order allowed for a larger project to be built than the environmental permits allowed for and the delays have been directly related to the permitting process that went on for years because they did impact some wetlands and it was a very long process.

Commissioner Smith stated that the City had never received anything and it was entirely reasonable in any agreement that for something given something is received. He stated he didn't think this was unreasonable and he felt like the Commission should expect something to start coming into the City as a result of the City cooperating with this Resolution.

Wayne Stubbs stated that he was coming to the Commission earnestly asking for the City to help them remain in compliance with the Development Order. He went on to state that the City Commission had met with them and taken several actions which is consistent with endorsing and scheduling their latest development. He stated that they would feel like it would be terribly inconsistent for the Commission to now not allow them to extend this buildout date. He stated that on the other hand, and in their opinion, this is not a serious compliance issue, and they couldn't tear up the Development Order and start renegotiating this annual fee. He stated they did not have the money to pay the annual fee and the real estate taxes, and they couldn't set up escrow payments until they knew how much they were going to be, but the issue is about to be resolved.

Mayor Sapp stated that when he spoke of renegotiating he was not speaking of the annual fee itself, but of clarification, and of putting it in writing.

After more discussion, a motion was made by Vice Mayor Albert to approve the request of the Port to extend the buildout date to December 31, 1992 [adopt Resolution No. 91-25]. Mayor Sapp stepped down from the chair to second the motion. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Vice Mayor Albert:	Aye
Commissioner Coleman:	Aye
Commissioner Glenn:	Nay
Commissioner Smith:	Nay
Mayor Sapp:	Aye

Vice Mayor Albert asked if there could be a renegotiation session scheduled between the City Commission and the OHPA. Mayor Sapp stated this is a different issue of what the Port Authority

next Ocean Highway Port Authority meeting would be held in Hilliard on the fourth (4th) Monday of the month. Mayor Sapp stated that it would be very advisable to have someone from the City Commission appear before the OHPA. Commissioner Glenn asked if the OHPA Authority had the same provisions for having special meetings when things are of a time constraint. He further asked if it would be possible to have a special meeting with the Ocean Highway and Port Authority. Topsy Smith stated it was possible and they would do whatever the City Commission wanted. Topsy Smith then asked if this could wait until the lawsuit they were involved in now was settled and then they would know what direction they were going in. Mayor Sapp asked if there were any appeals anticipated, and then stated that the City could be waiting forever. After some discussion, Mayor Sapp stated he thought it was important for someone from the City Commission to appear before the OHPA and confront them with the City's desire.

Commissioner Coleman stated it was important to come up with some type of an agreement fairly soon, because the City was getting into budget hearings. She further requested if the OHPA could set up a special meeting. Topsy Smith stated the OHPA would be glad to do anything the City wanted. Mayor Sapp asked if Topsy Smith would communicate with the City Manager as to when they could get with the City Commission.

The sixteenth item on the agenda was **discussion regarding Transportation Impact Fees**. City Manager Myers explained there was a proposed "draft" letter to the County for the purpose of recommending the use of some of the Transportation Impact Funds that have accumulated by the County. He went on to state that he had met with Craig Marsh, Superintendent of Nassau County Schools, and Bill Lecher, the County Engineer, and they were willing to do a 25/25/25 split on this. City Manager Myers stated that what needed to be addressed at this time was that the City make an inquiry to the County to take the \$25,000 of the City's share of 501 Transportation Impact Funds to widen Citrona Drive from 2 lanes to 3 lanes from Hickory Street to the north boundary of the new high school. He went on to explain the next improvement was for traffic signal improvements at the intersections of Jasmine and Citrona, 14th Street and Jasmine, and Will Hardee and Sadler Road. City Manager Myers stated the County was prepared to do this, but needed a letter from the City requesting that the impact funds be used for these intersections.

After some discussion, City Manager Myers stated that the letter could be reconstructed and instead of asking the County to use the transportation impact fund which are 501 and 502 for these improvements, the City could ask them to use the 5th and 6th cent tax. Commissioner Smith stated that the draft letter clearly indicates the three-laning from Hickory Street to the north boundary of the new high school, but there is also a school adjacent to the new high school that would also need to be three-laned to take care of the entire problem. City Manager Myers stated that he would like to see it three-laned all the way to Beech Street, but the City was trying to stay in the price range of \$75,000 and the engineer had indicated to him that \$75,000 would three-lane from Hickory Street to about the new high school on Citrona. Mayor Sapp stated that if the County was willing to spend the 5th and 6th cent gas tax then maybe that would turn loose of some more money to extend the three-lanes to Beech Street. Commissioner Smith questioned as to how far the County road extended and whether it ended at Vera Boner's home. City Manager

RESOLUTION NUMBER 92-7

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FERNANDINA BEACH, FLORIDA, RESCINDING
RESOLUTION 91-25 AND PROVING AN EFFECTIVE
DATE.

WHEREAS, the City of Fernandina Beach, Florida, passed
Resolution Number 91-25 in August, 1991; and

WHEREAS, the predicate for said resolution was compliance
by the Ocean, Highway and Port Authority with all of the
prerequisites contained in prior resolutions, including the
payment of equitable annual fees as required by paragraph 51
of Resolution Number 962; and

WHEREAS, the said Ocean, Highway and Port Authority has
refused to abide by its obligations under the prior
resolutions of this Commission and pay the required annual
fees when due.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of
the City of Fernandina Beach, Florida, that Resolution Number
91-25 is hereby rescinded this date.

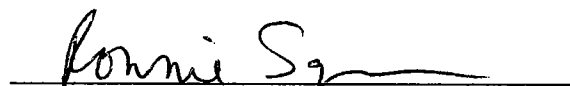
The effective date of this resolution shall be thirty
(30) days after the decision of the District Court of Appeals
on the appeal filed by the Ocean Highway and Port Authority
regarding the payment of ad valorem taxes.

ADOPTED this 17th day of March, 1992

CITY OF FERNANDINA BEACH

ATTEST:


VICKI P. WINGATE
City Clerk


RONNIE SAPP
Mayor-Commissioner

City of Fernandina Beach

OFFICE OF
CITY MANAGER

Post Office Box 668
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305
Suncom 848-7305
Fax 277-7308

MEMORANDUM

TO: HONORABLE MAYOR, CITY COMMISSION AND CITY ATTORNEY
FROM: LARRY D. MYERS, CITY MANAGER 
DATE: DECEMBER 18, 1992
SUBJECT: RESOLUTION NO. 92-7

The City has received indication that the District Court of Appeals has rendered a decision. The City Attorney is requesting a copy.

Resolution No. 92-7 and 91-25 are attached for your information.

LDM/mm
Attachment

RESOLUTION NUMBER 92-7

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF FERNANDINA BEACH, FLORIDA, RESCINDING
RESOLUTION 91-25 AND PROVING AN EFFECTIVE
DATE.

WHEREAS, the City of Fernandina Beach, Florida, passed
Resolution Number 91-25 in August, 1991; and

WHEREAS, the predicate for said resolution was compliance
by the Ocean, Highway and Port Authority with all of the
prerequisites contained in prior resolutions, including the
payment of equitable annual fees as required by paragraph 51
of Resolution Number 962; and

WHEREAS, the said Ocean, Highway and Port Authority has
refused to abide by its obligations under the prior
resolutions of this Commission and pay the required annual
fees when due.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of
the City of Fernandina Beach, Florida, that Resolution Number
91-25 is hereby rescinded this date.

The effective date of this resolution shall be thirty
(30) days after the decision of the District Court of Appeals
on the appeal filed by the Ocean Highway and Port Authority
regarding the payment of ad valorem taxes.

ADOPTED this 17th day of March, 1992

CITY OF FERNANDINA BEACH

Ronnie Sapp
RONNIE SAPP
Mayor-Commissioner

ATTEST:

Vicki P. Wingate
VICKI P. WINGATE
City Clerk

RESOLUTION NUMBER 91-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING RESOLUTION NUMBER 962, APPROVING THE APPLICATION OF THE OCEAN HIGHWAY AND PORT AUTHORITY TO AMEND THE BUILDOUT DATE ESTABLISHED IN THE FERNANDINA PORT DEVELOPMENT OF REGIONAL IMPACT TO REFLECT THE ACTUAL CONSTRUCTION SCHEDULE.

WHEREAS, the City of Fernandina Beach, Florida, has previously granted approval of a Development of Regional Impact (DRI) for the Port of Fernandina by Resolution Number 962, on February 21, 1989; and

WHEREAS, the City of Fernandina Beach, Florida, has previously granted approval of a 200-foot extension to the existing berth, for the Port of Fernandina by Resolution 90-35, on December 18, 1990; and

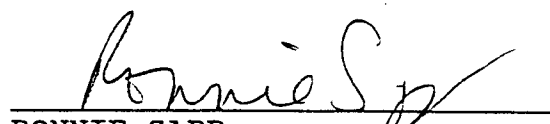
WHEREAS, the buildout date of said DRI was June 1, 1990 and due to delays in obtaining permits from state and federal agencies for construction and buildout was prolonged without additional impact to the City of Fernandina Beach.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fernandina Beach, Florida, at its meeting duly assembled and called, that Resolution Number 962 is hereby AMENDED to extend the buildout date to December 31, 1992. In all respects said Resolution Number 962 shall remain in full force and effect.

ADOPTED this 6th day of August, 1991.

CITY OF FERNANDINA BEACH


VICKI P. WINGATE
City Clerk


RONNIE SAPP
Mayor-Commissioner

City of Fernandina Beach TAB M

OFFICE OF
THE MAYOR

REVISED 12-30-92

Post Office Box 668
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305

MEMORANDUM

TO: FELLOW COMMISSIONERS
FROM: ELEANOR COLEMAN, MAYOR *EC/mw*
DATE: DECEMBER 28, 1992 (REVISED DECEMBER 30, 1992)
SUBJECT: PORT AUTHORITY PAYMENT OPTIONS

On December 10, 1992, the Port Authority received notice that it lost its appeal for a tax exemption on property leased from Container Corporation of America (CCA). It is necessary that the issue of Port payments to the City be addressed at the January 5 meeting in order for the City to comply with Resolution No. 92-7 (Attachment A).

On Thursday, December 17, a meeting was held to discuss options for the City to consider. Those in attendance were Wayne Stubbs and Victoria Robas of Nassau Terminals, Port Authority Chairman Tom Williams, Port Authority Attorney Buddy Jacobs, and Larry Myers, May Edwards and I representing the City.

The proposed options and analyses of their impact follow:

Option 1:

The Port Authority would continue to lease CCA property and pay taxes on same. The Port Authority would aggressively oppose any attempt by the City to pursue payment of any money in excess of its pro-rata share of tax dollars.

Record of Taxes Paid:

<u>Year</u>	<u>Total</u>	<u>City</u>
1989	63,016	21,015
1990	53,820	17,533
1991	54,905	17,833
1992	52,641	15,877

Note: Amount may be lower if early payment discount is applied. Port Authority Chairman verbally agreed that if the Port prevailed in the taxation suit, the Port would pay the balance due the City up to \$50,000 annually. An interest charge was discussed.

Fellow Commissioners

December 28, 1992 (Revised December 30, 1992)

Page Two

Comments:

The City could litigate the issue of the \$50,000 minimum annual payment and may or may not prevail.

As the appraised value of leased property increases, so should City tax revenues unless offset by lower millage rates. Should the City millage rate decline at a rate greater than other taxing authorities or if other taxing authorities impose increased millage rates, the percentage of tax dollars accruing to the City would decline.

Option 2A:

The Port Authority would purchase the land in question from CCA, thereby, removing it from the tax rolls. In that case, the terms of Resolution No. 962 (Development Order) would, heretofore, be honored.

If the City were to agree to applying the CPI, compounded each July 1 since 1989, the result would be:

7-1-89	\$50,000 x CPI @ 4.6
7-1-90	\$52,300 x CPI @ 6.1
7-1-91	\$55,490 x CPI @ 3.1
7-1-92	\$57,210 x CPI @ 3.3 (estimate)
Due 7-1-93	\$59,098

Although it was not discussed, the Port may argue that the CPI adjustment apply only to the balance due after taxes from 1989 through 1992.

Option 2B:

An alternative to applying the CPI was proposed by the Port Authority. It is based on tonnage. Payment due the City would never be less than the amount due the City on July 1, 1993 of \$59,098. Future increments would occur after annual tonnage exceeds 600,000 tons.

Record of Tonnage:

1989 -	429,000 T
1990 -	423,000 T
1991 -	282,000 T
1992 -	340,000 T
1993 -	450,000 T (estimate)
By 1996 or 1997	600,000 to 700,000 T (projection).

Fellow Commissioners

December 28, 1992 (Revised December 30, 1992)

Page Three

Note: Tonnage beyond 700,000 would require a change in the land development order.

Based on tonnage projections, revenues accruing to the City would be:

Year	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> (Est.)	<u>1997</u> (Max. Est.)
Fee	\$59,098	\$59,098	\$59,098	\$60,000	\$70,000

Comments:

Most likely, option 2A would generate more short-term tax money to the City than option 2B. The increase in millage rates by other taxing authorities due to lost tax revenues would be negligible.

Each commissioner must weigh the advantages and disadvantages of Options 1, 2A and 2B. It may be that individual City Commissioners wish to propose other payment plans.

I would suggest that a workshop meeting be scheduled that would include the City Commission, Port Authority and their respective staff members.

EC/cm
Attachment

City of Fernandina Beach

OFFICE OF
THE MAYOR

Post Office Box 668
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305

MEMORANDUM

TO: FELLOW COMMISSIONERS
FROM: *E.C.M.*
ELEANOR COLEMAN, MAYOR
DATE: DECEMBER 28, 1992
SUBJECT: PORT AUTHORITY PAYMENT OPTIONS

On December 10, 1992, the Port Authority received notice that it lost its appeal for a tax exemption on property leased from Container Corporation of America (CCA). It is necessary that the issue of Port payments to the City be addressed at the January 5 meeting in order for the City to comply with Resolution No. 92-7 (Attachment A).

On Thursday, December 17, a meeting was held to discuss options for the City to consider. Those in attendance were Wayne Stubbs and Victoria Robas of Nassau Terminals, Port Authority Chairman Tom Williams, Port Authority Attorney Buddy Jacobs, and Larry Myers, May Edwards and I representing the City.

The proposed options and analyses of their impact follow:

Option 1:

The Port Authority would continue to lease CCA property and pay taxes on same. The Port Authority would aggressively oppose any attempt by the City to pursue payment of any money in excess of its pro-rata share of tax dollars.

Record of Taxes Paid:

<u>Year</u>	<u>Total</u>	<u>City</u>
1989	63,016	21,015
1990	53,820	17,533
1991	54,905	17,833
1992	52,641	15,877

Note: Amount may be lower if early payment discount is applied. Port Authority Chairman verbally agreed that if the Port prevailed in the taxation suit, the Port would pay the balance due the City up to \$50,000 annually. An interest charge was discussed.

Fellow Commissioners
December 28, 1992
Page Two

Comments:

The City could litigate the issue of the \$50,000 minimum annual payment and may or may not prevail.

As the appraised value of leased property increases, so should City tax revenues unless offset by lower millage rates. Should the City millage rate decline at a rate greater than other taxing authorities or if other taxing authorities impose increased millage rates, the percentage of tax dollars accruing to the City would decline.

Option 2A:

The Port Authority would purchase the land in question from CCA, thereby, removing it from the tax rolls. In that case, the terms of Resolution No. 962 (Development Order) would, heretofore, be honored.

If the City were to agree to applying the CPI, compounded each July 1 since 1989, the result would be:

7-1-89	\$50,000 x CPI @ 4.6
7-1-90	\$52,300 x CPI @ 6.1
7-1-91	\$55,490 x CPI @ 3.1
7-1-92	\$57,210 x CPI @ 3.3 (estimate)
Due 7-1-93	\$59,098

Although it was not discussed, the Port may argue that the CPI adjustment apply only to the balance due after taxes from 1989 through 1992.

Option 2B:

An alternate to applying the CPI was proposed by the Port Authority. It is based on tonnage. Payment due the City would never be less than the amount due the City by July 1, 1993. Future increments would be based on a payment of ten cents per ton over and above the tonnage represented by the July 1, 1993 payment.

Record of Tonnage:

1989 -	429,000 T
1990 -	423,000 T
1991 -	282,000 T
1992 -	340,000 T
1993 -	450,000 T (estimate)
By 1996 or 1997	600,000 to 700,000 T (projection).

Fellow Commissioners
December 28, 1992
Page Three

Note: Tonnage beyond 700,000 would require a change in the land development order.

Mr. Stubbs provided a verbal estimate of the increases a tonnage factor would produce as follows:

Year	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
Fee	\$50K	\$50K	\$55K	\$57K	\$59K

This is based upon a flat rate of \$50K/year for 1989 to 1992.

Comments:

Options 2A and 2B would generate more money to the City. The increase in millage rates by other taxing authorities due to lost tax revenues would be negligible.

Each commissioner must weigh the advantages and disadvantages of Options 1, 2A and 2B.

I would suggest that a workshop meeting be scheduled that would include the City Commission, Port Authority and their respective staff members.

EC/cm
Attachment

RESOLUTION NUMBER 92-7

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, RESCINDING RESOLUTION 91-25 AND PROVING AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach, Florida, passed Resolution Number 91-25 in August, 1991; and

WHEREAS, the predicate for said resolution was compliance by the Ocean, Highway and Port Authority with all of the prerequisites contained in prior resolutions, including the payment of equitable annual fees as required by paragraph 51 of Resolution Number 962; and

WHEREAS, the said Ocean, Highway and Port Authority has refused to abide by its obligations under the prior resolutions of this Commission and pay the required annual fees when due.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fernandina Beach, Florida, that Resolution Number 91-25 is hereby rescinded this date.

The effective date of this resolution shall be thirty (30) days after the decision of the District Court of Appeals on the appeal filed by the Ocean Highway and Port Authority regarding the payment of ad valorem taxes.

ADOPTED this 17th day of March, 1992

CITY OF FERNANDINA BEACH

ATTEST:

Vicki P. Wingate
VICKI P. WINGATE
City Clerk

Ronnie Sapp
RONNIE SAPP
Mayor-Commissioner

ORDINANCE NUMBER 97-6

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING ORDINANCE #777 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance #777 was adopted on December 15, 1987;

WHEREAS, Ordinance #777 provided for the rezoning of property in relation to the Port of Fernandina Development of Regional Impact;

WHEREAS, Ordinance #777 was AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING PLAN OF THE CITY OF FERNANDINA BEACH, FLORIDA, BY CHANGING THE CLASSIFICATION OF CERTAIN PROPERTY FROM CPO (COMMERCIAL PROFESSIONAL OFFICES) TO IW (INDUSTRIAL WATERFRONT), IM (INDUSTRIAL MECHANICAL) TO IW (INDUSTRIAL WATERFRONT), AND R-2 (ONE AND TWO FAMILY DWELLINGS) TO IW (INDUSTRIAL WATERFRONT) AND CPO (COMMERCIAL PROFESSIONAL OFFICES); AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, Public hearings were originally held on the application for rezone by the City Commission on December 1, 1987 and December 15, 1987;

WHEREAS, After consideration of the testimony and evidence presented on such application and at the public hearing thereon, and of the report and recommendations of the Planning Advisory Board, the City Commission made the following findings:

- A.) That the proposed rezoning is consistent with the Comprehensive Land Use Plan of the City of Fernandina Beach, Florida and
- B.) That the proposed rezoning is necessary to maintain the interest of public health, safety, welfare or morals;and

WHEREAS, Corrective actions must be taken to separate the conditions from the Ordinance conducting the rezone, specifically this Ordinance provides for the rezone and Resolution #97-18 provides for the conditions;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF FERNANDINA BEACH, FLORIDA THAT:

SECTION 1. That certain property situate in the City of Fernandina Beach, Florida, known and described as follows, to-wit:

Parcel One: Block 57, Lots 16-26; All of Block 56; All of Block 59; and All of Block 60

Parcel Two: Block 3, Lots 18-25

Parcel Three: Block 7, Lots 1 through 14, 33 and 34

Parcel Four: Block 7, Lots 15 through 24

Parcel Eight: Water Lots 11 through 14

Parcel Nine: Block 6, Lots 31 and 32

Parcel Ten: All of Block 4

Parcel Eleven: All of Blocks 5 and 58; Lots 1-14 and 33-34 of Block 6; and Lots 1-22 and 31-34 of Block 57

is hereby designated as IW (Industrial Waterfront) under the Comprehensive Zoning Plan and Ordinances of the City of Fernandina Beach, Florida.

SECTION 2. That certain property situate in the City of Fernandina Beach, Florida, known and described as follows, to-wit:

Parcel Five: Block 6, Lots 27, 28, 29, 30

Parcel Six: Block 6, Lots 15, 16, 17, 18

is hereby designated as CPO (Commercial Professional Offices) under the Comprehensive Zoning Plan and Ordinances of the City of Fernandina Beach, Florida.

SECTION 3. DELETION OF CONDITIONS. The conditions listed in Ordinance #777 under §3 are hereby deleted from the Ordinance, thus deleting §3 of that Ordinance.

SECTION 4. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its final adoption.

ADOPTED this 18th day of March, 1997.

CITY OF FERNANDINA BEACH



ROBERT B. ROGERS
Commissioner - Mayor

ATTEST:



VICKI P. CANNON
City Clerk

Date of First Reading:	2/18/97
Date of Publication:	2/26/97
Date of Second Reading and Public Hearing:	3/18/97
Date of Final Passage:	3/18/97

February 19, 1997

News-Leader

revise titution

Planning Board OKs port expansion

By Tony Quesada
and Christopher Skokna

News-Leader Staff

man, Speaker of the House
President of the Senate each
nine members; the Chief
of the Supreme Court ap-
is three members; and the At-
General is automatically ap-
to the commission.

The next revision commission
begin its work in May. The
limited members serve voluntar-
out of a concern for producing
best possible foundation for
rida's future. According to a
specific schedule set forth in the
stitution, the revision com-
mission has about one year to or-
size, identify issues, perform re-
arch, conduct public hearings and
comm changes.

Whether it's property rights,
governor, judges, the Legislature,
governor, taxes, the environ-
ment, crime or the death penalty,
volatile issue in modern
rida finds its origin in the state
stitution. While many experts
satisfied that the state Constitu-
does not warrant wholesale
change, the opportunity to review
the Constitution provides a unique
opportunity to review the frame-
work that is the foundation for
orida government.

The next opportunity will not
until 2017, so plan to attend the
commission public hearings when

said that the issue was improperly
put before the board. He said that
the board should not be in the
businesses of amending ordinances.

Ordinance 777, which prohibits
building a storage facility south of
Calhoun Street, will have to be
amended as part of the proposed
Resolution 97-19.

In a memorandum from Com-
munity Development Director
Mary McKinney to City Manager
Zachary Zoul, McKinney states
that Ordinance 777 is illegal as it
currently exists. The ordinance con-
flicts with the zoning of the pro-
posed site. The site is currently
zoned as industrial-manufacturing,
which permits such property to be
used for warehousing.

Smith also suggested that the

port had a feasible alternative in
that it could expand to the north.

"Your (the board's) job is to go
back to the comprehensive plan and
see why they (the port) can't go
north," Smith said. "You're not in
the business of amending ordi-
nances."

Wayne Stubb, president of
Nassau Terminals, told the board
that the only available land to the
north is marshland that would have
to be filled in and is not easily ac-
cessible by truck.

Residents who live near the site
of the proposed warehouse joined
Smith in opposing it, saying they
had been promised that such expan-
sion wouldn't happen.

"Calhoun Street is our 38th
Parallel," said Suanne Tham, who

who said increased port traffic
caused by the expansion could pre-
sent a danger to students when St.
Michael's Church re-opens its
school.

John Lowrey said he was con-
cerned the port would not be able
to prevent truck drivers from taking
short cuts through residential areas.

According to a table in the
port's project application, the
warehouse will generate an addi-
tional six truck trips per day by
three trucks.

Stubb also said that the Port
was working on possible solutions
to the potential noise problems.

The matter was scheduled to be
discussed by city commissioners at
their Feb. 18 regular meeting.

Board tables discussions on administrative raises

By Tony Quesada

News-Leader Staff

At the Jan. 23 Nassau County
School Board meeting, the discus-
sion of administrative employees' pay
increases was removed from
the agenda because Superintendent
John Ruis was not ready to present
his proposals.

Ruis came ready to Thursday
night's meeting at Bryceville Ele-
mentary School, but the board was
not ready to approve it.

After Ruis presented the board
with two options and how much

able with granting any increase,
given his lack of understanding
about the recent state-mandated ad-
ministrative redirect.

The state will require all school
districts to "redirect" a certain
amount of money previously spent
on general support services, which
includes administrative services, to
be spent on instructional and
instructional support services.

In Nassau County, \$476,170
must be moved to comply with the
directive that caps general support
services expenditures at 24.48 per-

will be accomplished has not been
determined.

"I think we need a workshop on
it," Lear said before moving that
the board postpone further discus-
sion on the matter indefinitely, un-
til such a workshop could be held.

Board member Jimmy Tipton
seconded Lear's motion, saying
that he wanted to help the princi-
pals but that he would hate to see
someone's job lost as a result of
approving the pay increases prior
to learning more about the redirect.

Ruis said he agreed that a work-
shop is necessary and that he could

next meeting to schedule a work-
shop for March. However, Ruis
continued to recommend the option
one increase.

Under option one, all district
staff would receive a flat increase of
\$1,357, while all other administra-
tors, including principals, assistant
principals and cafeteria managers
would receive an increase of 2.99
percent of their current salary. Op-
tion two would give all administra-
tors a 2.76 percent increase.

"I wouldn't recommend it if I
thought it would jeopardize the
board," Ruis said.

PROCEEDINGS IS MADE
WHICH RECORD INCLUDES THE
TESTIMONY AND EVIDENCE
UPON WHICH THE APPEAL
IS TO BE BASED.
CITY OF FERNANDINA BEACH
BY: VICKI P. CANNON
ITS: CITY CLERK
11 02 26-97
7286

IN THE CIRCUIT COURT OF THE
4TH JUDICIAL CIRCUIT OF
FLORIDA, IN AND FOR NASSAU
COUNTY

COUNTY
CASE NO. 96-823-CA
DIVISION: GENERAL
FLEET MORTGAGE CORP.,
F/K/A FLEET REAL ESTATE
FUNDING CORP.
PLAINTIFF,
vs.
PAUL D. COLLIER; JAX NAVY
FEDERAL CREDIT UNION
DEFENDANT(s)

NOTICE OF SALE
NOTICE IS HEREBY GIVEN
pursuant to an Order of Final
Judgment of Foreclosure
dated FEBRUARY 14, 1997, en-
tered in Civil Case No. 96-823-
CA of the Circuit Court of the

14TH Judicial Circuit in and for
NASSAU County, Florida
wherein FLEET MORTGAGE
CORP., F/K/A FLEET REAL
ESTATE FUNDING CORP.,
Plaintiff and PAUL D. COLLIER,
are defendant(s), I will sell to
the highest and best bidder for
cash, AT THE FRONT STEPS OF
THE NASSAU COUNTY
COURTHOUSE, LOCATED AT
116 CENTRE STREET,
FERNANDINA BEACH, NASSAU

COUNTY, FLORIDA, AT 11:30 A.M., April 1, 1997, the following described property as set forth in said Final Judgment, to-wit: LOT NUMBERED FIFTY EIGHT (58), PIRATE'S WOOD, UNIT NUMBERED ONE (1); A TRACT OF LAND KNOWN AS LOT FIFTY-EIGHT (58) OF AN UNRECORDED SUBDIVISION KNOWN AS PIRATE'S WOOD, BEING A PORTION OF SECTION FORTY-THREE (43), TOWNSHIP THREE (3) NORTH, RANGE TWENTY-EIGHT (28) EAST, NASSAU COUNTY, FLORIDA, BEING

FOR A POINT OF REFERENCE:
COMMENCE AT REFERENCE
POINT NUMBER ONE AS DE-
SCRIBED IN OFFICIAL
RECORDS VOLUME 90, PAGE
12 OF THE PUBLIC RECORDS
OF NASSAU COUNTY, FLORIDA,
THENCE NORTH TWENTY-
ONE (26) DEGREES, TEN (10)
MINUTES, FIFTY (50) SECONDS
EAST ALONG THE EASTERLY
BOUNDARY OF WAY OF A GRADED
ROAD, NINE HUNDRED EIGHTY
AND EIGHTY-FIVE HUNDREDTHS

50.85) FEET TO A POINT;
 SOUTHWEST SOUTH SEVENTY-TWO
 (11) DEGREES, ELEVEN (11)
 MINUTES, FIFTY-TWO (52) SEC-
 ONDS EAST ALONG THE CEN-
 TRAL LINE OF A ROAD KNOWN
 AS BLACKBERRY'S WAY,
 MEASURING A SIXTY (60.0) FOOT
 (WIDTH OF WAY), A DISTANCE
 OF ONE THOUSAND FIVE
 HUNDRED FORTY-ONE AND
 NINETY-EIGHT HUNDREDTHS
 (1541.98) FEET TO A POINT;
 THENCE ALONG THE ARC OF A

CURVE CONCAVE TO THE
 RIGHT, HAVING A RADIUS OF
 ONE HUNDRED EIGHTY-FIVE
 FEET (47.57) FEET AND A
 CENTRAL ANGLE OF
 SEVENTEEN (17) DEGREES,
 FORTY-TWO (42) MINUTES, FOUR
 SECONDS, A DISTANCE OF
 ONE HUNDRED THIRTY-EIGHT
 FEET (41.91) FEET HUN-
 DREDTHS (338.82) FEET TO A
 POINT, THENCE NORTH EIGHTY-
 TWO (82) DEGREES, SIX (06)
 MINUTES, FOUR (04) SECONDS
 TO A POINT ALONG SAID CENTERLINE,
 A DISTANCE OF FIVE HUNDRED
 TWENTY (22) FEET.

TWO AND FORTY HUNDREDTHS (552.40) FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH EIGHTY-ONE (88) DEGREES, SIX (06) MINUTES, FOUR (04) SECONDS EAST ALONG SAID CENTERLINE, A DISTANCE OF SEVENTY-FIVE (75) FEET TO A POINT; THENCE WITH ONE (01) DEGREE, FIFTY-SIX (53) MINUTES, FIFTY-SIX (56) SECONDS EAST A DISTANCE OF FOUR HUNDRED NINETEEN AND NINETY HUNDREDTHS (417.90) FEET TO A POINT ON THE BANK OF AN UNNAMED STREAM; THENCE WITH ONE (01) DEGREE, FIFTY-THREE (53) MINUTES, FIFTY-SIX (56) SECONDS EAST A DISTANCE OF SIX (6.0) FEET TO THE WESTERLY EDGE; THENCE WEST-ALONG THE WATER'S EDGE OF SAID STREAM, AN APPROXIMATE DISTANCE OF SEVEN (75.0) FEET TO A POINT; SOUTH ONE (01) DEGREE, FIFTY-THREE (53) MINUTES, FIFTY-SIX (56) SECONDS EAST A DISTANCE OF FIVE (5.0) FEET FROM A POINT; NORTH ONE (01) DEGREE,

ORDINANCE NUMBER 97-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, PROVIDING CONDITIONS FOR THE PORT OF FERNANDINA DEVELOPMENT OF REGIONAL IMPACT, AMENDING ORDINANCE #97-9, AMENDING RESOLUTION #962, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Commission of the City of Fernandina Beach, Florida, adopted Resolution #962 on February 21, 1989, granting approval of a Development of Regional Impact for the Port of Fernandina, pursuant to Chapter 380, FS, and establishing the conditions of such approval;

WHEREAS, Ordinance #777 was adopted on December 15, 1987;

WHEREAS, Ordinance #777 provided for the rezoning of property in relation to the Port of Fernandina Development of Regional Impact and Container Corporation; and

WHEREAS, Corrective actions must be taken to separate the conditions from the Ordinance conducting the rezone, specifically Ordinance #97-6 provides for the rezone and Resolution #97-18 provides for the conditions;

WHEREAS, The Ocean, Highway, and Port Authority; Suburban Propane; and Florida Petroleum Corp have applied to the City for an amendment to conditions outlined in Ordinance #777, now presented in Resolution #97-18;

WHEREAS, The three applicants have authorized Terrell Powell of the Ocean, Highway, and Port Authority to act as their agent;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. PROPERTY INVOLVED. The terms of this Ordinance are limited to the property included in the Port of Fernandina Development of Regional Impact, as defined in Resolution 962 and subsequent amendments, including this Ordinance. Specifically, the legal description is included as Attachment A and referenced as if fully contained herein.

SECTION 2. FINDINGS. The City Commission finds that the applicants' request is in keeping with the City's Land Development Code and the intent of the Industrial Waterfront and Industrial Manufacturing zoning districts.

SECTION 3. AMENDMENT. §2(2) of Resolution #97-18 outlines a condition for the Port of Fernandina Development of Regional Impact and is amended to read:

No cargo, chassis or freight container storage or handling, nor any other type of Port development shall be undertaken south of Calhoun the boundary formed by the southern edges of Lot 29 and Lot 9 of Block 3 of the City of Fernandina Beach Subdivision and the western 20 feet of lots 5, 6, 7, and 8 of said Block 3 of the City of Fernandina Beach Subdivision Street, except for chassis parking on "Parcel Two", as defined in Ordinance #97-6. "Chassis" is defined as a wheeled assembly for moving cargo containers.

SECTION 4. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its final adoption.

ADOPTED this 18th day of March, 1997.

CITY OF FERNANDINA BEACH

Robert B. Rogers
ROBERT B. ROGERS
Commissioner Mayor

ATTEST:

Vicki P. Cannon
VICKI P. CANNON
City Clerk

Date of First Reading:	2/18/97
Date of Publication:	2/26/97
Date of Second Reading	3/18/97
and Public Hearing:	
Date of Final Passage:	3/18/97

LEGAL DESCRIPTION
DEVELOPMENT ORDER FOR THE
PORT OF FERNANDINA

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All that certain piece of parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map or plat of said City as lithographed and issued by the Florida Town Improvement Company in 1887 and 1901 as:

Block 3, Lots 9-29	
	and
Block 4, Lots 1-34	
	and
Block 5, Lots 1-34	
	and
Block 6, Lots 1-18 and 27-34	
	and
Block 7, Lots 1-26 and 33-34	
	and
Block 56, Lots 1-34	
	and
Block 57, Lots 1-34, including the abandoned portion of North Third Street	
	and
Block 58, Lots 1-15	
	and
Block 59, Lots 1-16	
	and
Block 60, Lots 1-16	
	and
Block 64, Lots 1-8	
	and
Block 65, Lots 1-8	
	and
Waterlots 7 and 9-14	
	and

A portion of Waterlot 8 described as follows: Begin at the Northeast corner of said Lot 8; run North 82 degrees, 31 minutes, 18 seconds West, along the North line of said Lot, a distance of 50 feet; run thence South 10 degrees, 57 minutes, 24 seconds East, a distance of 158.11 feet, 28 minutes, 42 seconds, along said right-of-way, a distance of 150 feet, to the POINT OF BEGINNING, as shown on prints of survey dated June 7, 1983, revised January 9, 1985, prepared by Vernon N. Drake & Associates.

and

That portion of North Front Street commencing at the Southwest corner of Block 5 on a line extended to the westerly right-of-way line of Front Street as platted and thence northerly to the Northwest corner of Lot 10, Block 57 to the southerly line of Block 93. As vacated and discontinued under Ordinance No. 675, recorded in the Official Records Book 497, Page 15, Public Records of Nassau County, Florida.

and

That portion of North Second Street lying between the northerly right-of-way line of Dade Street to the southerly right-of-way line of Franklin Street, as vacated and discontinued under Ordinance No. 373, City of Fernandina Beach, County of Nassau, Florida.

and

All of that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach, County of Nassau, and State of Florida, and further known and described on the official plat of said City as that part of North Second Street lying and being in Block 57 of said City as conveyed to the City on the 9th day of January 1908 by the Fernandina Dock and Realty Company (Reference Deed Book B-9, Page 137) the same being accepted by Ordinance on December 18, 1907.

and

That portion of North Third Street lying between the northerly right-of-way line of Escambia, excluding the south 75 feet, to the southerly right-of-way line of Franklin Street, as vacated and discontinued under Ordinance No. 636, City of Fernandina Beach, County of Nassau, State of Florida.

and

That portion of Escambia Street lying between the easterly right-of-way line of North Front Street and the westerly right-of-way line of North Second Street, as vacated and discontinued under Ordinance No. 371, City of Fernandina Beach, County of Nassau, State of Florida.

and

That portion of Escambia Street lying between the easterly right-of-way line of North Second Street to the easterly property line of Lot 31, Block 57, as vacated and discontinued under Ordinance No. 374, City of Fernandina Beach, County of Nassau, State of Florida.

and

The westerly 20 feet of lots 5, 6, 7, and 8, Block 3, City of Fernandina Beach, County of Nassau, State of Florida, according to the official plat as lithographed and issued by Florida Railroad Company in 1857 and revised and reissued by the Florida Town Improvement Company in 1887 and 1901.

ORDINANCE NO. 97-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, MODIFYING THE PORT OF FERNANDINA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY THE CITY COMMISSION, ALLOWING FOR THE ADDITION OF WAREHOUSE DEVELOPMENT, ADOPTING A REVISED TIME TABLE, FINDING THAT THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Commission of the City of Fernandina Beach, Florida, adopted Resolution #962 on February 21, 1989, granting approval of a Development of Regional Impact for the Port of Fernandina, pursuant to Chapter 380, FS, and establishing the conditions of such approval;

WHEREAS, The original buildout date was established by Resolution #962 to be June 1, 1990;

WHEREAS, The buildout date was modified by Resolution #91-25 on August 6, 1991 to be December 31, 1992;

WHEREAS, Resolution #92-7 rescinded Resolution #91-25 on March 17, 1992, thus reverting to the original buildout date of June 1, 1990;

WHEREAS, The Ocean, Highway, and Port Authority; Suburban Propane; and Florida Petroleum Corp have applied to the City for changes to the Port of Fernandina Development of Regional Impact;

WHEREAS, The three applicants have authorized Terrell Powell of the Ocean, Highway, and Port Authority to act as their agent;

WHEREAS, The applicants have requested that the City revise the time table for the Port of Fernandina by extending the buildout date to December 31, 1997;

WHEREAS, The applicants have also requested the City to allow the Port of Fernandina to expand its warehouse development;

WHEREAS, The City of Fernandina Beach published notice of these proposed changes to the Port of Fernandina Development of Regional Impact on February 2, 1997 in the Florida Times-Union and in the Fernandina Beach News-Leader on February 5, 1997;

WHEREAS, The Florida Department of Community Affairs has stated that extending the buildout date more than 7 years, as proposed here, is presumed to be a substantial deviation, unless the presumption is rebutted at a public hearing;

WHEREAS, The Florida Department of Community Affairs has also stated that the proposal adds lands and develops these lands for uses not previously reviewed and is therefore presumed to create a substantial deviation, unless this presumption is rebutted by clear and convincing evidence at a public hearing;

WHEREAS, The Florida Department of Community Affairs has also opined that the applicant has submitted adequate information to rebut both presumptions and that the Department of Community Affairs has no objections to the proposed changes; and

WHEREAS, The Northeast Florida Regional Planning Council (NEFRPC) conducted a traffic study for this request by the Port of Fernandina and the NEFRPC concluded that no negative impacts to the established level of service would result from this proposal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA THAT:

SECTION 1: PROPERTY INVOLVED. The terms of this Resolution are limited to the property included in the Port of Fernandina Development of Regional Impact, as defined in Resolution 962 and subsequent amendments, including this Resolution. Specifically, the legal description is included as Attachment A and referenced as if fully contained herein.

SECTION 2: REVISION OF BUILDOUT DATE. The buildout date for the Port of Fernandina Development of Regional Impact is hereby altered from the original buildout date of June 1, 1990 to the new buildout date of December 31, 1997.

SECTION 3: ADDITION OF WAREHOUSE DEVELOPMENT. The submitted plans for the expanded warehouse operations are for an additional 40,000 square feet of warehouse space.

The location of the new warehouse, including 400 feet of additional rail siding and a storm water retention pond, is described as lots 1-29, 33, and 34 of Block 3 of the City of Fernandina Beach Subdivision. Block 3 is bordered by the CSX rail right-of-way to the west and 2nd Street to the east. The total new area is 0.80 acres.

SECTION 4: DETERMINATION OF SUBSTANTIAL DEVIATION.

Substantial Deviation Determination Chart
For Port types of Land Uses:

Change Category	current Plan	Original Plan	Previous Development Order Change & Date
Dredge & Fill	no change		
Petroleum Storage	no change		
Port Acreage	Additional 1.2 acres	30.80 acres	None
External Trips*	Additional 75 trips	595 Trips	None

* Derived from the ITE Trip Generation Manual, 5th Ed., updated for land use: 010 Waterport/Marine Terminal.

Under the proposal, the acreage is to be increased from 30.8 acres to 32 acres, a change of almost 4%. The number of external vehicle trips is proposed to be increased from 595 to 670, a change of approximately 12%.

SECTION 5. FINDINGS. Given the clear and convincing evidence presented during the application process and the public hearing for this Resolution, the City Commission hereby rules that the proposal does not represent a substantial deviation to the Port of Fernandina Development of Regional Impact.

SECTION 6: CONDITIONS. In order to ensure compliance with all previous conditions and all concurrency requirements for such items as drainage and traffic circulation, the City Commission hereby places conditions of approval upon the applicants. Specifically, the applicants must meet all City concurrency requirements in compliance with the Comprehensive Plan and Land Development Code of the City of Fernandina Beach; must comply with all City codes, specifically the Land Development Code; and must demonstrate compliance with all previous conditions of approval, specifically Resolution #962. Additional conditions for the approval of the Port's request, include:

- ▶ required **street improvements** for North 2nd Street between Calhoun and Broome streets to be completed by the Port prior to the City's issuance of a certificate of occupancy for the warehouse structure, where these improvements are in accordance with City standards and where these improvements are deemed acceptable by the City Manager and
- ▶ required design and construction and of an **aesthetically pleasing sound barrier**, where the design of such a barrier must be approved by the City Manager, where such a sound barrier must be subject to City staff review to ensure compliance with all departmental requirements, and where such a sound barrier will allow for the passage of pedestrians and bicycles through this area.

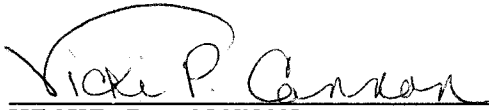
SECTION 7: EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

ADOPTED this 18th day of March, 1997.

CITY OF FERNANDINA BEACH


 ROBERT B. ROGERS
 Commissioner - Mayor

ATTEST:


 VICKI P. CANNON
 City Clerk

Date of First Reading:	February 18, 1997
Date of Publication:	February 26, 1997
Date of Second Reading and Public Hearing:	March 18, 1997
Date of Final Passage:	March 18, 1997

LEGAL DESCRIPTION
DEVELOPMENT ORDER FOR THE
PORT OF FERNANDINA

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All that certain piece of parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map or plat of said City as lithographed and issued by the Florida Town Improvement Company in 1887 and 1901 as:

Block 3, Lots 9-29

and

Block 4, Lots 1-34

and

Block 5, Lots 1-34

and

Block 6, Lots 1-18 and 27-34

and

Block 7, Lots 1-26 and 33-34

and

Block 56, Lots 1-34

and

Block 57, Lots 1-34, including the abandoned portion of North Third Street

and

Block 58, Lots 1-15

and

Block 59, Lots 1-16

and

Block 60, Lots 1-16

and

Block 64, Lots 1-8

and

Block 65, Lots 1-8

and

Waterlots 7 and 9-14

and

A portion of Waterlot 8 described as follows: Begin at the Northeast corner of said Lot 8; run North 82 degrees, 31 minutes, 18 seconds West, along the North line of said Lot, a distance of 50 feet; run thence South 10 degrees, 57 minutes, 24 seconds East, a distance of 158.11 feet, 28 minutes, 42 seconds, along said right-of-way, a distance of 150 feet, to the POINT OF BEGINNING, as shown on prints of survey dated June 7, 1983, revised January 9, 1985, prepared by Vernon N. Drake & Associates.

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and

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and

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and

The westerly 20 feet of lots 5, 6, 7, and 8, Block 3, City of Fernandina Beach, County of Nassau, State of Florida, according to the official plat as lithographed and issued by Florida Railroad Company in 1857 and revised and reissued by the Florida Town Improvement Company in 1887 and 1901.

RESOLUTION NO. 97-18 -- SEE ORDINANCE NO. 97-9

RESOLUTION NO. 97-18 -- SEE ORDINANCE NO. 97-9

RESOLUTION NO. 97-18 -- SEE ORDINANCE NO. 97-9

RESOLUTION NO. 97-18 -- SEE ORDINANCE NO. 97-9

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to the City as evidence. Mr. Val Schwec, of Nassau Terminals, spoke in support of the application and briefly advised the Commission on the economic benefits of the subject project to the community and the Port. There was then some discussion regarding the completion of a bulk dock and that it would have to go through the Development of Regional Impact (DRI) approval process before construction. After an inquiry as to the noise level created by the Port warehouses and the effect on nearby residents, Mr. Powell advised that the Port had offered to build a sound barrier but the City's Fire Marshall had concerns with same.

Community Development Director Mary McKinney gave the City Staff Report as contained in her memorandum of February 14, 1997. She recommended that an added conditions be incorporated into Resolution #97-19 or #97-15 regarding improvements to Second Street and the construction of a berm to address the noise level with a give-away for fire and rescue purposes. There was discussion regarding the evidence presented.

After some discussion regarding the evidence presented, Ms. Pat Gass, 801 White Street, and Mr. Jamie Ferguson, spoke in support of the application. Mr. James Shroads, 119 South 7th Street, advised that he was neutral, but questioned the use of the term "illegal" in relation to Ordinance #777 and expressed concern about the methods being recommended to amend Ordinance #777. Ms. Joan Cory, 118 North 2nd Street, inquired of the latest maps and suggested all possible mitigation be considered and that operational procedures be reviewed to ensure a decreased noise level. She suggested that a noise abatement professional be retained and that the process be postponed until the Port, City and residents had met and agreed on mitigation. Mr. A. J. Smith, 308 Citrona Drive, presented a handout outlining his concerns and spoke in opposition to the application. Mr. Peter Drumm, 227 North 3rd Street, spoke in opposition to the application and discussed the impacts of the existing Port facilities on his house and the negative effect the Port had had on the quality of life in the adjacent residential neighborhood.

After more discussion, Mayor Rogers read Section 2.02.03 of the Comprehensive Plan and advised that if said section were read in conjunction with Objective 2.02 it dealt with safety and efficiency.

After more discussion, Mr. Powell gave the final presentation on behalf of the applicant. He advised that based on the City Code and a company hired by the Port, the decibels were less than the City Code allows. He advised the Port had sent letters to the neighbors asking for input. He then suggested methods for construction of a berm; discussed conditions governing the Port; advised that the new warehouse would help decrease noise levels; and gave final evidence on behalf of the application.

After still more discussion, Vice Mayor Roland requested that reference to "illegal" and "improper" be removed from Ordinance #97-6 and Resolution #97-18, and that the resolutions (with the exception of Resolutions #97-15 and #97-20 be adopted as ordinances based on Section 21 of the Charter.

Community Development Director McKinney presented the City's record to the City Clerk.

There was then lengthy discussion on adopting resolutions versus ordinances, the Bert Harris Act, and the IM zoning district permitted uses. There being no further comment from the audience, a motion was made by Vice Mayor Roland, seconded by Commissioner Fotopoulos, that the public hearing be closed. Vote upon passage of the motion was taken by ayes and nays and being all ayes,

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carried.

ORDINANCE #97-6: The Commission then considered Ordinance #97-6 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING ORDINANCE #777 AND PROVIDING FOR AN EFFECTIVE DATE." Vice Mayor Roland objected to the use of the word "improperly" in the sixth "Whereas." A motion was made by Vice Mayor Roland, seconded by Commissioner Fotopoulos, for approval of Ordinance #97-6 on first reading with the removal of "improperly." Commissioner Sapp discussed the action of the City Commission when it adopted Ordinance #777 based on public comment and negotiation with the Port to not expand south of Calhoun Street and urged the Commission to keep the promise to its citizenry when it adopted Ordinance #777 in 1987. Mayor Rogers referred to Comprehensive Plan Section 2.02.03 and stated that in 1990 when the Comprehensive Plan was adopted it represented a deviation from Ordinance #777. Commissioner Sapp disagreed. After some discussion regarding representations and negotiations previously made, Vice Mayor Roland stated that a new entity could come in that same location and construct anything allowed under permitted uses in the IM zoning district, and the City Commission could better control the development of that property through the Port's Development of Regional Impact (DRI) status and the subject application, otherwise someone could develop the property under the IM zone without any input from the Commission or its citizenry. He concluded that, in his opinion, the existing scenario was the best scenario for the surrounding residential neighborhood. Commissioner Bean urged support of the applications and cited reasons for same. Mayor Rogers asked that the Port initiate a citizens input group to receive feedback from the surrounding residential neighborhood. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Bean:	Aye
Commissioner Fotopoulos:	Aye
Vice Mayor Roland:	Aye
Commissioner Sapp:	Nay
Mayor Rogers:	Aye

Motion carried.

RESOLUTION #97-18 [ORDINANCE #97-9]: The Commission then considered Resolution #97-18 entitled, "A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, PROVIDING CONDITIONS FOR THE PORT OF FERNANDINA DEVELOPMENT OF REGIONAL IMPACT, AMENDING RESOLUTION #962, AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Vice Mayor Roland, seconded by Commissioner Bean, to approve Resolution #97-18 [with the deletion of "illegally" from the fourth "Whereas"] which would subsequently become Ordinance #97-9 by second reading. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Fotopoulos:	Aye
Vice Mayor Roland:	Aye
Commissioner Sapp:	Nay
Commissioner Bean:	Aye
Mayor Rogers:	Aye

Motion carried.

RESOLUTION #97-19/ORDINANCE #97-10: The Commission then considered Resolution #97-19 entitled, "A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, PROVIDING CONDITIONS FOR THE PORT OF FERNANDINA DEVELOPMENT OF

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REGIONAL IMPACT, AMENDING RESOLUTION #97-18, AMENDING RESOLUTION #97-18, AMENDING RESOLUTION #962, AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Vice Mayor Roland, seconded by Commissioner Bean, to approve revised Resolution #97-19, with the deletion of the word(s) "improperly"/"illegally" wherever they occur, which would subsequently become Ordinance #97-10, by second reading. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Bean:	Aye
Commissioner Fotopoulos:	Aye
Vice Mayor Roland:	Aye
Commissioner Sapp:	Nay
Mayor Rogers:	Aye

Motion carried.

RESOLUTION #97-15/ORDINANCE #97-11: The Commission then considered Resolution #97-15 entitled, "A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, MODIFYING THE PORT OF FERNANDINA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER AS PREVIOUSLY APPROVED BY THE CITY COMMISSION, ALLOWING FOR THE ADDITION OF WAREHOUSE DEVELOPMENT, ADOPTING A REVISED TIMETABLE, FINDING THAT THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION, AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Vice Mayor Roland, seconded by Commissioner Bean, to adopt Resolution #97-15, with removal of the word(s) "illegally"/"improperly" wherever they occur, with the two added conditions: 1) to improve North Second Street from Broome to Calhoun Streets to City standards prior to the issuance of Certificate of Occupancy for the Warehouse Expansion Building; and 2) Design and erect an aesthetically pleasing sound barrier on Calhoun Street which allows for pedestrian access in conjunction with Fire Chief approval, and the effective date to be upon adoption of Ordinance #97-11. Mr. Powell, on behalf of the applicant, advised that he agreed with the two added conditions. After some discussion on impact fees, Vice Mayor Roland asked that staff review the matter. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Fotopoulos:	Aye
Vice Mayor Roland:	Aye
Commissioner Sapp:	Nay
Commissioner Bean:	Aye
Mayor Rogers:	Aye

Motion carried.

RESOLUTION #97-20: The Commission then considered Resolution #97-20 entitled, "A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, GRANTING AN EASEMENT ACROSS CALHOUN STREET TO THE PORT OF FERNANDINA DEVELOPMENT OF REGIONAL IMPACT AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Vice Mayor Roland, seconded by Commissioner Bean, to approve Resolution #97-20 with removal of the word(s) "illegally"/"improperly" wherever they occur, and amended to provide that it would become effective upon the passage of Ordinance #97-11. Vote upon passage of the motion was taken by ayes and nays and was as follows:

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Master Plan. Mr. Williams stated that specific information was required to go into a Master Plan and what was contained in Ordinance #95-5 did not include that information. He stated that for the Port to receive funds from the Seaport Council they must answer the question as to whether they have a Master Plan incorporated into the City's Comprehensive Plan and the OHPA answered in the application that they did have a Master Plan. City Attorney Leggio stated that the Port Element relies upon a Master Plan and he did not feel there was a problem with the concern expressed by Mr. Williams in that regard. After considerable discussion, and with no final argument by the applicant or City Staff, City Attorney Leggio gave a legal analysis of the proceeding.

ORDINANCE #97-6: The Commission then considered Ordinance #97-6 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING ORDINANCE #777 AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Commissioner Bean, seconded by Vice Mayor Roland, for the adoption of Ordinance #97-6. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Vice Mayor Roland:	Aye
Commissioner Sapp:	Nay
Commissioner Bean:	Aye
Commissioner Fotopoulos:	Aye
Mayor Rogers:	Aye

Motion carried.

ORDINANCE #97-9: The Commission then considered Ordinance #97-9 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, PROVIDING CONDITIONS FOR THE PORT OF FERNANDINA DEVELOPMENT OF REGIONAL IMPACT; AMENDING RESOLUTION #962; AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Vice Mayor Roland, seconded by Commissioner Fotopoulos, for approval of Ordinance #97-9 on final reading. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Bean:	Aye
Commissioner Sapp:	Nay
Commissioner Fotopoulos:	Aye
Vice Mayor Roland:	Aye
Mayor Rogers:	Aye

Motion carried.

ORDINANCE #97-10: The Commission then considered Ordinance #97-10 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, PROVIDING CONDITIONS FOR THE PORT OF FERNANDINA DEVELOPMENT OF REGIONAL IMPACT, AMENDING ORDINANCE #97-9, AMENDING RESOLUTION #962, AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Vice Mayor Roland, seconded by Commissioner Fotopoulos, for approval of Ordinance #97-10 on final reading. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Bean:	Aye
Commissioner Fotopoulos:	Aye
Vice Mayor Roland:	Aye
Commissioner Sapp:	Nay
Mayor Rogers:	Aye

Motion carried.

RESOLUTION NUMBER 97-18

AN RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, PROVIDING CONDITIONS FOR THE PORT OF FERNANDINA DEVELOPMENT OF REGIONAL IMPACT, AMENDING RESOLUTION #962, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Commission of the City of Fernandina Beach, Florida, adopted Resolution #962 on February 21, 1989, granting approval of a Development of Regional Impact for the Port of Fernandina, pursuant to Chapter 380, FS, and establishing the conditions of such approval;

WHEREAS, Ordinance #777 was adopted on December 15, 1987;

WHEREAS, Ordinance #777 provided for the rezoning of property in relation to the Port of Fernandina Development of Regional Impact and Container Corporation;

WHEREAS, Ordinance #777 illegally outlined conditions of this rezoning for the Port of Fernandina; and

WHEREAS, Corrective actions must be taken to separate the conditions from the Ordinance conducting the rezone, specifically Ordinance #97-6 provides for the rezone and Resolution #97-18 provides for the conditions;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. PROPERTY INVOLVED. The terms of this Ordinance are limited to the property included in the Port of Fernandina Development of Regional Impact, as defined in Resolution 962 and subsequent amendments, including this Ordinance. Specifically, the legal description is included as Attachment A and referenced as if fully contained herein.

SECTION 2. CONDITIONS. The Port of Fernandina Development of Regional Impact is subject to several conditions, including those listed.

- 1) The existing 75' buffer at the centerline of the block on the west side of the 400 block of North 3rd shall be retained intact at previous levels applicable for IM zoning, notwithstanding the rezone to IW.
- 2) No cargo, chassis or freight container storage or handling shall be undertaken south of Calhoun Street, except for chassis parking on Parcel 2, as defined in Ordinance #97-6. "Chassis" is defined as a wheeled assembly for moving cargo containers.
- 3) Parcel 1 (CPO to IW rezoning), as defined in Ordinance #97-6, shall have or establish, and maintain, a twenty (20') foot heavily vegetated buffer facing Escambia Street.
- 4) The "heavily vegetated buffer," particularly on Parcel 4 as defined in Ordinance #97-6, shall be a noise and visual screen to the satisfaction of the City's Historic District Council.

SECTION 3. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its final adoption.

ADOPTED this _____ day of _____, 1997.

CITY OF FERNANDINA BEACH

ROBERT B. ROGERS
Commissioner - Mayor

ATTEST:

VICKI P. CANNON
City Clerk

ATTACHMENT A

LEGAL DESCRIPTION

PORT OF FERNANDINA

All that certain piece or parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map or plat of said City as lithographed and issued by the Florida Town Improvement Company in 1887 and 1901 as:

Block 3, Lots 18-25 and
 Block 4, Lots 1-34 and
 Block 5, Lots 1-34 and
 Block 6, Lots 1-18 and 27-34 and
 Block 7, Lots 1-26 and 33-34 and
 Block 56, Lots 1-34 and

Block 57, Lots 1-34, including the abandoned portion of North Third Street and

Block 58, Lots 1-15 and
 Block 59, Lots 1-16 and
 Block 60, Lots 1-16 and
 Block 64, Lots 1-8 and
 Block 65, Lots 1-8 and
 Waterlots 7 and 9-14 and

A portion of Waterlot 8 described as follows: Begin at the Northeast corner of said Lot Eight (8); run North Eighty-two (82) degrees, Thirty-one (31) minutes, Eighteen (18) seconds West, along the North line of said Lot, a distance of Fifty (50) feet; run thence South Ten (10) degrees, Fifty-seven (57) minutes, Twenty-four (24) seconds East, a distance of One Hundred Fifty-Eight and Eleven Hundredths (158.11) feet, to the West right of way line of North Front Street (a Sixty (60) foot right of way); run thence North Seven (07) degrees, Twenty-eight (28) minutes, Forty-two (42) seconds, along said right of way, a distance of One Hundred Fifty (150) feet, to the POINT OF BEGINNING, as shown

on prints of surveys dated June 7, 1983, revised January 9, 1985, prepared by Vernon N. Drake & Associates.

and

That portion of North Front Street commencing at the Southwest corner of Block 5 on a line extended to the westerly right-of-way line of Front Street as platted and thence northerly to the Northwest corner of Lot 10, Block 57 to the southerly line of Block 93, as vacated and discontinued under Ordinance No. 675, recorded in the Official Records Book 497, Page 15, Public Records of Nassau County, Florida.

and

That portion of North Second Street lying between the northerly right-of-way line of Dade Street to the southerly right-of-way line of Franklin Street, as vacated and discontinued under Ordinance No. 373, City of Fernandina Beach, County of Nassau, Florida.

and

All of that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach, County of Nassau, and State of Florida, and further known and described on the official plat of said City as that part of North Second Street lying and being in Block 57 of said City as conveyed to the City on the 3th day of January 1908 by the Fernandina Dock and Realty Company (Reference Deed Book B-9, Page 137) the same being accepted by Ordinance on December 18, 1907.

and

That portion of North Third Street lying between the northerly right-of-way line of Escambia, excluding the south 73 feet, to the southerly right-of-way line of Franklin Street, as vacated and discontinued under Ordinance No. 636, City of Fernandina Beach, County of Nassau, Florida.

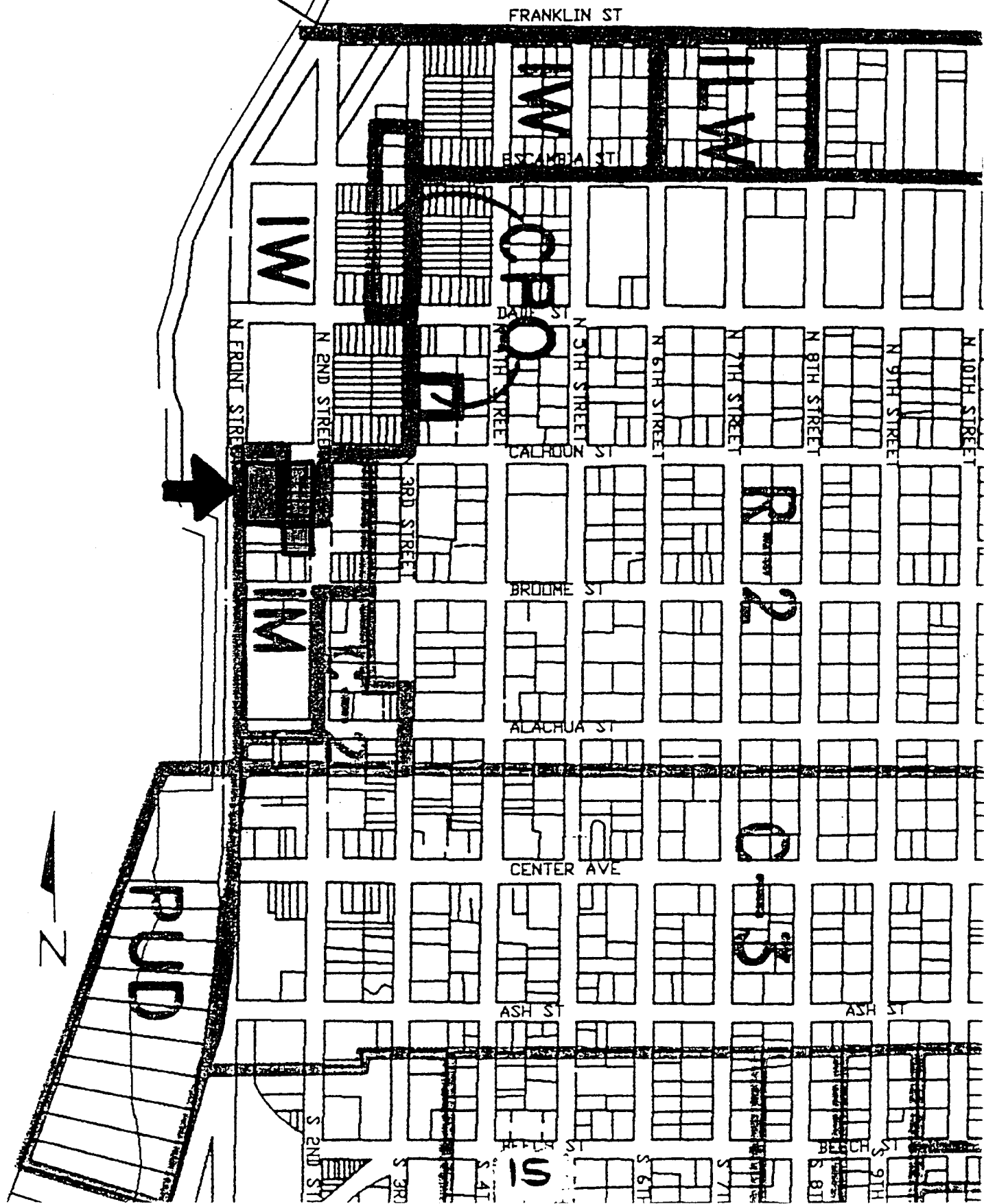
and

That portion of Escambia Street lying between the easterly right-of-way line of North Front Street and the westerly right-of-way line of North Second Street, as vacated and discontinued under Ordinance No. 371, City of Fernandina Beach, County of Nassau, Florida.

and

That portion of Escambia Street lying between the easterly right-of-way line of North Second Street to the easterly property line of Lot 31, Block 57, as vacated and discontinued under Ordinance No. 374, City of Fernandina Beach, County of Nassau, Florida.

DETAIL FROM THE CITY OF FERNANDINA
BEACH ZONING MAP



ORDINANCE NUMBER 777

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING PLAN OF THE CITY OF FERNANDINA BEACH, FLORIDA, BY CHANGING THE CLASSIFICATION OF CERTAIN PROPERTY FROM CPO (COMMERCIAL PROFESSIONAL OFFICES) TO IW (INDUSTRIAL WATERFRONT), IM (INDUSTRIAL MECHANICAL) TO IW (INDUSTRIAL WATERFRONT), AND R-2 (ONE AND TWO FAMILY DWELLINGS) TO IW (INDUSTRIAL WATERFRONT) AND CPO (COMMERCIAL PROFESSIONAL OFFICES); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fernandina Port Development and Fernandina Marine Construction Management, through their agent, William H. Kavanaugh, and Fernandina Industrial Corporation, wholly owned by the Ocean, Highway and Port Authority and Container Corporation of America have applied for rezoning of their property under Section 26-36 of the Code of Ordinances of the City of Fernandina Beach, Florida, Application Number RZ0587; and

WHEREAS, the Planning Advisory Board has considered such application after due public notice and rendered its report and recommendation thereon; and

WHEREAS, Notice of Hearing on such application was published in the News-Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on November 5, 1987 and November 12, 1987 and Notice of Intention to Enact this Ordinance was published on November 5, 1987 and November 12, 1987; and that the property owners within Three Hundred (300) feet of the subject property were notified of the application and further that said notice of the application was posted on the subject property; and

WHEREAS, a public hearings were held on such application by the City Commission on December 1, 1987 and December 15, 1987; and

WHEREAS, after consideration of the testimony and evidence presented on such application and at the public hearing thereon, and of the report and recommendations of the Planning Advisory Board, the City Commission made the following findings:

A.) That the proposed rezoning is consistent with the Comprehensive Land Use Plan of the City of Fernandina Beach, Florida.

B.) That the proposed rezoning is necessary to maintain the interest of public health, safety, welfare or morals.

interest of public health, safety, welfare or morals.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF FERNANDINA BEACH, FLORIDA:

SECTION 1. That that certain property situate in the City of Fernandina Beach, Florida, known and described as follows, to-wit:

Parcel One: Block 57, Lots 16-26; All of Block 56; All of Block 59; and All of Block 60

Parcel Two: Block 3, Lots 18-25

Parcel Three: Block 7, Lots 1 through 14, 33 and 34

Parcel Four: Block 7, Lots 15 through 24

Parcel Eight: Water Lots 11 through 14

Parcel Nine: Block 6, Lots 31 and 32

Parcel Ten: All of Block 4

Parcel Eleven: All of Blocks 5 and 58; Lots 1-14 and 33-34 of Block 6; and Lots 1-22 and 31-34 of Block 57

is hereby designated as IW (Industrial Waterfront) under the Comprehensive Zoning Plan and Ordinances of the City of Fernandina Beach, Florida.

SECTION 2. That that certain property situate in the City of Fernandina Beach, Florida, known and described as follows, to-wit:

Parcel Five: Block 6, Lots 27, 28, 29, 30

Parcel Six: Block 6, Lots 15, 16, 17, 18

is hereby designated as CPO (Commercial Professional Offices) under the Comprehensive Zoning Plan and Ordinances of the City of Fernandina Beach, Florida.

SECTION 3. The rezoning of the above described property is conditioned upon the following:

- 1) The existing 75' buffer at the centerline of the block on the west side of the 400 block of North 3rd Street shall be retained intact at previous levels applicable for IM zoning, notwithstanding the rezone to IW.
- 2) No cargo, chassis or freight container storage or handling shall be undertaken south of Calhoun Street, except for chassis parking on Parcel 2. "Chassis" is defined as a wheeled assembly for moving cargo containers.
- 3) Parcel 1 (CPO to IW rezoning) shall have or establish, and maintain, a twenty (20') foot heavily vegetated buffer facing Escambia Street.

- 4) The "heavily vegetated buffer," particularly on Parcel 4, shall be a noise and visual screen to the satisfaction of the City's Historic District Council.

SECTION 4. That this ordinance shall take effect immediately upon its adoption.

ADOPTED this 15th day of December, 1987.

ATTEST:

CITY OF FERNANDINA BEACH, FLORIDA

By: Vicki P. Wingate
VICKI P. WINGATE

By: Ronnie Sapp
RONNIE SAPP

Its: City Clerk

Its: Mayor/Commissioner

Date of First Reading: December 1, 1987
Date of Publication: November 5 and 12, 1987
Date of Public Hearing and
Second Reading: December 15, 1987
Date of Adoption: December 15, 1987

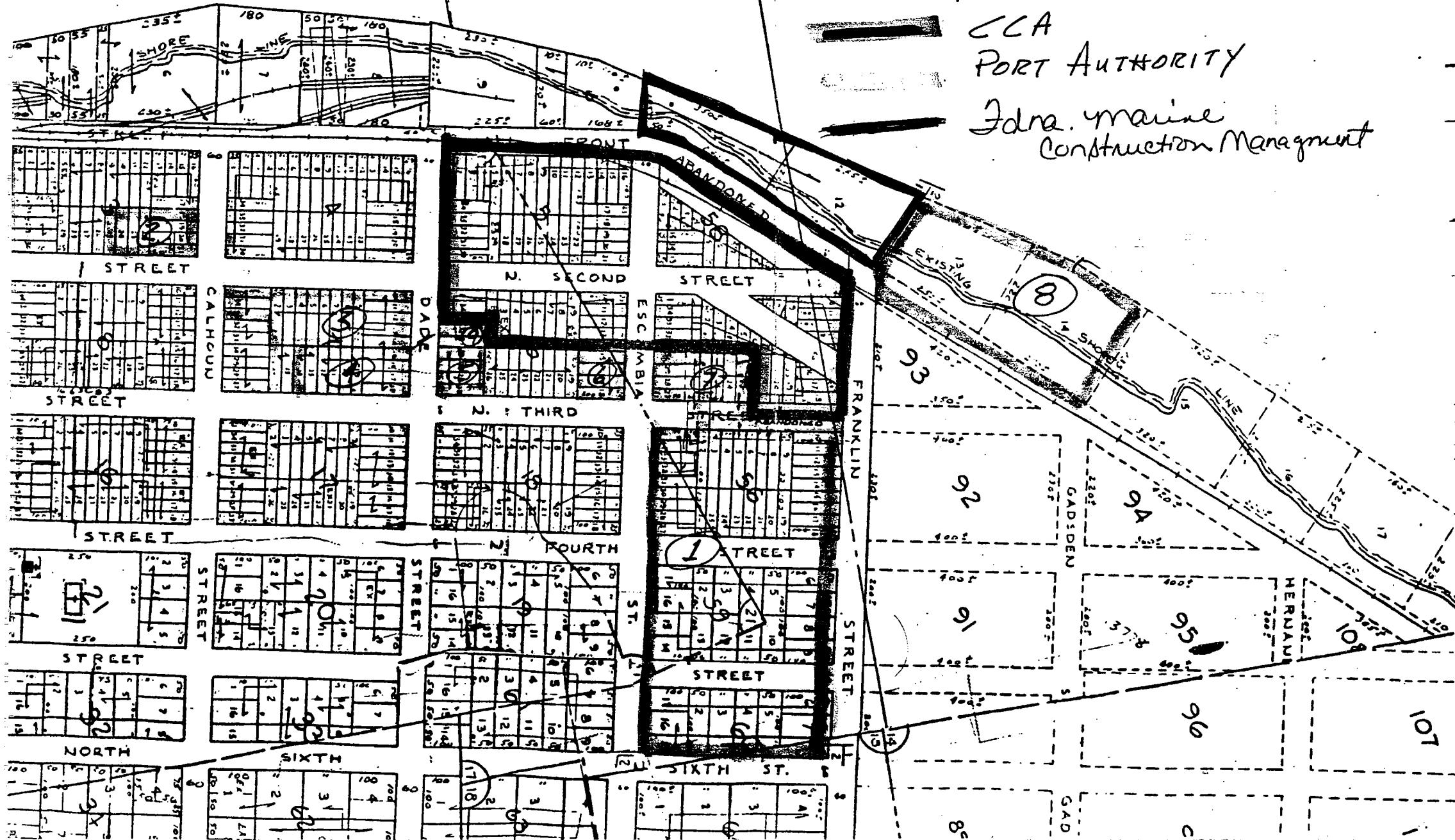
220

RIVE

~~CONFIDENTIAL~~

[REDACTED]

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TO: Ferris B. Jones, City Manager

FROM: F. R. Cole, Administrative Assistant

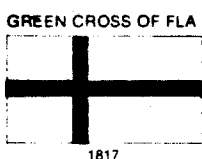
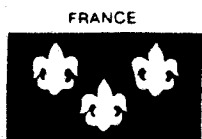
DATE: December 11, 1987

SUBJECT: Application for rezoning by Port Development.

The City received an application for rezoning on property being used by the port facility dated August 20, 1987 showing Fernandina Port Development, Ocean Highway & Port Authority and Container Corp of America as the only property owners. In reviewing the records of the County Tax Collectors Office and the County Clerks Office some of these properties were and some still are in other names.

1. Lots 31 and 32 of Block 6 were in the name of Fernandina Marine Management. On September 11, 1987 this property was transferred to the name of Fernandina Port Development.
2. Lots 32 and 33, the south 75' of Lots 1 and 34 of Block 56, were in the name of Melvin F. and Mary P. Davis. This property was transferred to the name of Fernandina Port Development on October 14, 1987.
3. All of Block 4 was and is still in the name of Fernandina Industrial Corp.
4. Water Lots 9, 10, 11 and 12 were and still are in the name of Fernandina Marine Construction Management.
5. I can not find any of these properties as being listed in the name of Ocean Highway & Port Authority.





City of Fernandina Beach, Florida

OFFICE OF BUILDING OFFICIAL

MEMORANDUM

TO: PLANNING ADVISORY BOARD

FROM: *Henry J. Lannon*
HENRY J. LANNON, BUILDING OFFICIAL

DATE: NOVEMBER 25, 1987

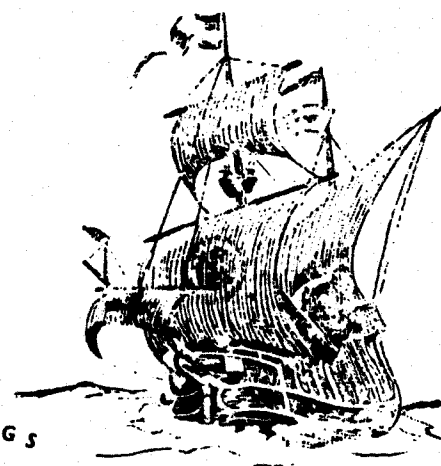
SUBJECT: RZ0587 - FERNANDINA PORT DEVELOPMENT, ET AL

In Attendance: Ferris B. Jones, Jim Higginbotham, Chief Cox,
Chief Cameron, Henry J. Lannon and Wesley
Poole, City Attorney

After considerable discussion, the Staff approved the above-mentioned Rezoning Application as presented with the following provisos:

1. Approved as submitted provided the Port Authority furnish the City a letter of intent not to go any further to the south.
2. The existing buffer at the centerline of the block on the west side of the 400 Block of North Third shall be retained intact at previous levels applicable for IM zoning, notwithstanding the rezone to IW.
3. No cargo or chassis or freight container storage or handling shall be undertaken South of Calhoun Street.

HJL/cs



THE ISLE OF EIGHT FLAGS

MAP NO. _____

8/20/87
DATE FILED

APPLICATION FOR REZONING OF LAND

APPLICATION NO. RZ0587

TO: THE PLANNING ADVISORY BOARD AND CITY COMMISSION OF
FERNANDINA BEACH, FLORIDA.

The Undersigned hereby applies for rezoning of land described as follows:

1. Legal description of land sought to be rezoned:

Lot see Attachment 1 Block _____

Subdivision _____ P.B. _____ Page _____

Other: _____

2. Street Address: see Attachment 2 (Tax Map)

3. The name and address of the owner as shown in the public records
of Nassau County: see Attachment 1

4. Current zoning district classification: see Attachment 1

5. Zoning district classification requested: see Attachment 1

6. The names, addresses and legal description of property of all
owners with 300 feet of this parcel are as shown on attached list. see Attachment 3

Example: John Doe
105 Grove Park
Fernandina Bch., FL 32034

Lot No. 2 Block No. 1
Grove Park S/D
P.B. 4, Page 52 & 53

7. The parcel for which rezoning is sought is currently improved
and/or used as follows: see Attachment 4

8. The reason for rezoning is being sought and supporting data as to
why such change should be made is as follows: By rezoning to IW the Port can
add storage area North of the city (adjacent to CCA), instead of expanding to the
only available land with appropriate zoning, which is close to downtown.

9. Total area of parcel to be rezoned is 16 acres

10. Minimum average width and street frontage of parcel sought to be
rezoned is: see Attachment 2 (Tax Map)

Width: _____ Frontage: _____

11. This application is submitted by:

Signature of Owner: N/A - see below

Signature of Agent: _____

Address: _____

Telephone: _____

Date: _____

Fernandina Port Development
5 South Second Street
Suite 100
Fernandina Beach, Florida

William W. Kung
Owner

Ocean Highway & Port Authority
11 North 14th Street
Box 2
Fernandina Beach, Florida

E. E. Lasserre
Owner

Container Corp. of America
P.O. Box 2000
Fernandina Beach, Florida

Paul Maguire
Owner

GENERAL MANAGER

ATTACHMENT 1

Fernandina Port Development: Parcel (1) CPO to IW
5 South Second Street Block 57, Lots 16 - 26
Suite 100 All of Block 56
Fernandina Beach, Florida All of Block 59
All of Block 60

Parcel (2) IM to IW
Block 3, Lots 18 - 25

Parcel (3) IM to IW
Block 7, Lots 33, 34, 1 - 14

Parcel (4) R - 2 to IW
Block 7, Lots 15 - 24

Parcel (5), R - 2 to IW
Block 6, Lots ^{W.D.K.} 27, 28, 29, 30

Parcel (6) R - 2 to IW
Block 6, Lots 15, 16, 17, 18

Parcel (7) CPO to IW
Block 57, Lots 23 - 30

Parcel (8) IM to IW ^{W.D.K.}
Water Lots 13 & 14, 11 & 12

Parcel (9) IM to IW
Block 6, Lots 31 & 32

Ocean Highway
& Port Authority: Parcel (10) IM to IW
11 North 14th Street All of Block 4
Box 2
Fernandina Beach, Florida

Container Corp. of America: Parcel (11) ^{IM to IW}
P.O. Box 2000 All of Block 5, 58, West 1/2 of 6,
Fernandina Beach, Florida West 1/2 of 57

CITIZEN'S PETITION AGAINST REZONING APPLICATION NO. RZ0587

We the undersigned residents of the City of Fernandina Beach, are opposed to the rezoning of parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 as described in Rezoning Application No. RZ0587 due to the usage description of "INDUSTRIAL WATERFRONT". As concerned citizens, we feel this neighborhood has suffered a negative impact and this zoning change has the potential to cause even greater repercussions to this area. We do not want or need this type of zoning in this neighborhood.

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
<u>Sheraldene Wilson</u>	<u>[Signature]</u>	<u>332 N 3rd St</u>
<u>Edward C. Floyd</u>	<u>[Signature]</u>	<u>304 Dale St.</u>
<u>VICTOR M. BECKHAM</u>	<u>[Signature]</u>	<u>121 50 5th St.</u>
<u>ANNA G. BECKHAM</u>	<u>[Signature]</u>	<u>121 50 5th St.</u>
<u>Riley E. Floyd</u>	<u>[Signature]</u>	<u>426 N. 4th St.</u>
<u>Josephine Floyd</u>	<u>[Signature]</u>	<u>426 N. 4th St.</u>
<u>Michael Floyd</u>	<u>[Signature]</u>	<u>114 S. 6th St.</u>
<u>EDITH PERRY FLOYD</u>	<u>[Signature]</u>	<u>114 S. 6th St.</u>
<u>Ruby E. Jones</u>	<u>[Signature]</u>	<u>403 N. 4th St.</u>
<u>Miles W. Becton</u>	<u>[Signature]</u>	<u>224 N 2nd St</u>
<u>VIRGINIA BECTON</u>	<u>[Signature]</u>	<u>224 N. 2nd Street</u>
<u>Chattie M. Williams</u>	<u>[Signature]</u>	<u>207 Calhoun</u>
<u>William Beckham</u>	<u>[Signature]</u>	<u>432 N 3rd St</u>
<u>Toni Corbin</u>	<u>[Signature]</u>	<u>1105 S. 13th St #6</u>
<u>Rick Asberry</u>	<u>[Signature]</u>	<u>Rt 4, Box 83-D, FNDA</u>
<u>Tom O'Hagan</u>	<u>[Signature]</u>	<u>121 NORTH 3rd ST.</u>
<u>Gloria Bradley</u>	<u>[Signature]</u>	<u>201 N. 4th St.</u>
<u>Robin Brown</u>	<u>[Signature]</u>	<u>424 N. 3rd St.</u>

11/25/87
 This is a true copy of original.
Deborah E. Bradley

MINUTES

Planning Advisory Board

February 22, 1995

Page 4

Mr. Terry Powell, Ocean Highway and Port Authority Commissioner District 2, introduced the following individuals: Rudy Marchese, Gus Rapold and Mike Brown from the Northeast Florida Regional Planning Council (NEFRPC) who prepared the Port Facilities Element; Victoria Robas and Val Schweck, from Nassau Terminals; and Tom Williams, OHPA Commissioner District 5. He stated that they wished to give information and answer questions in an effort to help the PAB determine that the goals and objectives contained in pages 49, 50 and 51 of the Port Facilities Element (Port Element) were consistent with the City's Comprehensive Plan.

Chairman Jump expressed concern with Section 2.1.5 of the Port Element, referring to the Port working with the City to revise earlier restrictions on Port expansion and suggested that Section 2.1.6 covered the issue. Mr. Powell questioned what was inconsistent about the Port and City working together to review any ordinance that might impact progress. After some discussion, representatives of NEFRPC advised that there was no statutory requirement for Section 2.1.5. Mr. Powell agreed to strike Section 2.1.5 from the Port Element.

Board Member Belson passed out copies of City Ordinance No. 77, dated December 15, 1987, restricting the Port from expanding warehousing facilities south of Calhoun Street. After some discussion, Mr. Powell explained that the Port would address that issue at the appropriate time. Board Member Belson contended that it should be considered at this time. Chairman Jump stated that eliminating Section 2.1.5 would cover the problem and if the Port wanted to pursue the application for expansion they would then go before the City Commission. Mr. Powell noted that City Commissioner Robert Rogers was present as liaison with the Port. Mr. Powell stated that the Port had not intended to skirt the issue by putting in Section 2.1.5. In response to a question from Board Member Bradford, Mr. Schweck explained that the area concerned was south of Calhoun Street toward Broome Street. Mr. Powell explained that the Port had no plans to turn Calhoun Street into a truck route.

Mr. Schweck stated that he did not see any inconsistency with the City Comprehensive Plan and the Port's goal to revise the restrictions previously imposed by ordinance. In response to an inquiry from Board Member Bradford, Mr. Powell advised that the jurisdiction of the Port included properties outside City limits.

Mr. Mike Williams, 221 North 3rd Street, passed out copies of a legal opinion from a Jacksonville attorney which stated that the PAB would be recommending the entire Port Element not just

OCEAN HIGHWAY and PORT AUTHORITY

Nassau County

Copy MK

8/23

*Mark -
plb hand*

[Signature]

August 13, 1996

The Honorable Bob Rogers
Mayor of Fernandina Beach
Post Office Box 668
Fernandina Beach, Florida 32035-0668

Dear Mayor Rogers:

In accordance with the Port Authority's Master Plan and with the City of Fernandina's Port Element, we hereby request the city's assistance in reviewing our warehouse expansion plans.

Specifically, Policy 2.1.3 states, "Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the city. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative exist."

We are aware that the proposed warehouse expansion is in conflict with a condition of a rezoning ordinance (ord. #777 dated December 15, 1987). However the expansion is consistent with current zoning and with the city's land use plan. Also, the experience we have gained over the last nine years provides us a much better assessment of the impacts associated with warehouse expansion.

We understand that there may be specific questions or concerns related to our warehouse plans and we welcome the city's assistance in reviewing our plans and evaluating any concerns.

Page Two
August 14, 1996
The Honorable Bob Rogers

In order to coordinate our efforts, Wayne Stubbs, our port manager, and I would like to meet with you, the City Manager, and the Community Development Director to agree on the procedures for completing this review.

Please let me know when such a meeting can be scheduled. We look forward to working with you and the city staff on this very important project.

Sincerely,

A handwritten signature in cursive script that reads "Terry Powell".

Terry Powell
Chairman
Ocean Highway & Port Authority

TP/rb

cc: Zachary Zoul
cc: Mary Mckinney

CITIZEN'S PETITION AGAINST REZONING APPLICATION NO. RZ0587

We the undersigned residents of the City of Fernandina Beach, are opposed to the rezoning of parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 as described in Rezoning Application No. RZ0587 due to the usage description of "INDUSTRIAL WATERFRONT". As concerned citizens, we feel this neighborhood has suffered a negative impact and this zoning change has the potential to cause even greater repercussions to this area. We do not want or need this type of zoning in this neighborhood.

NAME

SIGNATURE

ADDRESS

SUSAN BROWN	<i>Susan Brown</i>	421 N. 3rd St.
William K. Brown	<i>William K. Brown</i>	421 N. 3rd Street
George McMaron	<i>George McMaron</i>	432 N. 3rd Street
BARRY McMARON	<i>BARRY McMARON</i>	432 N. 3rd Street
MINERVA DELGONS	<i>Minerva Delgons</i>	322 N. 3rd Street
Keith Smith	<i>Keith Smith</i>	310 ESCAMBA
John DeWitt	<i>John DeWitt</i>	310 ESCAMBA ST.
HELEN FULMER	<i>HELEN FULMER</i>	403 N. 4TH ST.
Ralph H. Nabor	<i>Ralph H. Nabor</i>	231 N. 3rd St.
GEORGE T. DAVIS	<i>George T. Davis</i>	103 N 6TH ST
PATRICIA J. BROWN	<i>Patricia J. Brown</i>	424 North 3rd St.
William Brown	<i>William Brown</i>	421 N. 3rd St.
Vera West	<i>Vera West</i>	Box 9, Estrada St.
Ron West	<i>Ron West</i>	Box 9 Estrada St.
DAVID REINHARDT	<i>David Reinhart</i>	12 S. 7TH ST
Bernadine Fritts	<i>Bernadine Fritts</i>	1425 Franklin St.
EARLINE Beckham	<i>Earline Beckham</i>	412 N. 3rd St.
KE BECKHAM	<i>KE Beckham</i>	412 N 3rd St
John J. Holmes	<i>John J. Holmes</i>	2327 2. ST
STEVE WILLIAMS	<i>Stephen Williams</i>	207 CANAL STREET

11/25/87
This is a true copy of original

Deborah E. Bradley
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Nov. 5, 1990

CITIZEN'S PETITION AGAINST REZONING APPLICATION NO. RZ0587

We the undersigned residents of the City of Fernandina Beach, are opposed to the rezoning of parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 as described in Rezoning Application No. RZ0587 due to the usage description of "INDUSTRIAL WATERFRONT". As concerned citizens, we feel this neighborhood has suffered a negative impact and this zoning change has the potential to cause even greater repercussions to this area. We do not want or need this type of zoning in this neighborhood.

NAME

SIGNATURE

ADDRESS

Lorraine Belanger *Lorraine Belanger* 110 S. Plantation Oaks Ln

Rose Montgomery *Rose Montgomery* 1617 Silverman Rd

Maggie Sterling *Maggie Sterling* 406 Commandant St

Lillian Fulford *Lillian Fulford* 902 Ladies St.

Rose-mary melle *Rose-mary melle* 1001 White St

Sherd S. Miller *Sherd S. Miller* 1001 White St.

Charles Fulford *Charles M. Fulford* 914 White St.

Andy Sterling *Andy Sterling* 406 COMMANDANT ST.

William A Hair *WILLIAM A HAIR* 818 SAN FERNANDO ST

Velma Hair *Velma Hair* 818 San Fernando St.

Robert Willis *Robert Willis* 1114 Nth 14th

Sherry A. Willis *Sherry A. Willis* 1114 N. 14th St.

Megan Murry *Megan Murry* 1713 Blue Heron Ln

SIDNEY L. MURRY *Sidney L. Murry* 1713 BLUE HERON LN.

Rhonda Olson *Rhonda Olson* 27 S. 3rd St. Fern. Bch

11/25/87

this is a true copy of original.

Deborah E. Bradley

NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Nov. 5, 1990

Amelia Island Fernandina Restoration Foundation, Inc.

102 Centre Street, Fernandina Beach, Florida 32034



TO WHOM IT MAY CONCERN

The Amelia Island Fernandina Restoration Foundation recommends that no industrial zoning be allowed adjacent to the residential areas of the Historic District i.e., a buffer zone of at least C.P.O., with planting to be approved by the Historic District Council along the boundaries of the industrial areas. It is also recommended that no containerized boxes be stacked south of Calhoun Street. Specific parcels, recommended for rezoning to C.P.O. as a buffer to the Historic District, are as follows:

Parcel 6, Block 6, Lots 15, 16, 17, and 18. Parcel 5, Block 6, Lots 27, 28, 28, 30, and Parcel 4, Block 7, Lots 15-24.

Respectfully,

Patricia H. Williams

President

William K. & Susan J. Brown
421 N. 3rd Street
Fernandina Beach, Fl. 32034

November 25, 1987

Office of the Mayor
City of Fernandina Beach, Fl. 32034

Dear Sir,

My company requires me to be out of town on business during the time frame of the next two City Commission meetings. I respectfully request that the contents of this letter be entered into the public records just as if I had been present to speak during the public hearings on Rezoning Application No. RZ0587.

The legal description of Rezoning Application No. RZ0587 as originally published in the NEWS-LEADER asked for parcels 1-11 inclusive be zoned from the present state to IW. We ask that there not be any zoning changes that will cause further negative impact to our neighborhood. Already we lack proper buffers to protect us from visual and noise pollution and any changes in our existing zoning will only serve to compound the problem.

At the Planning and Advisory Board meeting of 11/18/87 this issue was discussed and it appeared that the original application was modified during the meeting and voted on and approved in the modified state. One of the items in the modification would appear to change the zoning on N. 3rd Street in the 400 block to CPO. We do not want our property zoning changed just so it will provide a "transitional buffer" from Industrial zoning to Residential zoning in this area. Consider the following: (1) if our property is zoned CPO we can continue to use it as residential; however if it should be destroyed (hurricane, fire etc.) we could not rebuild as a residence. (2) with a zoning change from R-2 to CPO naturally our property will be reappraised at a higher value due to the development in our area and the end result will us paying higher taxes on property we didn't request to have rezoned while property sold or leased to the Port Authority comes off the tax roll. This hardly seems fair, let alone equitable!

Now consider this situation from a different angle. Of property fronting the west side of N. 3rd St. in the 400 block, Susan and I own eight (8) lots that comprise 20,000 square feet of dirt and our house. The Port developers own four (4) lots to the south and (4) lots to the north of us. Their (8) lots also comprise 20,000 square feet of dirt. It would appear our holdings are equal and our inputs to any neighborhood changes would be par with theirs. Then consider the holdings of property owners on the east side of the 400 block of N. 3rd St. who do not want zoning changes. It would seem their desires should be considered also.

It would appear the City of Fernandina is being asked to make up for shortcomings in the plans of the Port developers. If the original DRI has not been signed off yet and an expanded DRI is in the works it would seem these zoning changes requested might be premature.

We have included with this letter, certified copies of a petition that requests this rezoning application as originally published not be granted.

Sincerely,

William & Susan Brown

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

11-16-87
Date

Anthony A. Walker 412 ESCAMBIA
Signed 261-9374

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

Nov. 14, 87
Date

Jayne Brown
Signed
424 N. 3rd St.
Fern. Bch., Fla.
32034.

November 18, 1987

Mr. William Kavanaugh
501 N. 3rd Street
Nassau Terminal, Inc.
Fernandina Beach, FL. 32034

Dear Mr. Kavanaugh:

I represent the owners of a single family residence located at 416 N. 3rd Street, Fernandina Beach, Florida, Larry Kollins and his wife Linda Kollins.

They have authorized me to inform you that they agree to have this property included in your application for rezoning from R-2 (Residential) to CPO (Professional Office Space).

If you require further information, please call me.

Sincerely,

Debbie A. Burgess
Debbie Burgess

cc: Ferris Jones

DB:dm

To Whom It May Concern:

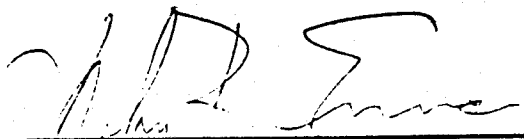
I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

11-18-87
Date

466 N 3rd St.


Signed

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

11/14/89
Date

Heraldine C. Wilson
Signed

332 N 3rd St.

I would Like My Property Zoned
C.P.O., Heraldine Wilson

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

11-17-87
Date

Ray P. Taylor / Blanch Williams
Signed

301 N. 3rd St

10

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

11/17 187
Date

J. H. Moore 231 N 3rd St.
Signed

*I would like my Property Zoned
C.D.D. R.N.*

L

(11)

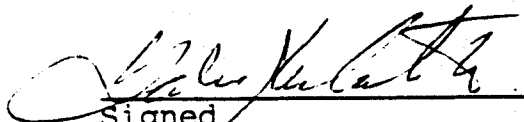
To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

11-15-87
Date


Signed

228 W 2nd ST

Fernandine B. H. Flz

7

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

11-17-87
Date

Edmond C. Helard
Signed

I would like my Property
Zoned C.F.O. C.G.F.
304 Dade St.

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

Nov. 17, 1987
Date

Drake J. Benoit 302 N 3rd St.
Signed

I am working to have our property
zoned C.P.D.

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

11-16-87
Date

Frank - [Signature]
Signed
Frank Stuck

(2)

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

Date

9/14/87

Signed

Jammie K. Smith

310 Escambia St.
Fer, Fla.

To Whom It May Concern:

I live or own property adjacent to the Port of Fernandina and have seen a totally non productive area turned into a thriving port.

I have no problem with the port, understand the economic benefits generated for our community, and fully support it.

I fully approve of zoning presently applied for.

17 NOV. 1987
Date

Henry M. M. M. 432 N 3rd St.
Signed

I was disappointed about the zoning + I am happy with everything. I would like my property zoned C.P. O. 1 B

ORDINANCE NUMBER 777

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING PLAN OF THE CITY OF FERNANDINA BEACH, FLORIDA, BY CHANGING THE CLASSIFICATION OF CERTAIN PROPERTY FROM CPO (COMMERCIAL PROFESSIONAL OFFICES) TO IW (INDUSTRIAL WATERFRONT), IM (INDUSTRIAL MECHANICAL) TO IW (INDUSTRIAL WATERFRONT), AND R-2 (ONE AND TWO FAMILY DWELLINGS) TO IW (INDUSTRIAL WATERFRONT) AND CPO (COMMERCIAL PROFESSIONAL OFFICES); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fernandina Port Development and Fernandina Marine Construction Management, through their agent, William H. Kavanaugh, and Fernandina Industrial Corporation, wholly owned by the Ocean, Highway and Port Authority and Container Corporation of America have applied for rezoning of their property under Section 26-36 of the Code of Ordinances of the City of Fernandina Beach, Florida, Application Number RZ0587; and

WHEREAS, the Planning Advisory Board has considered such application after due public notice and rendered its report and recommendation thereon; and

WHEREAS, Notice of Hearing on such application was published in the News-Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on November 5, 1987 and November 12, 1987 and Notice of Intention to Enact this Ordinance was published on November 5, 1987 and November 12, 1987; and that the property owners within Three Hundred (300) feet of the subject property were notified of the application and further that said notice of the application was posted on the subject property; and

WHEREAS, a public hearings were held on such application by the City Commission on December 1, 1987 and December 15, 1987; and

WHEREAS, after consideration of the testimony and evidence presented on such application and at the public hearing thereon, and of the report and recommendations of the Planning Advisory Board, the City Commission made the following findings:

A.) That the proposed rezoning is consistent with the Comprehensive Land Use Plan of the City of Fernandina Beach, Florida.

B.) That the proposed rezoning is necessary to maintain the

interest of public health, safety, welfare or morals.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF FERNANDINA BEACH, FLORIDA:

SECTION 1. That that certain property situate in the City of Fernandina Beach, Florida, known and described as follows, to-wit:

Parcel One: Block 57, Lots 16-26; All of Block 56; All of Block 59; and All of Block 60

Parcel Two: Block 3, Lots 18-25

Parcel Three: Block 7, Lots 1 through 14, 33 and 34

Parcel Four: Block 7, Lots 15 through 24

Parcel Eight: Water Lots 11 through 14

Parcel Nine: Block 6, Lots 31 and 32

Parcel Ten: All of Block 4

Parcel Eleven: All of Blocks 5 and 58; Lots 1-14 and 33-34 of Block 6; and Lots 1-22 and 31-34 of Block 57

is hereby designated as IW (Industrial Waterfront) under the Comprehensive Zoning Plan and Ordinances of the City of Fernandina Beach, Florida.

SECTION 2. That that certain property situate in the City of Fernandina Beach, Florida, known and described as follows, to-wit:

Parcel Five: Block 6, Lots 27, 28, 29, 30

Parcel Six: Block 6, Lots 15, 16, 17, 18

is hereby designated as CPO (Commercial Professional Offices) under the Comprehensive Zoning Plan and Ordinances of the City of Fernandina Beach, Florida.

SECTION 3. The rezoning of the above described property is conditioned upon the following:

- 1) The existing 75' buffer at the centerline of the block on the west side of the 400 block of North 3rd Street shall be retained intact at previous levels applicable for IM zoning, notwithstanding the rezone to IW.
- 2) No cargo, chassis or freight container storage or handling shall be undertaken south of Calhoun Street, except for chassis parking on Parcel 2. "Chassis" is defined as a wheeled assembly for moving cargo containers.
- 3) Parcel 1 (CPO to IW rezoning) shall have or establish, and maintain, a twenty (20') foot heavily vegetated buffer facing Escambia Street.

- 4) The "heavily vegetated buffer," particularly on Parcel 4, shall be a noise and visual screen to the satisfaction of the City's Historic District Council.

SECTION 4. That this ordinance shall take effect immediately upon its adoption.

ADOPTED this 15th day of December, 1987.

ATTEST:

CITY OF FERNANDINA BEACH, FLORIDA

By: Vicki P. Wingate
VICKI P. WINGATE

By: Ronnie Sapp
RONNIE SAPP

Its: City Clerk

Its: Mayor/Commissioner

Date of First Reading: December 1, 1987

Date of Publication: November 5 and 12, 1987

Date of Public Hearing and

Second Reading: December 15, 1987

Date of Adoption: December 15, 1987

Received By: _____

Date and Time: _____

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Fernandina Beach, Florida, will hold a public hearing on Tuesday, March 18, 1997 at 6:00 p.m., in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida, on the proposed Ordinance #97-6 entitled as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE
CITY OF FERNANDINA BEACH, FLORIDA, AMENDING
ORDINANCE #777 AND PROVIDING FOR AN EFFECTIVE
DATE.

A copy of said proposed ordinance may be inspected by the public at the office of the undersigned at 204 Ash Street, Fernandina Beach, Florida. Interested parties may appear at said hearing and be heard as to the advisability of any action which may be considered with respect to such ordinance. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

CITY OF FERNANDINA BEACH
BY: VICKI P. CANNON
ITS: CITY CLERK

(NOTE TO PUBLISHER: Please publish the above in the 2/26/97 edition of the News-Leader under legal publications. Send bill along with proof of publication to the City of Fernandina Beach, P. O. Box 668, Fernandina Beach, FL 32035-0668, Attn: Vicki P. Cannon. Thank you.)

City of Fernandina Beach

File

OFFICE OF
CITY MANAGER

March 10, 1989

Post Office Box 668
204 Ash Street
Fernandina Beach, FL 32034
904/261-4168

Mr. W. H. Kavanaugh
Fernandina Marine Construction Mgmt.
Port of Fernandina
Post Office Box 1543
Fernandina Beach, Florida 32034

Dear Bill:

The following comments are in regards to your letter of March 9, 1989.

As you are well aware, the City Commission, Downtown Redevelopment Agency and the Amelia Island Restoration Foundation are concerned that the Port of Fernandina comply with City Ordinance Number 777, which forbids port expansions South of Calhoun Street and into the Historic District. The City of Fernandina, through the passage of this ordinance has made clear the wishes of the City that any Port expansion be to the north. This is also shown by the rezoning of the Port properties from Commercial Professional to Industrial Waterfront.

As to the closing and abandonment of Escambia Street, this has not been officially requested of or considered by the City Commission. However, as City Manager I am of the opinion and would recommend to the City Commission that Escambia Street not be closed or abandoned between 5th and 8th Streets. To close this street would create access problems for residents in the area and for public safety vehicles.

Sincerely,

CITY OF FERNANDINA BEACH



F. B. Jones
City Manager

FBJ/cm

FERNANDINA MARINE CONSTRUCTION MANAGEMENT

Port of Fernandina

P.O. Drawer 1543
Fernandina Beach, FL 32034
TLX 441734 NSAUI
TELEFAX (904) 261-4407
904/261-0048

March 9, 1989

Mr. Ferris Jones
City Manager
City of Fernandina Beach
Fernandina Beach, FL 32034

Re: Port of Fernandina Expansion

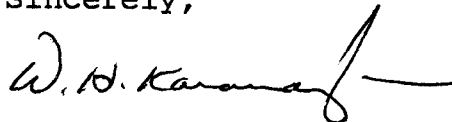
Dear Ferris:

The Port of Fernandina is finalizing its mitigation plan for the expansion of the terminal and would like your thoughts on the possibility of expanding the container yard south of Calhoun St.

Also, the Port would like to know if the City will close Escambia so that the road can be removed from the wetlands between 5th and 8th Street.

Your thoughts on this matter would be greatly appreciated.

Sincerely,



W. H. Kavanaugh

tr

RESOLUTION NUMBER 801

CITY OF FERNANDINA BEACH, FLORIDA

WHEREAS, the Ocean, Highway and Port Authority of Nassau County, Florida, has applied to the Department of Community Affairs of the State of Florida for a Preliminary Development Agreement for the development of Site "A" of the proposed port facility (consisting of Sites "A", "B" and "C"); and

WHEREAS, the City Commission of the City of Fernandina Beach, Florida, has determined it to be in the best interests of the citizens of the said City that the Preliminary Development Agreement be approved subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE CITY OF FERNANDINA BEACH, FLORIDA, that the Department of Community Affairs is hereby requested to approve the Preliminary Development Agreement for the development of Site "A" of the proposed port facility as submitted by the Ocean, Highway and Port Authority of Nassau County, subject to the following conditions:

- 1) The port will not import nor export petroleum products, coal or hazardous materials without re-submitting an amended ADA/DRI.
- 2) Equitable annual fees will be negotiated to fund City services normally funded through ad valorem taxes. These include fire and police protection, street maintenance, administrative and recreation services.
- 3) There will be no exemption from fees which fund City wastewater treatment and sanitation (trash and garbage) services.
- 4a) Impact fees imposed by City Ordinance Number 704 and others for capital improvements will be paid at the time construction permits are issued. These fees are specifically dedicated to facilities for:
 - a) Wastewater Treatment
 - b) Fire Protection
 - c) Police Protection
 - d) Sanitation
 - e) Recreation
 - f) Administration
- 4b) If completed application(s) for construction permits are not made within two (2) years from current date, all project approvals by the City shall lapse and be of no further force or effect.
- 5) The operators of the port will compile a code governing the operations of vessels and vehicles using the port facilities, and this code will be submitted to the City Commission of the City of Fernandina Beach for approval and incorporation in the City code prior to the start of port operations. The code shall include all applicable international, federal and state regulations and specific rules regarding hurricane conditions, long term mooring of vessels, normal working hours, and no-wake zones.

- 6) The wording of the last sentence of Paragraph 2 of the current version of the Preliminary Development Agreement should be revised to read "However, the impacts of Part A shall be reviewed and combined with the overall DRI application".

ADOPTED this 20th day of February, 1986.

CITY OF FERNANDINA BEACH, FLORIDA

ATTEST:

Vicki P. Wingate

VICKI P. WINGATE
City Clerk

Don Roberts

DON ROBERTS
Mayor/Commissioner

xc:WP
Be
FBJ
File
7/1/84
Just
copies
2/13/86
w
Revised Proposed
2/13/86

change 7/1/84

PRELIMINARY DEVELOPMENT AGREEMENT FOR
PORT FACILITIES DEVELOPMENT
FERNANDINA BEACH, NASSAU COUNTY, FLORIDA
PARTS A, B AND C

THIS AGREEMENT is entered into by and between the OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA, hereinafter referred to as "Owner", and the STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, hereinafter referred to as "Department", subject to all other governmental approvals and solely at the Owner's own risk.

WHEREAS, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to developments of regional impact (DRI); and

WHEREAS, The Department is authorized to enter into preliminary development agreements pursuant to Section 380.032(3), Florida Statutes (1985), and Rule 9J-2.18, Florida Administrative Code; and

WHEREAS, the Owner is a subdivision and agency of the State of Florida and plans to develop three sites, more particularly described in the attached Exhibit "A", for a port facility in Nassau County; and

WHEREAS, the Owner proposes to develop such port facilities in Part A, B and C, hereinafter referred to as "the Project"; and

WHEREAS, the Owner at present does not own any of said property but plans to acquire same over a period of five (5) years beginning with the site for Part A; and

WHEREAS, the Owner has applied for and received all necessary permits from local and state agencies to construct the project as described in Part A of Exhibit "A" attached hereto; and

WHEREAS, the Owner believes it is able to develop Part A and is then willing to do a DRI for Parts A, B and C; and

WHEREAS, a dispute exists between the Owner and the Department as to whether or not any or all parts of this project constitute a DRI; and

WHEREAS, the interests of the State of Florida may be better served and more fully protected by entering into this Agreement rather than attempting to go through lengthy and uncertain litigation; and

WHEREAS, the Owner holds no title or interest to any property nor plans to acquire any other properties within five (5) miles of the property as described in the attached Exhibit "A".

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed as follows:

1. The Owner asserts and warrants that all the representations and statements concerning the Project made to the Department and contained in this agreement are true, accurate and correct. Based upon said representations and statements, the Department concludes that this Agreement is in the best interest

of the State, is necessary and beneficial to the Department in its role as the state agency with the responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and intent of Chapter 380, Florida Statutes. The port facility development described in the attached Exhibit "A" is a DRI and Owner will hold a Pre-application Conference with the Northeast Florida Regional Planning Council for the development described in Parts B and C of Exhibit "A" within one (1) month from the effective date of this Agreement. Further, Owner will file an Application for Development Approval (ADA) for the development described in Parts B and C of Exhibit "A" by June 1, 1986, and will not withdraw the ADA.

2. The development described in Parts B and C of Exhibit "A" is a DRI as defined by Section 380.06, Florida Statutes. Within one month from the date of execution of this Agreement, the Owner shall meet with the Northeast Florida Regional Planning Council for the Pre-application Conference required by Section 380.06(7), Florida Statutes. Further, the Owner shall file an Application for Development Approval (ADA) for the development described in Parts A, B and C of Exhibit "A" by June 1, 1986, and shall not withdraw the ADA. However, the impacts in Part A shall be reviewed as part of the overall DRI application.

3. Nothing in this Agreement shall be construed to affect the property rights of any land owners on land not yet acquired if it is not acquired by the Owner.

4. Time is of the essence. Failure to timely attend the Pre-application Conference or to timely file the ADA or to otherwise fail to diligently proceed in good faith to obtain a final development order shall constitute a breach of this Agreement. In the event of such a breach, the Owner shall immediately cease all development of the Project, including the preliminary development authorized by this Agreement.

5. Prior to the issuance of a final development order, Owner may continue to develop Part A of Exhibit "A" to the extent as described in the Engineering Study for the Port of Fernandina, Florida, by Harbor Engineering Company. The remaining Parts B and C of Exhibit "A" shall remain undeveloped until the issuance of a final DRI development order.

6. So long as the Department determines that the Owner is in compliance with this Agreement, the Department shall not initiate enforcement action, including any proceeding to enjoin any development within that described in Part A of Exhibit "A".

7. In the event that the Owner fails to comply with any of the terms or conditions stipulated in this Agreement, or if there is any other development beyond that specifically authorized herein, or if this Agreement is based upon materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, Florida Statutes, including a suit to enjoin all development activities of Owner on those real properties described in Parts B and C of Exhibit "A", including the development allowed in paragraph 5 above. This Agreement may be introduced as evidence by either party in any proceeding brought to enforce the terms of this Agreement to establish the intent of the parties and their respective rights and obligations with respect to the development described herein.

8. The Owner shall not claim vested rights, or assert equitable estoppel, arising from this Agreement or any expenditures or actions taken in reliance on this Agreement to continue with the total proposed development beyond the

preliminary development. This Agreement shall not entitle the Owner to a final development order approving the total proposed development nor to particular conditions in a final development order.

9. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, Florida Statutes.

10. The restrictions and conditions of the final development order issued pursuant to Chapter 380, Florida Statutes, shall supersede the restrictions and conditions upon development of this Agreement.

11. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the Northeast Florida Regional Planning Council from reviewing or commenting on any regional issue that the regional planning council determines should be included in the regional planning council's report on the ADA.

12. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. The Owner shall ensure and provide that any successor in interest in and to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. The Owner shall record this Agreement in the Official Records of Nassau County, Florida, and shall provide the Department with a copy of the recorded Agreement including Book and Page number within two (2) weeks of the date of this Agreement.

13. The date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.

Signed, sealed and delivered
in the presence of:

OCEAN HIGHWAY AND PORT
AUTHORITY, NASSAU COUNTY,
FLORIDA

By: _____
E. E. LASSERRE, Chairman

As to Ocean Highway and Port
Authority

ATTEST:

By: _____
BARBARA A. THORNTON, Secretary

(S E A L)

"Owner"

STATE OF FLORIDA, DEPARTMENT
OF COMMUNITY AFFAIRS

By: _____

As to State of Florida,
Department of Community Affairs

(S E A L)

"Department"

Approved as to form and legal
sufficiency:

General Counsel, Department of
Community Affairs

STATE OF FLORIDA)

COUNTY OF NASSAU)

The foregoing instrument was acknowledged before me this _____ day of _____, 1986, by E. E. LASSERRE and BARBARA A. THORNTON, as Chairman and Secretary, respectively, of the OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA, on behalf of said authority.

Notary Public, State of
Florida at Large

My Commission Expires:

STATE OF FLORIDA)

COUNTY OF LEON)

The foregoing instrument was acknowledged before me this _____ day of _____, 1986, by _____ who is the _____ of the STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, on behalf of said Department.

Notary Public, State of
Florida at Large

My Commission Expires:

PARCEL ONE (1):

Lots One (1), Thirty-three (33), Thirty-four (34), Two (2), Three (3), Four (4), Five (5), Six (6), and Nine (9), Block Six (6), Fernandina, according to the Official Plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901), together with the East One-half ($E\frac{1}{2}$) of the part of North Second Street, lying Westerly of said lots, as now closed by Ordinance No: 373.

PARCEL TWO (2):

Lots Seven (7) and Eight (8), Block Six (6), Fernandina, according to the Official Plat of said City, (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901), together with the East One-half ($E\frac{1}{2}$) of the part of North Second Street lying Westerly of said lots, as now closed by Ordinance No. 373.

PARCEL THREE (3):

Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Six (6), Fernandina, according to the Official Plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901), together with the South One-half ($S\frac{1}{2}$) of that part of Escambia Street, lying North of said lots, as now closed by Ordinance No. 374.

PARCEL FOUR (4):

Lots One (1) thru Fourteen (14) inclusive, Lots Fifteen (15) thru Twenty-two (22) and Thirty-one (31) thru Thirty-four (34) inclusive, Block Fifty-seven (57), Fernandina, according to the Official Plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901), together with part of North Second Street lying and being in said Block Fifty-seven (57), as now closed by Ordinance No. 372 and together with the East One-half ($E\frac{1}{2}$) of that part of North Second Street lying Westerly of said Block Fifty-seven (57) as now closed by Ordinance No. 373 and together with the North One-half ($N\frac{1}{2}$) of that part of Escambia Street lying South of said Block Fifty-seven (57), as now closed by Ordinance No. 374.

PARCEL FIVE (5):

All that certain piece or parcel of land situate, lying and being in the City of Fernandina Beach (formerly named Fernandina), County of Nassau and State of Florida, and known and described on the Official Plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as ALL lots Twenty-six (26) through Thirty-four (34), inclusive in Block Five (5) and that part of Lots One (1) through Eight (8), inclusive, in Block Five (5) that exist Twenty-five (25) feet Easterly of the center line between the main tracks of Seaboard Air Line Railroad Company, being further described as follows:

Commencing at the Southwest corner of said Lot One (1), (being also the Southwest corner of Block Five (5)) and go South Eighty-two (82) degrees, Twenty-eight (28) minutes East along the South line of Lot One (1) and Block Five (5) and the North right of way of Dade Street, (has Sixty (60.0) foot right of way) for Sixteen (16.0) feet to the point of beginning; thence continue South Eighty-Two (82) degrees, Twenty-eight (28) minutes East along the South line of Lot One (1) and North right of way of Dade Street for eighty-four (84) feet to the Southeast corner of Lot One (1); thence go North Seven (07) degrees, Thirty-two (32) minutes East along the East line of Lots One (1), Two (2), Three (3), and Four (4), One Hundred (100.0) feet to the Northeast corner of Lot Four (4); thence go South Eighty-two (82) degrees, Twenty-eight (28) minutes East along the South line of Lot Five (5) and North line of Lot Thirty-four (34) for Twenty-five (25.0) feet to the Southeast corner of Lot Five (5); thence go North Seven (07) degrees Thirty-two (32) minutes East along the East line of Lots Five (5) Six (6), Seven (7) and Eight (8) for One Hundred (100.0) feet to the Northeast corner of Lot Eight (8); thence go North Eighty-two (82) degrees, Twenty-eight (28) minutes West along the North line of Lot Eight (8) for One Hundred Five and Forty-two Hundredths (105.42) feet to the Easterly right of way of the Seaboard Air Line Railroad Company; thence follow the arc of the curve to the left of Easterly right of way of Seaboard Air Line Railroad Company on a chord bearing of South Eight (08) degrees, Thirty-three (33) minutes, Thirty (30) seconds West for Two Hundred and Three Hundredths (200.03) feet to the point of beginning.

PARCEL SIX (6):

The West One-half ($W\frac{1}{2}$) of that part of North Second Street

lying East of Lots Twenty-six (26) to Thirty (30), inclusive, Block Five (5), Fernandina, as now closed by Ordinance No. 373.

PARCEL SEVEN (7):

That certain piece or parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida, and known and described on the Official Plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as:

Part of the North One-half ($N\frac{1}{2}$) of Block Five (5) and Part of Block Fifty-eight (58) of said City; the West One-half ($W\frac{1}{2}$) of North Second Street lying Easterly of said Blocks; All of Escambia Street lying between said fractional Blocks Five (5) and Fifty-eight (58), (Escambia Street and North Second Street within the bounds of this description have been officially closed by the City of Fernandina Beach) and being further described by metes and bounds as follows:

For a point of reference start at the Southwest corner of the North One-half ($N\frac{1}{2}$) of Block Five (5): thence go South Eighty-two (82) degrees, Twenty-eight (28) minutes East along the South line of the North One-half ($N\frac{1}{2}$) of Block Five (5) for Sixteen (16.0) feet to the point of beginning at a point Twenty-five (25.0) feet Easterly of the center of the tracks of the most Easterly tracks of the Seaboard Coastline Railroad: thence continue South Eighty-two (82) degrees, Twenty-eight (28) minutes East for Two Hundred Nine (209.0) feet to the Southeast corner of the North One-half ($N\frac{1}{2}$) of Block Five (5); thence continue the same for Thirty (30.0) feet to the center of the closed Sixty (60.0) foot right of way of North Second Street; thence go at right angles North Seven (07) degrees, Thirty-two (32) minutes East along the center of said former North Second Street for Five Hundred Ninety-five (595.0) feet to a point which is Twenty-five (25.0) feet Southeasterly, measured radially of the center of the most easterly tracks of said Seaboard Coastline Railroad; thence go along the arc of the curve to the left along the Easterly right of way of said Railroad on a chord bearing of South Forty-three (43) degrees, Twenty-one (21) minutes West for Forty-five and Sixty-two Hundredths (45.62) feet to a point which is on the Westerly right of way of said former North Second Street and Two (2.0) feet Southerly of the northeast corner of Block Fifty-eight (58); thence continue along the arc of the curve to the left of said railroad right of way a chord bearing of South Thirty-four (34) degrees, Fifteen (15) minutes West for Three Hundred Thirty-Three and Sixty-two Hundredths (333.62) feet to the former Northerly right of way of Escambia Street; thence continue across the closed Sixty (60.0) foot right of way of said Street along the arc of the curve to the left, (from a point which is on the South line of Block Fifty-eight (58) and One Hundred Fifty (150.0) feet, more or less, from the Southeast corner of Block Fifty-eight on a chord bearing of South Twenty-five (25) degrees Forty-eight (48) minutes West for Sixty-three and Eighteen Hundredths (63.18) feet to a point on the North line of Block Five (5) which is Westerly One Hundred Seventy (170.0) feet, more or less, from the Northeast corner of Block Five (5); thence continue along the arc of the curve to the left along the easterly right of way of said Railroad on a chord bearing of South Seventeen (17) degrees, Thirty-Four (34) minutes, Thirty (30) seconds West for Two Hundred Three and Eleven Hundredths (203.11) feet to the point of beginning.

OFFICIAL RECORDS

BOOK 360 PAGE 86

SUBJECT TO the interest of Seaboard Air Line Railway under Deed Book "B2", page 500, public records of Nassau County, Florida, as to part of Lot 10, Block 57, and part of North 2nd Street as lies within the bounds of spur track.

SUBJECT ALSO TO all taxes accruing after December 31, 1981, and to all covenants, restrictions, and easements of record.

SUBMERGED LAND LEASE DESCRIPTION

A parcel of submerged land in the Amelia River, lying adjacent to Water Lots 9, 10, 11 and 12, Fernandina Beach, Nassau County, Florida, as shown on the Official Plat of said city (as Lithographed and Issued by the Florida Railroad Company in 1857, and Enlarged, Revised and Re-issued by the Florida Town Improvement Company in 1887 and 1901).

Commence for a Point of Reference at the Southeast corner of said Lot 9; thence North 82 degrees 15 minutes 03 seconds West along the South line of said Lot 9, 110.5 feet; thence North 18 degrees 08 minutes 40 seconds East, 41.35 feet to the POINT OF BEGINNING; thence North 11 degrees 23 minutes 16 seconds East, 126.88 feet; thence North 27 degrees 08 minutes 33 seconds East, 100.01 feet; thence North 19 degrees 11 minutes 05 seconds East, 101.12 feet; thence North 37 degrees 32 minutes 57 seconds East, 106.57 feet; thence North 27 degrees 08 minutes 33 seconds East, 120.01 feet; thence North 65 degrees 25 minutes 53 seconds East, 94.81 feet; thence North 38 degrees 23 minutes 40 seconds East, 178.08 feet; thence North 33 degrees 02 minutes 52 seconds East, 175.62 feet; thence North 53 degrees 39 minutes 29 seconds West, 189.22 feet; thence North 62 degrees 17 minutes 03 seconds West, 96.99 feet; thence South 27 degrees 42 minutes 57 seconds West, 1000.00 feet; thence South 62 degrees 17 minutes 03 seconds East, 211.42 feet to the POINT OF BEGINNING.

Containing 209,882.33 Square Feet or 4.82 Acres, more or less.

A. Darrell Brown, Jr., R.L.S. No. 2207
Not Valid Unless Embossed with
Surveyor's Seal

SPECIFIC PURPOSE SURVEY FOR SUBMERGED
LAND LEASE IN THE AMELIA RIVER
FERNANDINA BEACH, FLORIDA
APPLICATION BY FERNANDINA MARINE TERMINAL INC.

PREPARED BY -
HARBOR ENGINEERING COMPANY
1615 HUFFINGHAM LANE
JACKSONVILLE, FLORIDA 32216

DATE 03/12/85

SHEET 3 OF 3

PARCEL "A":

All of that certain tract or parcel of land situate, lying and being in the County of Nassau and State of Florida, described as follows, viz:

A portion of the Fort Clinch Military Reservation situated on the Northerly end of Amelia Island, Nassau County, State of Florida, and more particularly described as follows:

Beginning at a point, said point being now or formerly marked by a live oak post on the Eastern bank of Amelia River, and being located approximately Twenty-four Hundred Sixteen and Two Tenths (2467.2) feet North and Fifty-one Hundred Sixty-one and One Tenth (5161.1) feet West of a stone monument marked, "U.S.M.R.", (as the Southeast corner of Section Number One (1) of fractional Section Fourteen (14), Township Three (3) North, Range Twenty-eight (28) East of the Tallahassee Principal Meridian); thence North Fourteen (14) degrees No (00) minutes West along the bank of Amelia River, a distance of One Thousand (1000.0) feet to a point; thence North Seventy-nine (79) degrees, No (00) minutes East for a distance of One Thousand (1000.0) feet to a point; thence South Fourteen (14) degrees, No (00) minutes East, a distance of One Thousand (1000.0) feet to a point on the traverser of the Manatee Egan's Creek, also called Beach Creek, thence a distance of One Thousand (1000.0) feet to the point of beginning.

RESERVING, NEVERTHELESS, unto the United States of America, and its assigns, a perpetual right of way over and along the Military Road as now exists over and across the land hereinabove described.

EXCEPTING FROM THE ABOVE PARCEL "A" those certain lands as conveyed in Official Records Book 213, Page 404, public records of Nassau County, Florida.

PARCEL "B":

All that certain tract or parcel of land situate, lying and being on Amelia Island in the County of Nassau and State of Florida, and more particularly described in that certain deed heretofore made by the United States of America, by and through F.H. Payne, Acting Secretary of War, to Charles M. Hilliard, bearing date the 16th day of January 1931 and recorded in Official Records Book No. 85, on pages 396-397 of the public records of said County of Nassau, Florida, as follows:

That certain tract or parcel of land in Section Ten (10), Township Three (3) North, Range Twenty-eight (28) East, Tallahassee Meridian, together with the improvements thereon known as the Quarantine Station, forming a portion of the Fort Clinch Military Reservation situate, lying and being in Nassau County, State of Florida. Said tract or parcel of land more particularly described as follows:

Commencing at the center of the Quarantine Station on Wharf gangway at the mean high water mark, running thence due North a distance of Five Hundred (500.0) feet to a point; thence due East a distance of One Thousand (1000.0) feet to a point; thence due South a distance of One Thousand (1000.0) feet to a point; thence due West a distance of One Thousand (1000.0) feet to a point; thence due North a distance of Five Hundred (500.0) feet to the place of beginning; ALSO any portion or portions of the said Fort Clinch Military Reservation lying between the mean high water mark and the Western boundary of the Quarantine Station as described, from the line of the Southern boundary of said Quarantine Station to the line of the Northern boundary thereof.

The above described tract or parcel of land being a portion of the land conveyed to the United States of America by George R. Fairbanks, Commissioner, by deed dated July 9, 1850, said deed being recorded in Deed Book "D", page 162 to 174, in the Clerk's Office, Nassau County, State of Florida. The tract or parcel of land hereinabove described and hereby conveyed being the same or identical tract or parcel of land shown or designated on the map of the U.S. Military Reservation, recorded in the Office of the Clerk of the Circuit Court in said County of Nassau, Florida, in Plat Book "O", page 39, of the public records of said County of Nassau, as U.S. Quarantine Station.

certain tract or parcel of land, situate, lying and being on Amelia Island, in the County of Nassau and State of Florida, and being in and a part of Section Ten (10), in Township Three (3) North, Range Twenty-eight (28) East, and which tract or parcel of land, hereby conveyed is more particularly described as follows:

Beginning at a point on the East bank of Amelia River at an Iron Hub, and which point is designated by the letter "N" on that certain plat of the Former U.S. Military Reservation of Section Ten (10), Township Three (3) North, Range Twenty-eight (28) East, and which is recorded in the office of the Clerk of the Circuit Court of Nassau County, Florida, in Book "O", at page 39 of said records, being the Northwest corner of Parcel Two (2) on said plat and which point is North Thirteen (13) degrees, Fifty-three (53) minutes West, One Thousand (1000.0) feet from the Southwest corner of said Section Ten (10); thence run North Seventy-nine (79) degrees, and Seven (07) minutes East along the North boundary of said Parcel Two (2) for a distance of One Thousand (1000.0) feet to the Northeast corner of said Parcel Two (2) and designated on said Plat by the letter "O"; thence North Eighty-nine (89) degrees and Twenty-five (25) minutes West for a distance of Two Hundred and Six (200.6) feet; thence West for a distance of One Hundred Ninety-nine and Eight Tenths (199.8) feet to the Southeast corner of that parcel of land designated on said Plat as U.S. Quarantine Station; said point being designated on said plat by the letter "K"; thence West along the South boundary of that parcel of land designated as U.S. Quarantine Station for approximately a distance of Nine Hundred Twenty-eight (928.0) feet to the Channel of Amelia River; thence South along the Eastern edge of the Channel of the Amelia River to a point on said Eastern edge of the Channel of Amelia River, which would be the intersection of said Eastern edge of the Channel of Amelia River and an extension Westward of the Northern boundary of Parcel Two (2); thence run North Seventy-nine (79) degrees, and Seven (07) minutes East for approximately a distance of One Hundred Thirty-two (132.0) feet to the place of beginning.

PARCEL "D":

All of that certain tract, place or parcel of salt marsh land situate, lying and being on Amelia Island, in the County of Nassau and State of Florida, and described as follows, to-wit:

All of the salt marsh portion of Section Fourteen (14) in Township Three (3) North, Range Twenty-eight (28) East, as lies North of that portion of the City of Fernandina known as "Old Town", and as lies on both sides of Egan's Creek and West of the dam and causeway (which dam and causeway run from said "old Town" northerly across said marsh north of parcel numbered Fourteen (14)); EXCEPTING, however, all of that certain parcel of land designated upon and according to the official plat of said city of Fernandina as marsh lot numbered Thirteen (13), now owned by the Seaboard Air Line Railway Company, together with all rights to the lands, hereinabove described and hereby conveyed, belonging or in any way appertaining.

ALSO EXCEPTING THEREFROM those portions of parcel "D" described as follows:

a. Lying Northwest of and within Eighty (80.0) feet of the Construction Centerline of Road, 16th Street, Section 7400, said Construction Centerline being described as follows:

Commence on the Easterly extension of the South line of Block Fourteen (14), Old Town, Fernandina Beach, at a point Fifty and Ninety-six Hundredths (50.96) feet East from the Southeast corner of said Block Fourteen (14); run thence North Thirty-six (36) degrees, Zero (00) minutes West, Two Hundred Forty-two and Forty-eight Hundredths (242.48) feet to the point of beginning of said Construction Centerline and the beginning of a curve to the Easterly having a radius of Five Hundred Seventy-two and Ninety-six Hundredths (572.96) feet; run thence Northwest, North and Northeast along said curve through an angle of Seventy (70) degrees, Fifty-four (54) minutes a distance of Seven Hundred Eighty (780) feet to the end of said curve and the end of said Construction Centerline, thence for reference run North Thirty-four (34) degrees, Forty-five (45) minutes East, Four Hundred Fifty-seven and Ninety-nine Hundredths (457.99) feet to the beginning of a curve to the Westerly having radius of Five Hundred Seventy-two and Ninety-six Hundredths (572.96) feet; run thence Northwest along said curve through an angle of Thirty (30) degrees, Fifteen (15) minutes, Fifty (50) seconds a distance of Three Hundred Two and Sixty-four Hundredths (302.64) feet to the point of beginning of said Construction Centerline.

b. Lying Northwesterly of and within Eighty (80.0) feet of the survey line of State Road, 14th Street, Section 7400, said survey line being described as follows:

Begin on the Easterly extension of the South line of Block Fourteen (14), Old Town, Ferris Beach, Nassau County, Florida, at a point Fifty and Ninety-six Hundredths (50.96) feet from the Southeast corner of said Block Fourteen (14); run thence North Thirty-six (36) degrees, Zero (00) minutes West, Three Hundred Fifty-nine and Three Hundredths (359.00) to the beginning of a curve concave to the Easterly having a radius of Four Hundred Ninety-six Hundredths (409.26) feet; run thence Northwesterly, North and Northeasterly said curve through a total central angle of Seventy and Fifty-four Hundredths (70.54) feet distance of Five Hundred Six and Forty-three Hundredths (506.43) feet to the end of said curve; run thence North Thirty-four (34) degrees, Forty-five (45) minutes East, Five Hundred Seventy-four and Fifty-four Hundredths (574.54) feet to the beginning of a curve concave Westerly having a radius of Five Hundred Seventy-two and Ninety-six Hundredths (572.96) feet; run thence Northeasterly, along said curve through an angle of Thirty (30) degrees Fifteen (15) minutes, Fifty (50) seconds a distance of Three Hundred Two and Sixty-four Hundredths (302.64) feet to the South line of Section Ten (10), Township Three (3) North, Range Twenty-eight (28) East at a point One Hundred Fifty and Twelve Hundredths (150.12) feet Northwesterly from a point designated as "R"; thence from a tangent bearing of North Ninety degrees, Twenty-five (25) minutes, Ten (10) seconds East continue thence Northeasterly and Northwesterly along said curve through an angle of Nine (09) degrees, Twenty-five minutes, Ten (10) seconds a distance of Ninety-four and Nineteen Hundredths (94.19) feet to the end of said curve and the end of said survey line.

[illegible]

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MASSAU COUNTY, FLA.
CLERK CIRCUIT COURT
T.J. GREESON - CLERK

All of Water Lots 7, 9, and 10 and that portion of Water Lot 8, which runs south from the northeast corner of Water Lot 8, a distance of 150 feet; thence northwest approximately 160 feet; thence east approximately 50 feet to the point of beginning; as recorded in the Current Records of Nassau County, Florida; see attached Addendum A for diagram.

All of Water Lots 11 and 12 as recorded in the Current Public Records of Nassau County, Florida; see attached Addendum A for diagram.

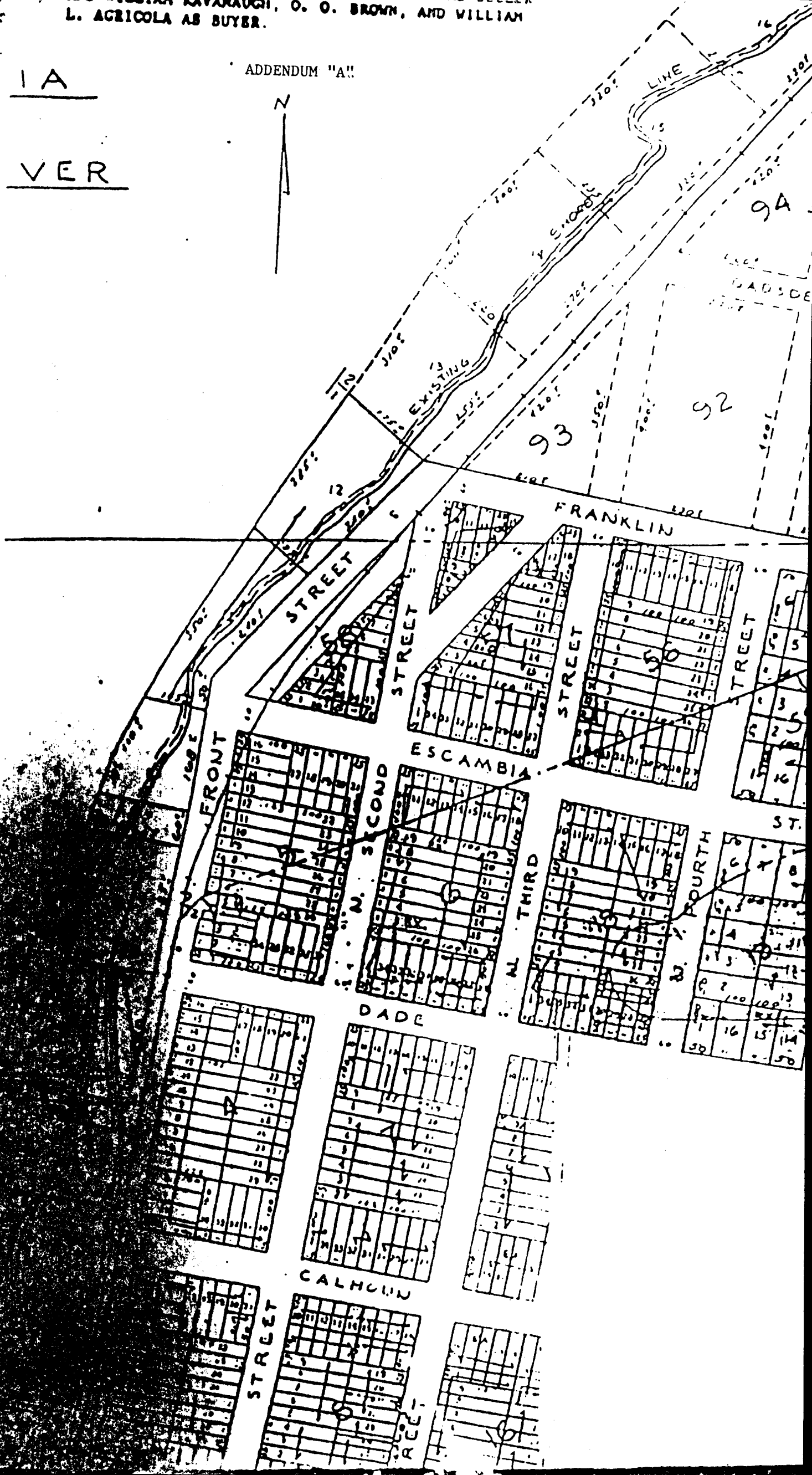
EXHIBIT "A-1"

AND WILLIAM KAVARAUGH, O. O. BROWN, AND WILLIAM
L. AGRICOLA AS BUYER.

1A

ADDENDUM "A"

VER

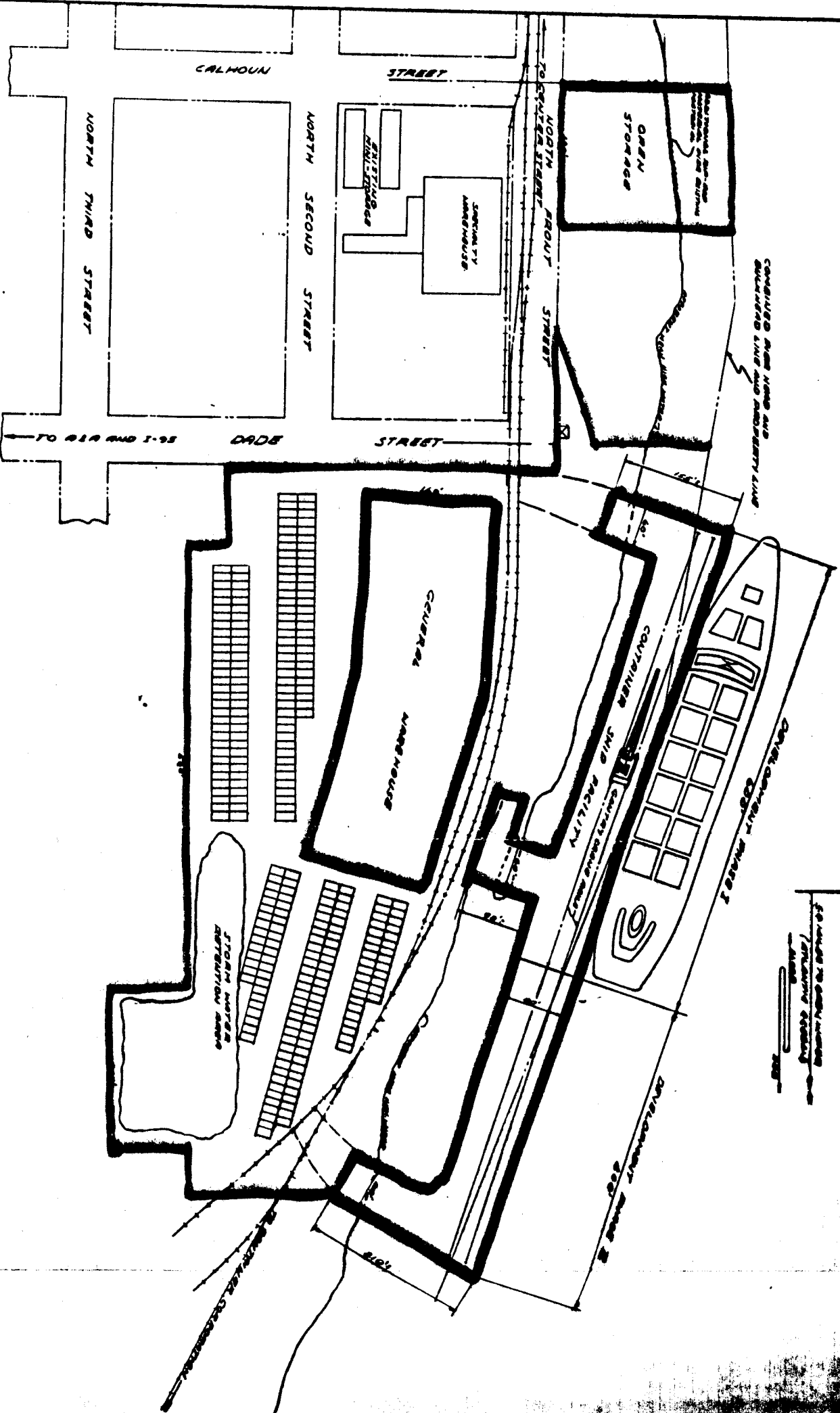


AMELIA

RIVER



AS SHOWN TO SURROUND
EXISTING FOR EXISTING
FOR EXISTING
EXISTING
EXISTING



OFFICIAL RECORDS

ASSIGNMENT OF LEASE

BOOK 0497 PAGE 1037

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations, FERNANDINA MARINE TERMINALS, INC., hereinafter referred to as Assignor, do hereby grant, bargain, sell, assign, transfer and set over to FERNANDINA MARINE MANAGEMENT, INC., hereinafter referred to as Assignee, all of their rights, title and interest in and to that certain Submerged Land Lease between The Department of Natural Resources of State of Florida and Fernandina Marine Terminal, Inc., for the submerged land described in Exhibit A to this Assignment.

The Assignor fully authorizes and empowers the Assignee, upon performance of the covenants and conditions provided in the above-mentioned Contract, to demand and receive of The Department of Natural Resources of State of Florida all terms and conditions of said Agreement in the same manner to all intents and purposes, as the Assignor might or could do, were these presents not executed.

The Assignee agrees and accepts all the terms and conditions of that certain Agreement as described herein and this assignment of that agreement and agrees to be bound by the terms of the referred agreement.

TO HAVE AND TO HOLD the same unto the said Assignee, its successors and assigns forever.

IN WITNESS HEREOF, we have hereunto set our hands and seals this 2 day of December, 1985.

Signed, sealed and delivered in the presence of:

FERNANDINA MARINE TERMINALS,
INC.

BY: William H. Kavanaugh
William H. Kavanaugh,
Chairman President

ATTEST

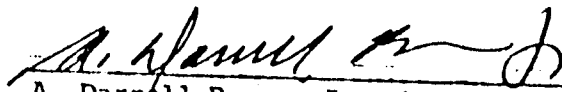
O. O. Brown
O. O. Brown, Secretary

SUBMERGED LAND LEASE DESCRIPTION

A parcel of submerged land in the Amelia River, lying adjacent to Water Lots 9, 10, 11 and 12, Fernandina Beach, Nassau County, Florida, as shown on the Official Plat of said city (as Lithographed and Issued by the Florida Railroad Company in 1857, and Enlarged, Revised and Re-issued by the Florida Town Improvement Company in 1887 and 1901).

Commence for a Point of Reference at the Southeast corner of said Lot 9; thence North 82 degrees 15 minutes 03 seconds West along the South line of said Lot 9, 110.5 feet; thence North 18 degrees 08 minutes 40 seconds East, 26.05 feet to the POINT OF BEGINNING; thence North 18 degrees 08 minutes 40 seconds, 15.30 feet; thence North 11 degrees 23 minutes 16 seconds East, 126.88 feet; thence North 27 degrees 08 minutes 33 seconds East, 100.01 feet; thence North 19 degrees 11 minutes 05 seconds East, 101.12 feet; thence North 37 degrees 32 minutes 57 seconds East, 106.57 feet; thence North 27 degrees 08 minutes 33 seconds East, 120.01 feet; thence North 65 degrees 25 minutes 53 seconds East, 94.81 feet; thence North 38 degrees 23 minutes 40 seconds East, 178.08 feet; thence North 33 degrees 02 minutes 52 seconds East, 160.59 feet; thence North 53 degrees 39 minutes 29 seconds West, 188.39 feet; thence North 62 degrees 17 minutes 03 seconds West, 96.41 feet; thence South 27 degrees 42 minutes 57 seconds West, 1000.00 feet; thence South 62 degrees 17 minutes 03 seconds East, 213.96 feet to the POINT OF BEGINNING.

Containing 208,799.805 Square Feet or 4.79 Acres, more or less.



A. Darrell Brown, Jr., R.L.S. No. 2207
Not Valid Unless Embossed with
Surveyor's Seal

SPECIFIC PURPOSE SURVEY FOR SUBMERGED
LAND LEASE IN THE AMELIA RIVER
FERNANDINA BEACH, FLORIDA
APPLICATION BY FERNANDINA MARINE TERMINAL INC.

PREPARED BY -
HARBOR ENGINEERING COMPANY
1615 HUFFINGHAM LANE
JACKSONVILLE, FLORIDA 32216

DATE 03/12/85

SEP 27 1985

SHEET 3 OF 3

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CHIEF A
16 PAGES

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LEASE

THIS LEASE, Made this 12th day of September, 1986
BETWEEN Fernandina Industrial Corporation, hereinafter
referred to as "Lessor" and Ocean Highway and Port
Authority, Nassau County, and its assigns, hereinafter
referred to as "Lessee".

WITNESSETH: The Lessor, for and in consideration of
the rent herein reserved to be paid by the Lessee, and in
consideration of the covenants herein to be kept and
performed by the Lessee, does hereby lease and demise unto
the said Lessee the following described premises, situated,
lying and being in the County of Nassau, State of Florida,
more particularly described in Exhibit "A" attached hereto
and made a part hereof.

TO HAVE AND TO HOLD the said premises unto the said
Lessee for the term beginning at 8:00 A. M. the 12th day
of September, 1986 and shall ending at 8:00 A. M. the
12th day of September, 2006, subject, however, to the
terms and conditions hereinafter set forth, the Lessee
yielding and paying to the Lessor the following rental upon
the following terms, to-wit:

The yearly rent shall be TEN DOLLARS (\$10.00), and
shall be payable on the 12th day of October each
and every year. The first such payment is payable on the
12th day of September, 1986. All payments shall be
made at Fernandina Beach, Florida, or at
such other place and to such other person as the Lessor may
from time to time designate in writing.

RENT

1. To pay the rent herein reserved at the times and in
the manner aforesaid, and should said rent herein provided
at any time remain due and unpaid for a space of five (5)
days after same shall become due, the Lessor may, at
Lessor's option, consider the Lessee a tenant at sufferance
and Lessor may immediately re-enter upon said premises and
the entire rent for the remainder of the entire term shall
at once become due and payable and may forthwith be
collected by distress or otherwise.

In the event of default in the payment of monthly
rental payments, and if the same is placed in the hands of
an attorney at law for collection, the Lessee hereby agrees
to pay all costs of collection including a reasonable
attorney's fee. Presentment, protest and notice are hereby
waived.

SUBLEASE

2. That said Lessee may not assign Lessee's interest
in this Lease, nor underlet the whole or any part of said
premises without first having obtained the written consent
to such assignment or underletting from the Lessor, and the
said Lessee further covenants that the said premises will not
be used for any purpose that will invalidate any policies of
insurance or increase the rate of premium thereof, now or
hereafter written on the building located on said premises.

GENERAL USE OF PREMISES

3. To use said premises in pursuance with all laws and
ordinances now or hereinafter applicable.

4. Lessee acknowledges that the premises have been
received in thoroughly good order, tenantable condition and
repair, of which the execution of this lease, and taking
possession thereunder shall be conclusive evidence.

5. That the Lessee shall not make any alterations or changes in the demised premises without the written consent of the Lessor.

6. That the Lessor, or Lessor's agent, may at any reasonable time, enter and view said premises, and make repairs, if Lessor shall elect to do so.

DEFAULT

7. That if the Lessee shall not pay the rent at the time and in the manner stated, or shall fail to keep and perform any other conditions, stipulations or agreements herein contained on the part of the Lessee to be kept and performed, then and in any such events, the Lessor may, at Lessor's option, terminate and end this lease and re-enter upon the property, whereupon the term hereby granted, and at the Lessor's option, all right, title and interest in or under it, shall end and the Lessee become a tenant at sufferance; or else said Lessor may, at Lessor's option elect to declare the entire rent for the balance of the term, or any part thereof, due and payable forthwith, and may proceed to collect the same either by distress or otherwise, and thereupon said term shall terminate, at the option of the Lessor, or else the said Lessor may take possession of the premises and rent the same for the account of the Lessee, the exercise of any of which options herein contained shall not be deemed the exclusive Lessor's remedy; the expression "entire rent for the balance of the term" as used herein shall mean all of the rent prescribed to be paid by the Lessee unto the Lessor for the full term of the lease, less however, any payments that have been made on account of and pursuant to the terms of said lease.

MAINTENANCE AND REPAIR

8. That the lessee assumes all risk of any damage to Lessee's property that may occur.

9. That said Lessee will quietly and peaceably deliver said premises to the Lessor in the same repair and condition in which they were received, ordinary wear and tear, fire hurricane or other Act of God, excepted, at the expiration of the term of this lease.

LESSEE AT SUFFERANCE

10. It is agreed that the failure of the Lessor in one or more instance to insist upon strict performance or observance of one or more of the covenants or conditions hereof or to exercise any remedy, privilege or option herein conferred upon or reserved to the Lessor, shall not operate to be construed as a relinquishment or waiver for the future of such covenant or condition or of the right to enforce the same or to exercise such privilege, option, or remedy, but the same shall continue in full force and effect. The receipt by the Lessor of rent, or additional rent, or of any other payment required to be made by the Lessee, or any part thereof, shall not be a waiver of any other additional rent or payment then due, nor shall receipt, though with the knowledge of the breach of any covenant or condition hereof, operate as or be deemed to be a waiver of such breach, and no waiver by the Lessor of any of the provisions hereof, or any of the Lessor's rights, remedies, privileges or options hereunder shall be deemed to have been made unless made by the Lessor in writing. If the Lessor shall consent to the assignment of this lease or to a subletting of all or part of the demised premises, no further assignment or sub-letting shall be made without the written consent of the Lessor first obtained. No surrender of the demised premises for the remainder of the term hereof shall be valid unless

accepted by the Lessor in writing.

PEACEFUL OCCUPANCY

11. The Lessor hereby covenants with the Lessee that, upon the performance by the Lessee of all conditions hereinbefore set forth on the part of the Lessee to be kept and performed, and of all other covenants and agreements herein contained, Lessee may quietly have, hold, occupy and use the above described premises without interruption by the Lessor; provided that upon the breach of any of the covenants, conditions, and stipulations herein contained to be kept and performed by the Lessee, the Lessor may immediately, without notice and without the necessity of legal process, re-enter said premises and thereupon at the Lessor's option, said lease shall forthwith be terminated and the Lessor may exercise any of the options hereinbefore provided for Lessor's benefit in case of default on the part of the Lessee.

OPTION TO PURCHASE

12. Lessee is herewith given the Right of First Refusal to purchase said property as described heretofore at the expiration of terms and conditions of this agreement for a total purchase price of TEN AND NO/100 DOLLARS (\$10.00).

13. It is agreed that the terms "Lessor" and "Lessee" as herein contained shall include singular or plural, masculine, feminine or neuter, heirs, successors, executors, administrators, personal representatives or assigns, wherever the context so requires or permits. All of the covenants contained herein are intended to run with the land and to be binding on the respective parties, their heirs, successors, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the day and year first above written.

ATTEST:

FERNANDINA INDUSTRIAL CORPORATION

BY: Barbara A. Thornton
BARBARA A. THORNTON,
Secretary

BY: E. E. Lasserre
E. E. LASSERRE, President

"Lessor"

ATTEST:

OCEAN HIGHWAY AND PORT AUTHORITY,
NASSAU COUNTY

BY: Barbara A. Thornton
Barbara A. Thornton,
Secretary

BY: E. E. Lasserre
E. E. Lasserre, Chairman

"Lessee"

STATE OF FLORIDA

COUNTY OF NASSAU

Before me personally appeared E. E. LASSERRE and BARBARA A. THORNTON, respectively, as President and Secretary of FERNANDINA INDUSTRIAL CORPORATION, A Florida corporation, to me well known to be the individuals and officers described in and who executed the foregoing instrument and severally acknowledged the execution thereof to be their own free act and deed as such officers thereunto duly authorized; and that the official seal of said corporation is duly affixed thereto, and the said conveyance is the act and deed of said corporation.

WITNESS my hand and official seal this 20th day of September, 1986, at Fernandina Beach, County and State aforesaid.

[Signature]
Notary Public in and for the
County and State aforesaid.

My commission expires:

Notary Public, State of Florida
My Commission Expires Sept. 13, 1986
Bonded thru my full insurance, this

STATE OF FLORIDA
COUNTY OF NASSAU

BEFORE ME, personally appeared E. E. Lasserre, and Barbara A. Thornton, the Chairman and Secretary, respectively, of OCEAN HIGHWAY AND PORT AUTHORITY OF NASSAU COUNTY, to me well known to be the individuals and officers described in and who executed the foregoing instrument and severally acknowledged the execution thereof to be their own free act and deed as such officers thereunto duly authorized; and that the official seal of said corporation is duly affixed thereto, and the said conveyance is the act and deed of said corporation.

WITNESS, my hand and official seal this 12th day of September, 1986, at Fernandina Beach, County and State aforesaid.

[Signature]
Notary Public in and for the
County and State aforesaid.

My commission expires:

Notary Public, State of Florida
My Commission Expires Sept. 13, 1986
Bonded thru my full insurance, this

EXHIBIT "A"

All that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach, County of Nassau and State of Florida and being further described as follows:

All those certain pieces or parcels of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and described on the official plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as:

All of Block Four (4), EXCEPT for that strip of land along the westerly side of said Block Four (4) given as railroad right of way and more particularly described as follows:

Commencing at the Southeast corner of said Block Four (4) as the POINT OF BEGINNING; thence North Eighty (80) degrees West, Two Hundred Nineteen and Sixty-seven Hundredths (219.67) feet along the right of way of Calhoun Street; thence North Ten (10) degrees, Eight (08) minutes East, Two Hundred Fifty-nine and Thirty-one Hundredths (259.31) feet along railroad right of way; thence North Fifteen (15) degrees, Forty (40) minutes East, One Hundred Forty-one and Thirty-eight Hundredths (141.38) feet along railroad right of way; thence South Eighty (80) degrees, East, Two Hundred Five and Eleven Hundredths (205.11) feet along the right of way of Dade Street; thence South Ten (10) degrees West, Four Hundred (400.0) feet along the right of way of Second Street to the POINT OF BEGINNING.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the matter of:)File No. 450823499, Nassau County
Application for Permit:)Fernandina Marine Terminal, Inc.

Fernandina Marine Terminal, Inc.
c/o Harbor Engineering Company
1615 Huffingham Lane
Jacksonville, Florida 32216

INTENT TO ISSUE

The Division of Environmental Permitting hereby gives notice of its Intent to Issue, and proposed order of issuance for, a permit pursuant to Chapters 253 and 403, Florida Statutes, and Public Law 92-500 for the proposed project as detailed in the application specified above. The Division is issuing this Intent to Issue for the reasons stated below.

The applicant, Fernandina Marine Terminal, Inc., applied on February 9, 1984 to the Department of Environmental Regulation for a permit/water quality certification to remove an approximately 180 ft. long and 40 ft. wide existing sheet metal building parallel to and extending approximately 20 ft. waterward of the line of mean high water (MHW); to remove an existing 240 ft. long wood dock running waterward of and parallel to the sheet metal building; to construct a 1,000 ft. long by 80 ft. wide pier parallel to the shoreline with 60 ft. wide by 80 ft. long entrance ramps extending to the shore from each end of the pier and to place 1,300 cu. yds of riprap landward of the line of mean high water along the project shoreline. The project site is located in the Amelia River in Section 16, Township 3 North, Range 28 East.

The Department has permitting jurisdiction under Chapters 253 and 403, Florida Statutes, Florida Administrative Code Rules 17-4.28 and 17-4.29 and Public Law 92-500 over dredge and fill activities conducted in or connected to certain waters of the State. The Amelia River constitutes navigable waters of the State over which the Department has dredge and fill permitting jurisdiction. The project is not exempt from permitting procedures. The applicant was officially notified by the Department that a dredge and fill permit was required for the proposed work.

The field appraisals of the project site were conducted by the Department on April 17 and May 11, 1984. Waterfront property in the project area is commercially and industrially developed with primarily seafood related businesses and two large pulp mills. The river bank at the project site is stabilized with rip-rap. A tidal marsh extends landward from the line of MHW to an existing railroad track on the shoreline along the northern half of the proposed pier. A small portion of this marsh area may be impacted by the northernmost entrance ramp. A decrease in productivity will be caused by the "shading effect" of the dock. However, the pilings of the dock should provide a new substrate for colonization by different organisms. The rip-rap placement will also cause a slight decrease in productivity but it is anticipated that the new material will soon be colonized with organisms.

The permit shall be issued subject to the following conditions:

1. No rip-rap or other fill shall be placed waterward of MHW.
2. Construction in the marsh area along the northern portion of the project site shall be limited to the northernmost access ramp.

The applicant has provided affirmative reasonable assurance that the immediate and long-term impacts of the project will not result in the violation of water quality standards pursuant to Florida Administrative Code Rule 17-4.28(3).

This Intent to Issue shall be placed before the Secretary for final action, unless an appropriate petition for a hearing pursuant to the provisions of Section 120.57, Florida Statutes, is filed within fourteen (14) days from receipt of this letter or publication of the public notice (copy attached) required pursuant to Florida Administrative Code Rule 17-103.150, whichever occurs first. The petition must comply with the requirements of Florida Administrative Code Rules 17-103.155 and 28-5.201 (copies attached) and be filed pursuant to Rule 17-103.155(1) in the Office of General Counsel of the Department of Environmental Regulation at 2600 Blair Stone Road, Tallahassee, Florida 32301-

8241. Petitions which are not filed in accordance with the above provisions are subject to dismissal by the Department.

In the event a formal hearing is conducted pursuant to Section 120.57(1), all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witnesses and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. If an informal hearing is requested, the agency, in accordance with its rules of procedure, will provide affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the agency or hearing officer, written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction, pursuant to Section 120.57(2), Florida Statutes.

The administrative hearing process is designed to formulate agency action. Accordingly, if a petition is filed, the Department's final action may be different from the proposed agency action. Therefore, persons who may not wish to file a petition, may wish to intervene in the proceeding. A petition for intervention must be filed pursuant to Model Rule 28-5.207 at least five (5) days before the final hearing and be filed with the hearing officer if one has been assigned at the Division of Administrative Hearings, 2009 Apalachee Parkway, Tallahassee, Florida 32301. If no hearing officer has been assigned, the petition is to be filed with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301-8241. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, Florida Statutes.

Executed this 6th day of September, 1984, Tallahassee,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

Suzanne P. Walker

Suzanne P. Walker, Chief
Bureau of Permitting
2600 Blair Stone Road
Twin Towers Building
Tallahassee, Florida 32301-8241

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LAND LEASE

NO. 450823499

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, Lessor, hereinafter referred to as the Board, pursuant to action on December 3, 1985.

WITNESSETH: That for and in consideration of payment of the annual lease fee hereinafter provided, and the faithful and timely performance of and compliance with the other terms and conditions stated herein, the Board does hereby lease to Fernandina Marine Terminal, Incorporated, hereinafter designated as the Lessee, the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section(s) 16 & 17, Township 03 North, Range 28 East, in Amelia River, Nassau County, containing 208,799.8 square feet, more or less, of sovereignty lands, more particularly described and shown on Attachment(s) A, dated September 27, 1985

TO HAVE THE USE OF the hereinabove described premises for a period of five years from December 3, 1985, the effective date of this lease. The terms and conditions on and for which this lease is granted, including any special terms and conditions, as listed on Attachment(s) B, are as follows:

1. The Lessee is hereby authorized to construct and operate exclusively a Commercial marine terminal facility, fueling facilities, without sewage pumpout facilities, and without liveaboards, as shown on Attachment(s) C, the Department of Environmental Regulation Permit No. 450823499, dated April 4, 1985.

2. The Lessee hereby agrees to pay an initial annual lease fee, plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, of \$12,788.99 plus any additional balances due as determined by the Department of Natural Resources as agent for the lessor pursuant to Section 16Q-21.11, F.A.C. The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Section 16Q-21.11, F.A.C. The Lessee will be notified in writing, in advance, of the amount and due date of the annual payment. The lease fee shall be remitted annually to the Department of Natural Resources as the agent for the Lessor, beginning with the effective and due date of this lease, and each year thereafter until the term of this lease terminates or expires. The lease fee shall be automatically adjusted by the Lessor upon adoption of a rule revising the lease fee; and the revised fee, once adopted, shall be due on the next annual payment date and for the remaining term of this lease until further adjustments are adopted or termination of this lease. Such adjustment may include a one-time premium to the lessor based upon enhancement of the value of the adjacent upland property.

3. The Lessee shall secure, maintain, and keep all records for the entire term of this lease, plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease payment verification purposes by the Board and/or its duly authorized agent.

4. For purposes of this lease, the Board and/or any other duly authorized agent of the Board is hereby specifically authorized and empowered to examine, for the term of this lease including any extensions thereto plus three additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

5. The Lessee agrees and shall provide upon request by the Lessor any and all information required from the previous year, certified true and correct, needed to calculate the lease fee specified in paragraph two (2) above. The Lessor reserves the right to assess retroactively additional payments when the actual rental rates or total number of liminal feet for rent, used to determine the annual payment differs from the rental rates or total number of liminal feet for rent, supplied by the Lessee.

6. The Lessee shall pay a late charge equal to interest at the rate of twelve percent (12%) per annum from the due date until paid on any lease fees or other charges due hereunder which are not paid within 30 days of their due dates.

7. The Lessee, in accepting this lease, does hereby agree that no claim of title or interest to said lands hereinbefore described shall be made by reason of the occupancy or use thereof; that all title and interest to said land hereinbefore described are vested in the Board.

8. The lease granted to the named Lessee shall not be subleased, assigned or otherwise transferred without prior written consent of the Board and/or any other duly authorized agent. Any sublease, assignment or other transfer without prior written consent of the Board shall be null and void and without legal effect.

9. This lease is given to the Lessee to use or occupy the leased premises for those purposes specified herein, and the Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified, nor shall he knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

10. The Lessee agrees to maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. The Lessee agrees that the leased premises are subject to inspection by the Lessor or its designated agent at any reasonable time.

11. Within 10 days following completion of the approved facility, the Lessee shall submit to the Lessor an affidavit signed by a person properly certified by the Florida Board of Professional Land Surveyors, verifying that all portions of the facility are entirely within the area covered by this lease, and that the configuration is consistent with Attachment(s) A.

12. The Lessee hereby covenants and agrees to investigate all claims of every nature at its expense, and to indemnify, defend and hold and save harmless the Board of Trustees of the Internal Improvement Trust Fund and/or the State of Florida from all claims, actions, lawsuits and demands arising out of this lease, to the extent allowed by law.

13. Renewal of this lease is at the sole option of the Board of Trustees or its legally designated agent. Such renewal is subject to the terms, conditions and provisions of current management standards and applicable laws, rules and regulations in effect at that time. If the Lessee fails to apply for a renewal within the grace period, or in the event the Board does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at his expense.

14. The Lessee shall be allowed a 30-day grace period after expiration of this lease to apply for a renewal.

15. The Lessee agrees that upon expiration or cancellation of this lease, unless renewed, all permission granted to use, occupy and operate the facility, as described in item 1 of this lease, upon the hereinabove described lands shall cease and terminate.

16. If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises within 180 days after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Board, and the Board may authorize removal and may sell such forfeited structures and equipment after 10 days written notice by certified mail addressed to the Lessee.

17. Any costs incurred by the Board in removal of said structures and equipment shall be paid for from the proceeds of sale of such structures and equipment. If funds derived from the sale of structures and equipment are insufficient to pay removal costs, the Board shall have, and is hereby granted, a lien upon the interest of the Lessee in its uplands enforceable in summary proceedings as by Law provided.

18. No failure, or successive failures, on the part of the Board to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Board to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

19. That the Lessee, by acceptance of this lease, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein, this lease may be terminated by the Board after notice in writing by certified mail to the Lessee. Upon receipt of such notice the Lessee shall undertake to correct such noncompliance(s) or violation(s) for which the Board has given notice within thirty (30) days of receipt of the notice or the Board, at its option, shall be entitled to cancel this lease and, if cancelled, all of the above-described parcel of land shall revert to the Board. All costs, including attorneys' fees, incurred by the Board to enforce this provision shall be paid by the Lessee. The Lessee, by acceptance of this lease, agrees to accept service by certified mail of any notice required by Chapter 16Q-14 Florida Administrative Code, at the following address:

The Lessee agrees to notify the Board by certified mail of any change to this address at least 10 days before the change is effective.

20. The Lessee agrees to assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

21. The Lessee agrees that no vessel required to be registered or titled under Florida law shall be allowed to moor or dock within, or otherwise use the leased area unless such vessel is registered or titled in accord with Chapter 327 and Chapter 328, Florida Statutes.

22. The Administrator, Submerged Lands Section, Bureau of State Lands Management shall be the Contract Manager.

23. The Lessee, at its own expense, shall record this lease in the official records of _____ County within 10 days after receipt of a fully executed copy of this lease, and shall provide the Board with a copy of the recorded lease indicating the book and page at which the lease is recorded.

IN TESTIMONY WHEREOF, the legally designated agent of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, has hereunto subscribed his name and has caused the official seal of the Board to be hereunto affixed, in the City of Tallahassee, on this ____ day of _____, A.D., 19__.

(SEAL)
Board of Trustees
of the Internal
Improvement Trust
Fund of the State of
Florida

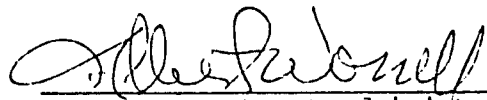
BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

BY
DIRECTOR, DIVISION OF STATE LANDS
AGENT FOR THE BOARD OF TRUSTEES
OF THE INTERNAL IMPROVEMENT TRUST
FUND

APPROVED AS TO FORM AND LEGALITY

DNR Attorney

DNR Contract Manager



DNR Contract Administrator

TO BE COMPLETED BY LESSEE OR DESIGNATED AGENT

Accepted this ____ day of _____, 19__.

STATE OF FLORIDA
COUNTY OF _____

Lessee

Before me personally appeared _____ to me well known and known to me to be the person who executed the foregoing instrument, and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this ____ day of _____, A.D., 19__.

My Commission Expires: _____

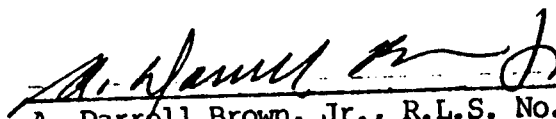
Notary Public
State of Florida at Large

SUBMERGED LAND LEASE DESCRIPTION

A parcel of submerged land in the Amelia River, lying adjacent to Water Lots 9, 10, 11 and 12, Fernandina Beach, Nassau County, Florida, as shown on the Official Plat of said city (as Lithographed and Issued by the Florida Railroad Company in 1857, and Enlarged, Revised and Re-issued by the Florida Town Improvement Company in 1887 and 1901).

Commence for a Point of Reference at the Southeast corner of said Lot 9; thence North 82 degrees 15 minutes 03 seconds West along the South line of said Lot 9, 110.5 feet; thence North 18 degrees 08 minutes 40 seconds East, 26.05 feet to the POINT OF BEGINNING; thence North 18 degrees 08 minutes 40 seconds, 15.30 feet; thence North 11 degrees 23 minutes 16 seconds East, 126.88 feet; thence North 27 degrees 08 minutes 33 seconds East, 100.01 feet; thence North 19 degrees 11 minutes 05 seconds East, 101.12 feet; thence North 37 degrees 32 minutes 57 seconds East, 106.57 feet; thence North 27 degrees 08 minutes 33 seconds East, 120.01 feet; thence North 65 degrees 25 minutes 53 seconds East, 94.81 feet; thence North 38 degrees 23 minutes 40 seconds East, 178.08 feet; thence North 33 degrees 02 minutes 52 seconds East, 160.59 feet; thence North 53 degrees 39 minutes 29 seconds West, 188.39 feet; thence North 62 degrees 17 minutes 03 seconds West, 96.41 feet; thence South 27 degrees 42 minutes 57 seconds West, 1000.00 feet; thence South 62 degrees 17 minutes 03 seconds East, 213.96 feet to the POINT OF BEGINNING.

Containing 208,799.805 Square Feet or 4.79 Acres, more or less.


A. Darrell Brown, Jr., R.L.S. No. 2207
Not Valid Unless Embossed with
Surveyor's Seal

SPECIFIC PURPOSE SURVEY FOR SUBMERGED
LAND LEASE IN THE AMELIA RIVER
FERNANDINA BEACH, FLORIDA
APPLICATION BY FERNANDINA MARINE TERMINAL INC.

PREPARED BY -
HARBOR ENGINEERING COMPANY
1615 HUFFINGHAM LANE
JACKSONVILLE, FLORIDA 32216

DATE 03/12/85

SHEET 3 OF 3

ATTACHMENT(S)

Date: 10/7/85

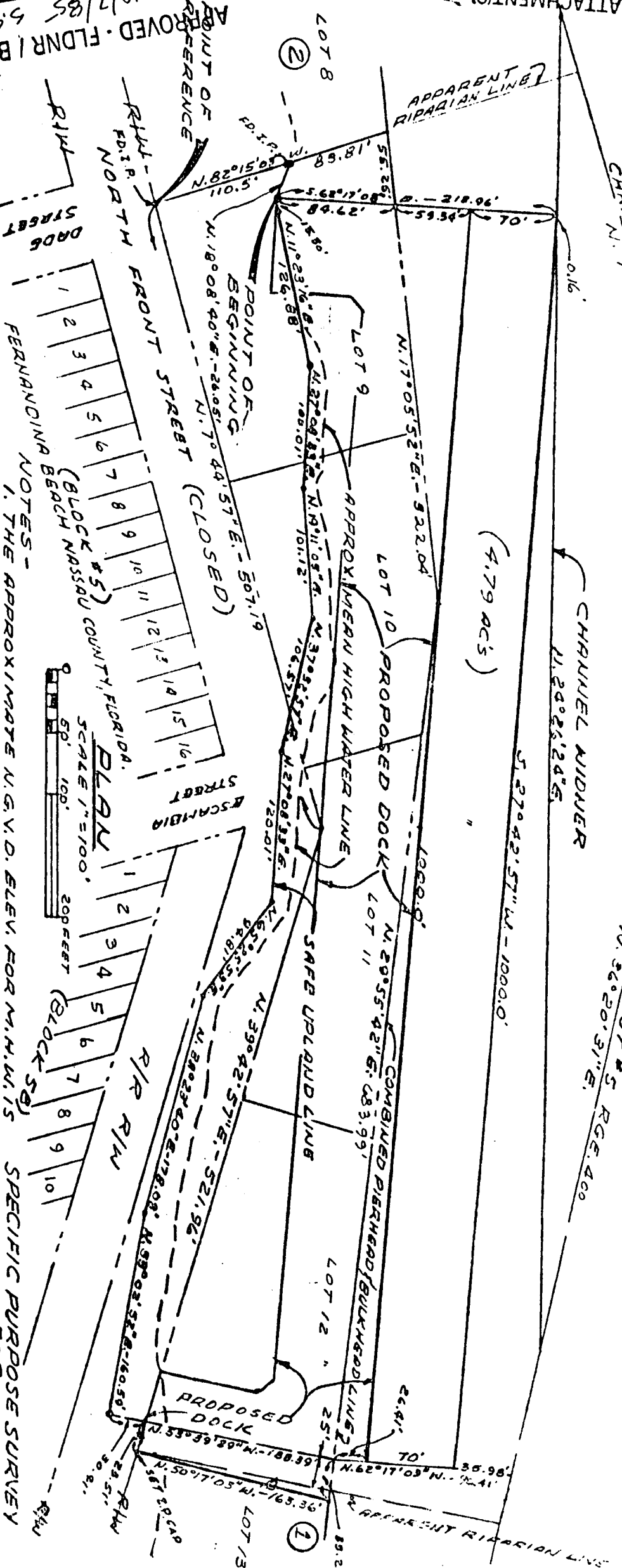
APPROVED - FLDNR / B
10/7/85

CERTIFICATE:
THIS SURVEY COMPLIES WITH THE MINIMUM
TECHNICAL STANDARDS SET FORTH BY THE
FLORIDA BOARD OF LAND SURVEYORS, PURSUANT
TO SECTION 427.037, FLORIDA STATUTES.

[Signature]
FLA. REG. D. L.S. #2206
NOT VALID UNLESS EMBOSSED
WITH SURVEYORS SEAL

NOTES -
1. THE APPROXIMATE N.G.V.D. ELEV. FOR N.M.W.15
+3.10 AND THE SAFE UPLAND LINE ELEV. IS +3.60
N.G.V.D. AS APPROVED BY F.L.D.N.R./BSM ON SEPT. 24, 1984. FERNANDINA MARINE TERMINAL, INC.
THESE ELEVATIONS WERE ESTABLISHED FROM N.A.S. TIDAL
BENCH MARK NO. 2, 1974, PUBLISHED ELEV. 9.21.
2. BEARING REFERENCE: TO U.S.E.D. HARBOR LINE
BEARINGS AND TIED TO STATIONS "PULD" AND "FH-23".
3. THERE ARE NO ENCROACHMENTS ON THE PROPERTY.

SPECIFIC PURPOSE SURVEY
FOR
FERNANDINA MARINE TERMINAL, INC.
PREPARED BY -
HARBOR ENGINEERING COMPANY
ENGINEERS AND SURVEYORS
1615 HUFFINGHAM LANE
JACKSONVILLE, FLORIDA 32216



ADJACENT PROPERTY OWNERS
1. A. B. COOK JR.
2. CONTAINER CORP. OF AMERICA

DATE 3/13/85
REVISED 9/27/85

SHEET 2 OF 3

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LAND LEASE

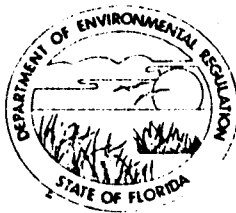
NO. 450823499, Special Terms and Conditions

1. The lessee understands and agrees that the consideration may be automatically adjusted by the Board to include a one-time premium based upon enhancement of the value of the adjacent upland property upon adoption of a rule requiring such payment.
2. The lessee shall undertake a manatee public awareness program acceptable to the Department which includes at a minimum the placement of signs advising the public of the dangers that boating presents to the manatees and that manatees frequent the local area.

Attachment B
Page 7 of 16 Pages
Sovereignty Submerged Land Lease No. 450823499

DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301 8241



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

PERMITTEE:
Fernandina Marine Terminal,
Inc.
c/o Harbor Engineering
Company
1615 Huffingham Lane
Jacksonville, Florida 32216

Permit Number: 450823499
Date of Issue: 4/18/85
Expiration Date: 04/20/90
County: Nassau
Project: Dredge, Fill and
Construction

This permit is issued under the provisions of Chapters 253 and 403, Florida Statutes, Public Law 92-500, and Florida Administrative Code Rules 17-3 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the department and made a part hereof and specifically described as follows:

PROJECT DESCRIPTION:

To remove an approximately 180 ft. long and 40 ft. wide existing sheet metal building parallel to and extending approximately 20 ft. waterward of the line of mean high water (MHW); to remove an existing 240 ft. long wood dock running waterward of and parallel to the sheet metal building; to construct a 1,000 ft. long by 80 ft. wide pier parallel to the shoreline with 60 ft. wide by 80 ft. long entrance ramps extending to the shore from each end of the pier; and to place 1,300 cu. yds. of riprap landward of the line of mean high water along the project shoreline.

LOCATION:

Amelia River, Section 16, Township 3 North, Range 28 East, not in an aquatic preserve, Class III waters.

Permittee: Fernandina Marine Terminal, Inc.
Permit Number: 450823499

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, nor does it allow the permittee to cause pollution in contravention of Florida Statutes and department rules, unless specifically authorized by an order from the department.

Permittee: Fernandina Marine Terminal, Inc.
Permit Number: 450823499

GENERAL CONDITIONS:

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately notify and provide the department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

Permittee: Fernandina Marine Terminal, Inc.
Permit Number: 450823499

GENERAL CONDITIONS:

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the department, may be used by the department as evidence in any enforcement case arising under the Florida Statutes or department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

10. The permittee agrees to comply with changes in department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or department rules.

11. This permit is transferable only upon department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)

14. The permittee shall comply with the following monitoring and record keeping requirements:

- a. Upon request, the permittee shall furnish all records and plans required under department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the department, during the course of any unresolved enforcement action.

Permittee: Fernandina Marine Terminal, Inc.
Permit Number: 450823499

GENERAL CONDITIONS:

- b. The permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by department rule.
- c. Records of monitoring information shall include:
 - the date, exact place, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

15. When requested by the department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the department, such facts or information shall be submitted or corrected promptly.

SPECIFIC CONDITIONS:

- 1. No rip-rap or other fill shall be placed waterward of MHW.
- 2. Construction in the marsh area along the northern portion of the project site shall be limited to the northernmost access ramp.

Permittee: Fernandina Marine Terminal, Inc.
Permit Number: 450823499

MONITORING REQUIRED:

None.

Recommended by

M. L. Latta

Issued this 18th day of April, 1985.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION

[Signature]
for VICTORIA J. TSCHINKEL, Secretary

___ pages attached.

Page 6 of 6.

ATTACHMENT(S) C
PAGE 13 OF 16 PAGES
SSLL No. 450823499

ADJACENT PROPERTY OWNERS

1. A. B. COOK JR.

2. CONTAINER CORP. OF AMERICA

CHANNEL LINE CUT #5 RGE. 400
N. 36°20'31"E.

CHANNEL MIDLINE
N. 20°21'24"E.

(4.79 ACS)

LOT 10 PROPOSED DOCK

APPROX. MEAN HIGH WATER LINE

SAFE UPLAND LINE

POINT OF BEGINNING
N. 18°08'40"E. - 26.05' TO 44°57'E. - 507.19

APPROVED - FLDNR / B
10/7/85

Date:

SCAMBA STREET

BEACH NASSAU COUNTY, FLORIDA.

SCALE 1"=100'

FERNANDINA NOTES -

1. THE APPROXIMATE N.G.V.D. ELEV. FOR M.H.W. IS +3.10 AND THE SAFE UPLAND LINE ELEV. IS +3.60 N.G.V.D. AS APPROVED BY F.L.D.N.R./BSM ON SEPT. 24, 1984. FERNANDINA MARINE TERMINAL, INC. THESE ELEVATIONS WERE ESTABLISHED FROM N.O.S. TIDAL BENCH MARK NO. 2, 1974 PUBLISHED ELEV. 9.21.

2. BEARING REFERENCE: TO U.S.E.D. HARBOR LINE BEARINGS AND TIED TO STATIONS "PULP" AND "FH-23"

3. THERE ARE NO ENCROACHMENTS ON THE PROPERTY.

NOT VALID UNLESS EMPOWERED WITH SURVEYORS SEAL

DATE 3/13/85

REVISION 9/27/85

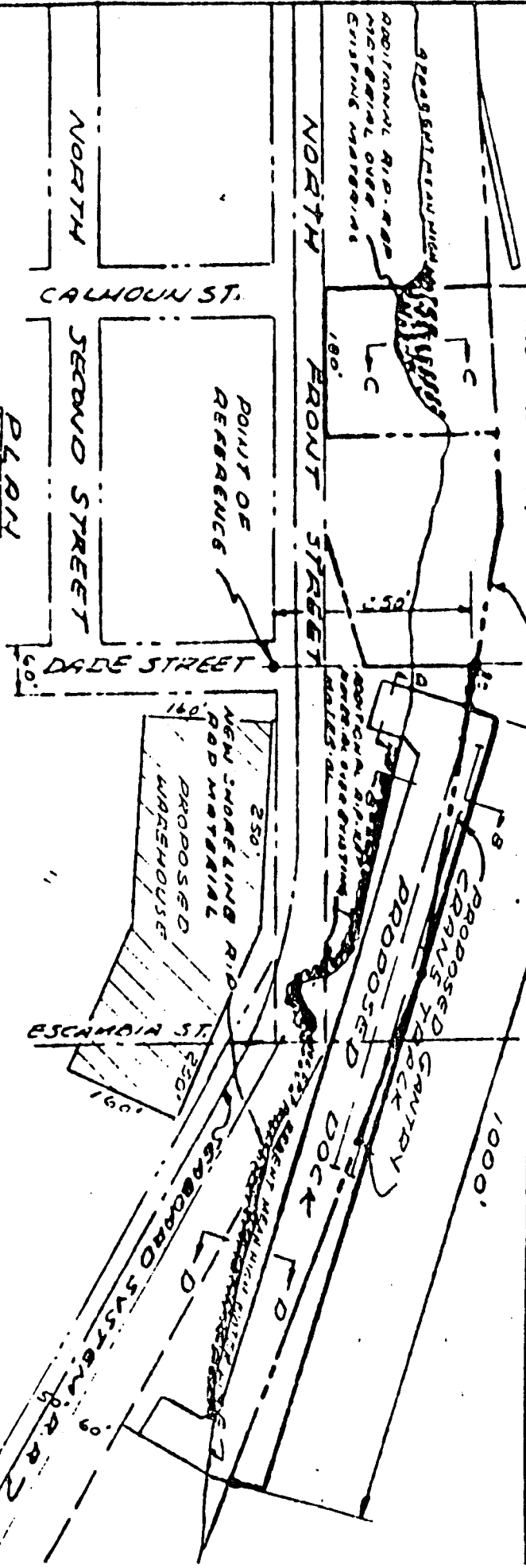
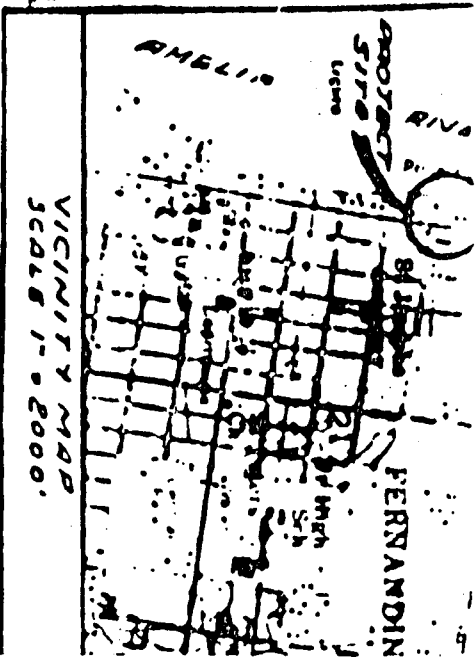
SHEET 2 OF 3

Attachment



AMELIA RIVER

460' 460' 1000'



PLAN
SCALE 1" = 200'

PERMIT NO.

450823499
PROPOSED REMEDIATION OF
EXISTING MARINE FACILITIES
ON THE AMELIA RIVER, FERNANDINA
DISTRICT, FLORIDA.

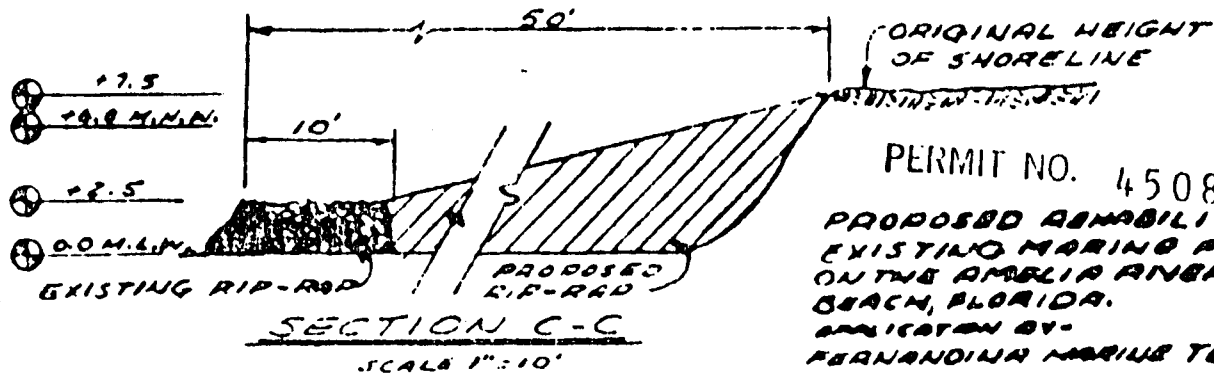
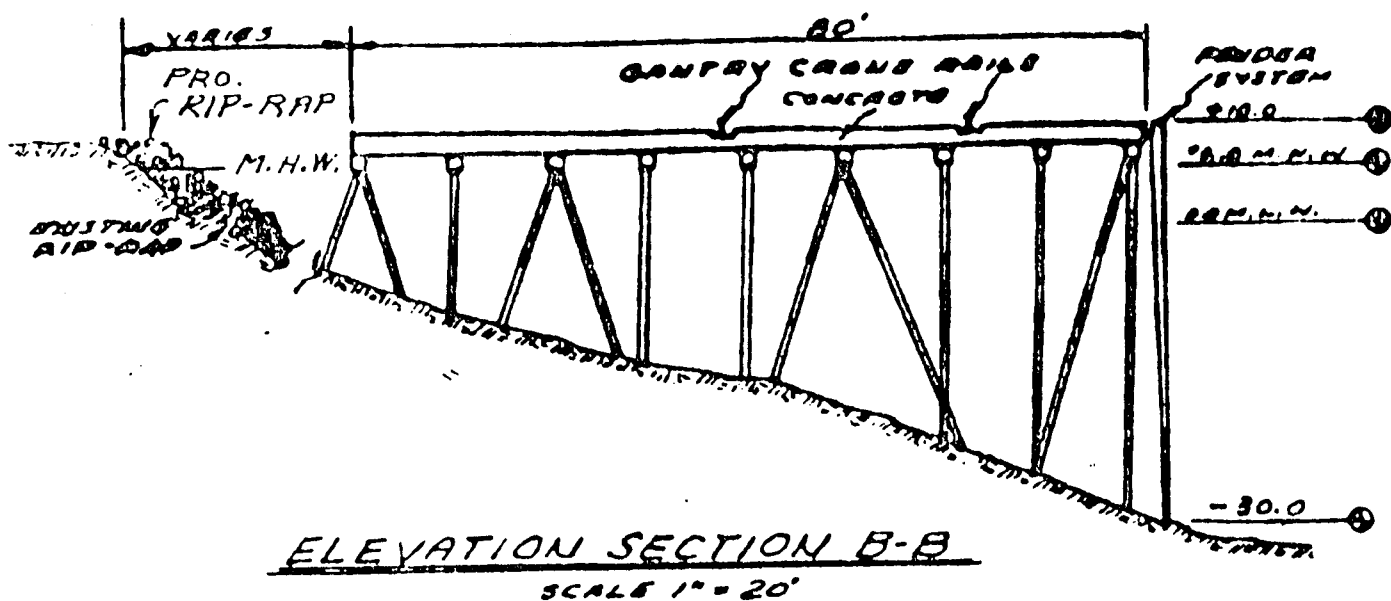
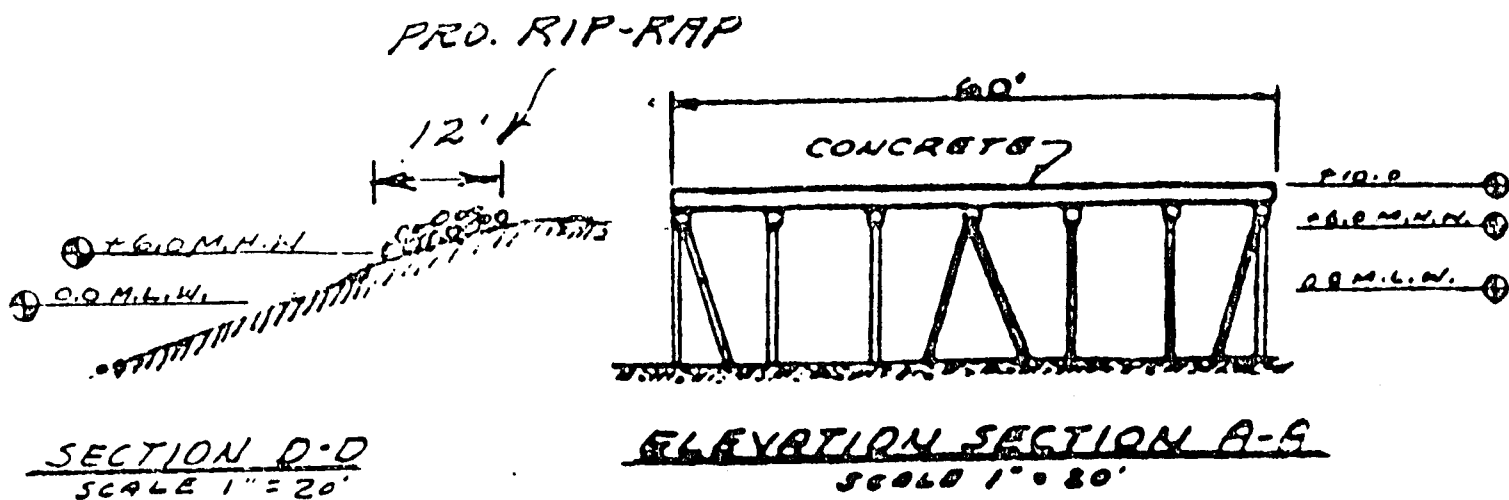
REVISED JUL 20 1984

APPLICATION BY -
FERNANDINA MARINE TERMINAL IN
PASADENA, FL -
NORRIS MARINE TERMINAL COMPANY
SUNSHINE AND MARINE
RIS MARINE COMPANY
DEERFIELD, FLORIDA 32816

John S. Smith
PLA. REG. ENGR. 24383

REV. 6-12-84
REV. 3-28-84
REV. MAY 29 1984

SHEET 1 OF 3



PERMIT NO. 450823499

PROPOSED REHABILITATION OF
EXISTING MARINE FACILITIES
ON THE AMELIA RIVER FERNANDINA
BEACH, FLORIDA.

APPLICATION BY:
FERNANDINA MARINE TERMINAL INC.
PREPARED BY:
HARBOR ENGINEERING COMPANY
ENGINEERS AND SURVEYORS
1615 HURLOCKMAN LANE
JACKSONVILLE, FLORIDA 32216

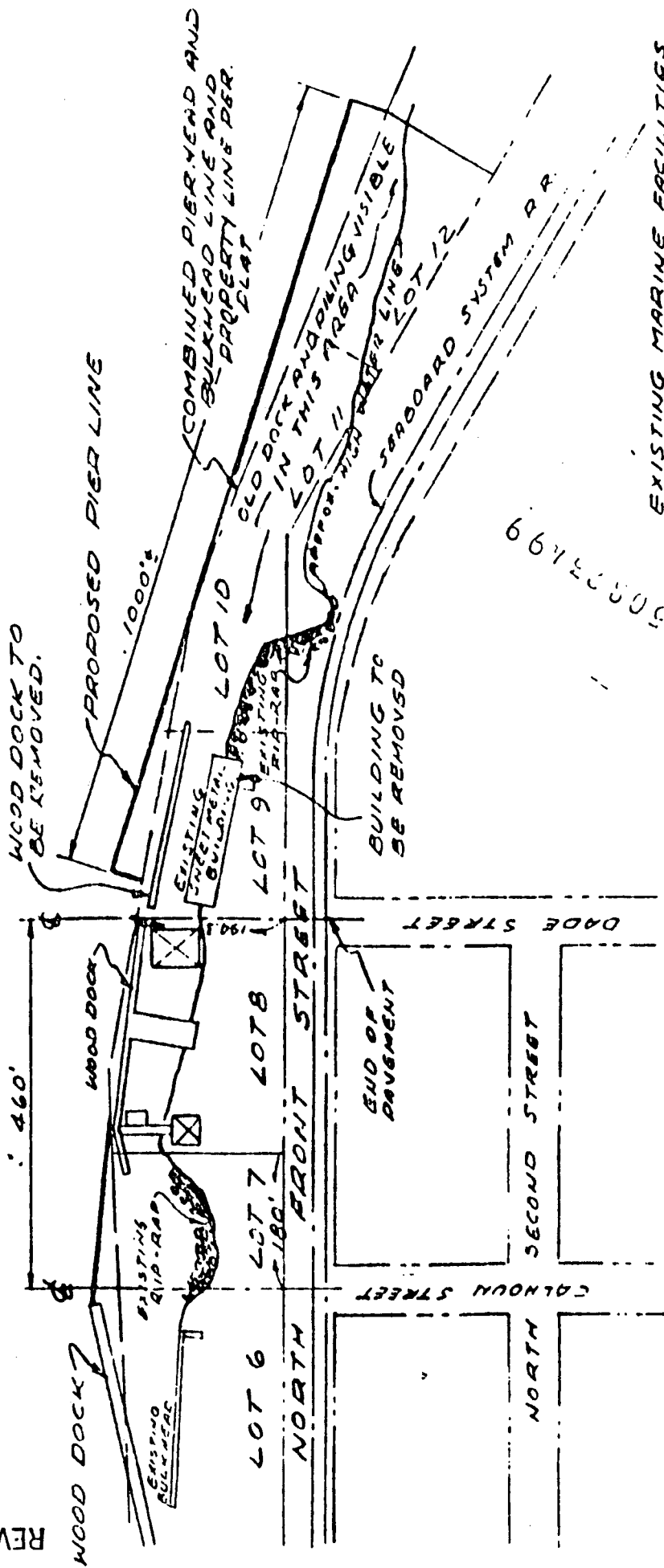
Lee S. Bayler
718.878.8888. 88883

REV. 6-6-84
REV. MAR 28, 1984
JUN 28, 1984

SHEET 2 OF 3



AMELIA RIVER



PLAN
Scale 1"=200'

SECTION 17, T.2S., R.28E.

EXISTING MARINE FACILITIES
ON THE AMELIA RIVER, BERNARDINA
BEACH, FLORIDA.
REPLICATED BY
FERNANDINA MARINE TERMINAL INC.
PREPARED BY
HARBOR ENGINEERING COMPANY
ENGINEERS AND SURVEYORS
1615 MURPHY LANE
JACKSONVILLE, FLORIDA 32216

ATTACHMENTS) 16 OF 16 PAGES
450823499

John B. [Signature]
FOR RECORD

FEB. 25, 1984

SHEET 3 OF 3

RESOLUTION NO. 962

A RESOLUTION GRANTING APPROVAL OF DEVELOPMENT OF REGIONAL IMPACT FOR THE PORT OF FERNANDINA, PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AND ESTABLISHING THE CONDITIONS OF SUCH APPROVAL.

WHEREAS, the owner or authorized agent of the owner of that certain property located in Blocks 3, 4, 5, 6, 7, 56, 57, 58, 59, 60, 64 and 65, and Water Lots 7, 8, 9, 10, 11, 12, 13 and 14, as shown in the shaded area in the attached Exhibit "A", has applied for development approval of a Development of Regional Impact (DRI) on the described property; and

WHEREAS, the Northeast Florida Regional Planning Council has considered the application and made its report and recommendations thereon; and

WHEREAS, the City of Fernandina Beach Planning Advisory Board has considered such application and made its report and recommendations thereon; and

WHEREAS, a Notice of Public Hearing on the proposed Development of Regional Impact was advertised in the Fernandina Beach Newsleader, a newspaper of general circulation in Fernandina Beach, Florida, on November 9, 1988; and

WHEREAS, a public hearing was held on such application by the City Commission of the City of Fernandina Beach, Florida, on January 10, 1989, and on February 14, 1989; and

WHEREAS, after consideration of the testimony and evidence presented on such application and at the public hearings thereon, and of the reports and recommendations of the Northeast Florida Regional Planning Council and the Planning Advisory Board, the City Commission makes the following findings:

A. That the proposed development is not in an area of critical state concern, as defined in F.S. §380.05.

B. That the proposed development does not unreasonably interfere with the achievement of the objectives of any adopted state, regional and local land development plan applicable to the area.

C. That the proposed development is consistent with the Comprehensive Plan and development regulations of the City of Fernandina Beach.

D. That the proposed development is consistent with the report and recommendations of the Northeast Regional Planning Council (NEFRPC), dated February 2, 1989.

E. That the City Commission is authorized and empowered under F.S. §380.06 to issue the Development Order approving the application for development.

F. That the approval of the application for development and issuance of the Development Order will not adversely affect the public interest of health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the CITY COMMISSION of the CITY of FERNANDINA BEACH, FLORIDA, at its meeting duly assembled and called, that the Application for Development Approval, submitted September 23, 1986, and Amended Application for Development Approval, submitted June 7, 1988, (ADA), by the OCEAN HIGHWAY and PORT AUTHORITY of Nassau County, Florida, Applicant, be, and the same is, hereby, approved; subject to the following conditions:

GENERAL CONDITIONS

1. The Port of Fernandina Application for Development Approval (ADA) submitted September 23, 1986, the Port of Fernandina Amended ADA submitted June 7, 1988, the Preliminary Development Agreement entered into in April, 1986, the First Amendment to the PDA entered into May 26, 1987; the Second amendment to the PDA entered into on February 29, 1988, and all commitments therein, as well as the Port of Fernandina Sufficiency Response Document submitted August 17, 1988, plus additional information submitted to the NEFRPC and the City of Fernandina Beach by the applicant/developer during the review period September 23, 1986, to February ____, 1989, are by reference incorporated herein as if fully set out herein.

2. Any subsequent owner/developer or assignee shall be subject to the provisions contained herein.

3. The City Manager is hereby designated as the person responsible for monitoring the development for compliance with this Development Order.

4. The Applicant shall commence the uncompleted physical development no later than June 1, 1989, and shall complete such development no later than June 1, 1990.

5. Until February 13, 1990, the approved development of regional impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the City can demonstrate the substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by City to be essential to the public health, safety or welfare.

6. An annual monitoring report shall be prepared and submitted by the applicant or subsequent developer(s) in accordance with Section 380.06, F.S., to the Northeast Florida Regional Planning Council, Department of Community Affairs, and the City of Fernandina Beach, no later than February 28 of each year until buildout, commencing February 28, 1989. The annual report shall include:

6.1 A description of any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval (ADA) since the DRI received approval, and any actions (substantial deviation or non-substantial deviation determinations) taken by local government to address these changes.

6.2 A summary comparison of development activity proposed and actually conducted during the preceding calendar year, and projected for the ensuing calendar year, to include: site improvements, gross floor area constructed by land use type, location, and phase with appropriate maps.

6.3 An identification by location, size, and buyer of any undeveloped tracts of land in the development that have been sold to a separate person, entity or developer, with map(s) which show the parcel(s) or sub-parcel(s) involved.

6.4 A description of any lands purchased or optioned within one mile of the original DRI site by the Nassau County Ocean Highway and Port Authority, any members of the Nassau County Ocean Highway and Port Authority, or any persons or corporations tied to the Nassau County Ocean Highway and Port Authority through joint members or funding mechanism subsequent to issuance of the development order. Identify such land, its

size, and intended use on a site plan and map.

6.5 A listing of any substantial local, state, and federal permits which have been obtained, applied for, or denied, during this reporting period. Specify the agency, type of permit, parcel, location(s) and activity for each.

6.6 Describe any moratorium on development imposed by a regulatory agency. Specify the type of moratorium, duration, cause and remedy.

6.7 Provide a synopsis of the operating parameters of the potable water, wastewater, and solid waste facilities serving the development area for the preceding year.

6.8 An assessment of the applicant's, any successor's, and local government's compliance with all conditions and commitments contained in the application for development approval.

6.9 Any changes to the previously reported stormwater plans, design criteria, or planting and maintenance programs shall be reported each year in the monitoring reports.

6.10 Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.

6.11 Any change in local government jurisdiction for any portion of the development since the development order was issued.

6.12 Copies of monitoring reports completed during the previous year on the created wetlands and stormwater/wetland systems as required by permitting agencies.

6.13 A description of new and/or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by the applicant or governmental entity to accommodate the total existing and anticipated traffic demands.

6.14 Provide a statement certifying that the Northeast Florida Regional Planning Council, Department of Community Affairs, City of Fernandina Beach, and all affected agencies have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), F.S.

SPECIFIC CONDITIONS

7. AIR QUALITY: The following fugitive dust control measures shall be undertaken during the life of the Port of Fernandina project:

7.1 All exposed/barren solids within the project boundary shall be treated with mulch, liquid resinous adhesives, moistening or other means to suppress fugitive dust.

7.2 Soil and other material deposited on paved streets by earth-moving equipment, vehicular traffic, or soil erosion as a result of port activities shall be promptly removed.

8. AIR QUALITY: Should coal be shipped into the Port of Fernandina, the applicant shall comply at a minimum with the following conditions which may be required by FDER:

8.1 The maximum allowable emission rate for each pollutant is as follows:

<u>Pollutant</u>	<u>Regulation</u>	<u>Emission Rate</u> lbs/hr	TPY
Unconfined			
Particulate matter	17-2.610(3)	(See #8.2)	

8.2 Unconfined particulate matter emissions shall be controlled by complying with the reasonable precautions listed below, but shall not be limited to those listed:

- a. The wind speed shall be continuously monitored and recorded during all periods of operation with the date and time indicated on the recorder chart paper.
- b. All operations shall cease when the wind speed exceeds 18 mph for any 5 minute period.
- c. Coal drop heights shall not exceed
 1. 2 ft. from grab bucket (clamshell)
 2. 3 ft. from front-end loader
 3. 5 ft. from all other drops.

8.3 All trucks and railcars shall be cleaned and the coal covered before leaving the port, including cleaning the truck tires to prevent out-tracking.

8.4 All surface areas and roadways shall be kept wet.

8.5 Fire prevention practices shall be used.

8.6 Ship unloading via self-unloading system shall:

1. unload all of the coal into the receiving hopper;
2. have dust control shield at end of boom and adjustable transfer control; and
3. use water sprays.

8.7 Ship unloading via clamshell shall:

1. unload all of the coal into the receiving hopper;
2. use clamshell bucket with tight lip and inspect the lip daily; and
3. not allow the clamshell grab to exceed 75% of the bucket capacity.

8.8 Hopper receiving coal from ship shall:

1. have wind walls on three sides;
2. have water sprays with protection from damage by clamshell; and
3. have adjustable dust control for transferring coal to stacker, conveyor, railcar and/or truck.

8.9 Conveyor to stacker shall:

1. be a deep-V belt;
2. have an incline angle not to exceed 15°;
3. be inverted at stacker end to prevent coal particles from falling on return; and
4. be inverted again at the hopper end.

8.10 Stacker shall:

1. have an adjustable transfer control; and
2. use water sprays.

8.11 Front-end loader from stockpile to truck or railcar shall:

1. not exceed 15 mph;
2. not exceed 75% of bucket capacity;
3. have rubber tires; and
4. keep all of travel area wet.

8.12 Front-end loader from stockpile to hopper No. 2 near stockpile shall:

1. not exceed 15 mph;
2. not exceed 75% of bucket capacity;
3. have rubber tires; and
4. keep all of travel area wet.
5. have wind walls on 3 sides of hopper; and
6. use water sprays during hopper loading.

8.13 Conveyor from hopper No. 2 to pulp mill shall not be constructed.

8.14 Loading conveyor to barge from hopper No. 2 shall:

1. use an adjustable transfer control; and
2. use water spray.

8.15. Conveyor to barge shall:

1. Be a deep-V belt;
2. Have an incline angle not to exceed 15°;
3. Be inverted at stacker end to prevent coal particles from falling on return.

8.16 Conveyor discharge into barge shall:

1. have dust control shield at end of conveyor boom;
2. use an adjustable transfer control; and
3. use water spray.

8.17 Coal stockpile shall:

1. use wind walls/screens; and
2. use water sprays.

8.18 DER Jacksonville Office and the City of Fernandina Beach shall be notified four (4) days prior to unloading the first ship.

9.1 WETLANDS: Any development within the 4.1 acres of wetlands, including but not limited to the conjunction of stormwater facilities, can only take place after determination by the Northeast Florida Regional Planning Council of adequate mitigation to the regional impacts associated with the loss of 4.1 acres of wetlands. The NEFRPC will request comments on the proposed plan from the Department of Environmental Regulation, Department of Natural Resources, Florida Game and Fresh Water Fish Commission, Army Corps of Engineers, and the U.S. Fish and Wildlife Service, as to the adequacy of the mitigation to offset the impacts associated with the filling of the wetlands.

9.2 Approval by the NEFRPC will not be unreasonably withheld if regional impacts are mitigated. If filling is approved, the acres to be filled and the subject mitigation shall be incorporated into this Development Order for the Port of Fernandina prior to any filling taking place. The NEFRPC's decision and any recommendations will be issued to Fernandina Beach. Any development or otherwise filling of any of the 4.1

acres of wetlands prior to incorporation into the Port of Fernandina Development Order shall constitute a substantial deviation for the entire project requiring further DRI review.

10.1 ESTUARIES: If the 4.1 acres of wetlands are not filled, a 25-foot vegetative buffer shall be maintained between all port development and the adjacent 4.1 acres of salt marsh at the northeast end of the project.

10.2 If filling of the wetlands is allowed, a 25-foot vegetative buffer shall be maintained between all port development and any adjacent wetlands.

10.3 Any encroachment on the 25-foot buffer area shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Chapter 380.06(19), Florida Statutes.

11. LAND RESOURCES: Resinous adhesives, mulch or other means to reduce soil erosion shall be used on barren and landscaped areas including unpaved roads and parking lots, and material stockpiles.

12. FLOODPLAIN. The developer shall meet all floodplain regulations established by the City of Fernandina Beach, and shall coordinate with the City of Fernandina Beach Building Official to ensure that all finished floor elevations and all permanent mechanical and electrical equipment are constructed at or above the 100-year flood levels.

13. VEGETATION AND WILDLIFE. As the applicant has committed, wharf bumpers shall be installed on all dock/pier/wharf bulkheads at the Port of Fernandina at the time of construction to prevent manatee crushing. These bumpers shall extend at least five feet from the dock/pier/wharf face, and shall be inspected monthly and replaced if and when necessary. Unless approved by all appropriate licensing agencies, the applicant shall ensure that all grassbeds and other manatee food sources are not impacted by this project, and shall immediately install and maintain manatee caution signs and manatee information displays on the Port of Fernandina site. If sufficient wharf bumpers are not installed on all docks/piers to protect manatees, and/or grassbeds or other food sources are impacted and/or caution signs and information displays are not installed, such action(s) shall be subject to further Development of Regional Impact review, as stipulated in Section 380.06(19), Florida Statutes.

14.1 HISTORICAL AND ARCHAEOLOGICAL SITES. The applicant shall protect the on-site bluff from erosion and shall prevent damage to the historic structures on the bluff by either immediately banking adequate soil against the bluff or immediately constructing a concrete retaining wall against the bluff. If soil is not banked against the bluff or a concrete retaining wall is not constructed along the bluff, such action shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Chapter 380.06(19), Florida Statutes.

14.2 If any historical and/or archaeological resources are discovered on the Port of Fernandina site during the development process, the applicant shall immediately notify the Division of Historical Resources and the Northeast Florida Regional Planning Council (NEFRPC). No disruption of the findings shall be permitted and no development as defined under Section 380.04, F.S., shall occur in the area of the findings until such time as the Division of Historical Resources has surveyed the findings and determined significance and appropriate protection measures. The applicant and any subsequent owner/

developer or assignee shall be subject to all conditions determined by the NEFRPC and the Florida Division of Historical Resources. Any failure to report subsequent findings, disruption of findings, and/or development in an area of findings prior to consent by the Division of Historical Resources shall constitute a substantial review, as stipulated in Section 380.06(19), Florida Statutes.

15. ECONOMY AND EMPLOYMENT. To aid the Port of Fernandina in meeting its commitment to offer jobs to Nassau County citizens on a first-priority basis, the applicant shall be required to enter into a First Source Agreement with the Northeast Florida Private Industry Council within 90 days of an executed Development Order for the project. Failure to enter into the First Source Agreement shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Section 380.06(1), Florida Statutes.

16. WASTEWATER MANAGEMENT. Development shall occur concurrent with the provision of adequate central wastewater treatment service. Septic tanks shall not be allowed to occur on the Port of Fernandina site, as the applicant has committed. The applicant shall bear the cost of utility improvements required to provide central wastewater treatment service to this project from the appropriate sewer force main.

17.1 DRAINAGE. No further development shall occur at the Port of Fernandina until all mitigation measures of all environmental permits have been fully met to the satisfaction of the appropriate agency(ies), and documentation of such mitigating measures and agency satisfaction has been provided to the City of Fernandina Beach, Nassau County Planning Department, Department of Community Affairs, and the Northeast Florida Regional Planning Council. Any development on the Port of Fernandina site prior to submittal of such mitigation report to all of the above agencies shall constitute a substantial deviation, and the project shall be subject to further Development of Regional Impact review as stipulated in Chapter 380.06(19)

17.2 The applicant shall design and construct the surface water management system to maintain the natural hydroperiod within all wetlands not permitted by the Department of Environmental Regulation for stormwater management use, and to maintain the natural functions and values of these wetlands. Any alteration of the natural hydroperiod and/or function of such wetlands shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Section 380.16(19), Florida Statutes.

17.3 Stormwater management detention ponds shall be constructed and maintained to provide a vegetated littoral zone with side slopes less steep than four foot; one foot (horizontal/vertical) out to a depth of three feet below normal water surface, at a minimum, and shall be planted with appropriate native vegetation. The percentage of stormwater management pond area which shall be used to calculate the size and extent of littoral zones shall be determined by the Department of Environmental Regulation.

17.4 Development shall occur concurrent with a contiguous, functioning stormwater management system.

18.1 WATER SUPPLY. The applicant shall immediately review the St. Johns River Water Management District records for all recorded water wells on the Port of Fernandina property and shall survey the Port property for existing water wells at the initiation of his project. All water wells discovered during this survey, and any future wells discovered during the development process, shall be reported immediately to the St.

Johns River Water Management District. All wells shall be adequately identified and protected from construction activities by such means as fencing the area of the well(s). All existing water wells shall be properly plugged and abandoned by a SJRWMD licensed water well contractor and registered driller, unless otherwise stipulated by the SJRWMD. The applicant shall be responsible for all water wells which are discovered before, during and after development of this property. Any failure to report on-site water wells to the SJRWMD and/or failure to comply with SJRWMD stipulations for such wells shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Section 380.06(19), Florida Statutes.

18.2 Water conservation measures shall be incorporated in all development at the Port of Fernandina, including but not limited to the use of water-saving plumbing devices, drought resistant native vegetation for landscaping, limited irrigation during drought conditions, and all requirements of Section 553.14, Florida Statutes.

19. INDUSTRIAL DUMP SITE. Within 45 days of issuance hereof, the applicant shall provide a report on the former industrial dump site to the Department of Environmental Regulation, City of Fernandina Beach, Nassau County Planning Department, Department of Community Affairs, and the Northeast Florida Regional Planning Council for comment and approval, prior to initiation of any development on this site, and this plan shall be incorporated into the development order for the Port of Fernandina project. The report shall include, at a minimum, a definition of the industrial dump site in terms of size, types of wastes, evidence of soils, surface water, or ground water contamination, source of the wastes, and method and location of treatment and disposal; a proposal for eliminating the dump site; and a proposal for a monitoring program to determine any environmental effects of the site. Failure to implement this recommendation shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Section 380.06(19), Florida Statutes.

20. SOLID WASTE. Within 45 days of issuance hereof, the applicant shall submit a solid waste volume reduction plan for the Port of Fernandina to the City of Fernandina Beach, and comment and to Nassau County for review and approval. The plan shall be compatible with existing and proposed Nassau County collection facilities designed to accommodate recycling, compaction, garbage separation and any other reduction programs, and shall be immediately incorporated into the development order and implemented.

21. HAZARDOUS MATERIALS. Within 45 days of issuance hereof, the applicant shall provide a hazardous materials/waste contingency plan, compatible with 33 CFR Chapter 1, Part 126, to the Department of Environmental Regulation, Department of Natural Resources, U.S. Coast Guard, City of Fernandina Beach Planning Department, City of Fernandina Beach Fire Department, Nassau County Planning Department, Department of Community Affairs, and the Northeast Florida Regional Planning Council for review and approval, and this plan shall be incorporated by reference herein. The contingency plan shall, at a minimum, outline a specific procedures which shall be implemented during the handling, use and/or storage of all hazardous materials/wastes at the Port of Fernandina, as well as all available equipment, staff, and procedures which shall be used for containment and clean-up of any future spills. Failure to implement this recommendation shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Section 380.06(19), Florida Statutes.

22. FUEL SPILLS. Within 45 days of issuance hereof, the

applicant shall provide a hazardous/fuel spill contingency plan to the Department of Environmental Regulation, the City of Fernandina Beach, the Nassau County Planning Department, the Department of Community Affairs, and the Northeast Florida Regional Planning Council for review and approval, and this plan shall be incorporated herein. The contingency plan shall, at a minimum, outline all available equipment, staff, and procedures for containment and clean-up of any future spills at the Port of Fernandina. Failure to implement this recommendation shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Section 380.06(19), Florida Statutes.

23.1. PUBLIC SAFETY. The applicant shall immediately coordinate with the City of Fernandina Beach Fire Department and Public Works Department to ensure that adequate water mains are in place to supply the necessary fire flow to this project, as determined by the City Fire Department. All future, development to addition to that allowed under the Preliminary Development shall occur concurrent with adequate fire flow capacity to this project. The applicant shall install a fifth fire hydrant on the north end of the dock, and a drafting hydrant near the Intracoastal Waterway, as required by the City of Fernandina Beach Fire Department.

23.2 The developer shall provide information to the City's Fire Inspectors concerning the size and height of all structures, maximum fire flow rate of the water system, internal fire suppression and life safety mechanisms such as sprinkler systems (pursuant to Life Safety Code NFPA 101), construction/complex standards, and plans for each building, at the time application for a building permit is made with the City.

23.3 Failure to implement Sections 23.1 or 23.2 shall constitute a substantial deviation, subject to further Development of Regional Impact review, as stipulated in Section 380.06(19), Florida Statutes.

23.4 The Applicant shall provide the necessary fire flow to this project according to the specifications agreed upon by the Fernandina Beach Fire Department, by fire pump on the dock prior to a certificate of occupancy being issued.

24.1 TRANSPORTATION. Prior to any further construction activities at the Port of Fernandina, an additional westbound left turn lane shall be put in place by additional signalization of lights and striping on Sadler Road (SR 108) at 8th Street (SR 200/US A1A).

24.2 Prior to approval of the 610-foot dock extension proposed by the applicant, an additional northbound right turn lane on 8th Street (SR 200/US A1A) at Sadler Road shall be addressed.

24.3 These improvements shall be designed and constructed according to Florida Department of Transportation (FDOT) standards. In addition, any necessary modification of signal timing and phasing as approved by FDOT shall have been implemented and in operation. The applicant shall be responsible for all improvements to Dade Street as agreed upon by the City of Fernandina Beach.

25. PDA. All commitments and conditions made in the original PDA and subsequent amendments to the PDA which have not been met shall become conditions of the Development Order for the project.

ADDITIONAL APPLICANT COMMITMENTS

The following additional applicant commitments are hereby

stated above which conflict with the following shall supersede adopted as specific conditions of this approval. Any conditions the following:

26. All exposed surfaces will be revegetated with grass, ground cover, and/or shrubs as soon as possible following construction.

27. New plantings will be irrigated to promote growth.

28. Wetting of soil will be undertaken if wind erosion should occur.

29. If water erosion should occur, temporary water management practices shall be implemented including the use of hay bales, mulch, sod or geotextiles.

30. All runoff from the site will be filtered by the stormwater system which will include final discharge through a wetland system.

31. All contractors will be required to maintain spill containment and clean up equipment on their barges.

32. No new deep wells are proposed for the site.

33. The stormwater system will eliminate all untreated runoff to the Amelia River.

34. A 20-foot wide area behind the existing dock will be planted with spartina.

35. One acre of wetland will be created in the detention area.

36. All finished floor elevations for habitable structures will be constructed at or above the appropriate flood elevation.

37. Permanent mechanical and electrical equipment will be constructed at or above the 100-year flood levels.

38. To minimize the impact of flood waters on the facilities, the site will be graded to allow for thorough drainage while following the appropriate water management criteria set forth by the St. Johns Water Management District and local agencies.

39. The Port will continue to participate in a program to document all sightings of Right whales by Port pilots.

40. Wharf bumpers which extend at least 5 feet out from the dock will be used on the new dock extension to protect manatees and other marine animals from being crushed.

41. A vegetative visual barrier will be planted to ensure that the project does not negatively impact the Historic District or adjoining residential district.

42. Site plans depicting mitigation measures will be sent to the Florida Division of Historical Resources, as they become available, for comment and review.

43. Licensed marine sanitary haulers will be contracted for sanitary sewage disposal of cargo ships at dock.

44. Site facilities have been designed to conserve fuel for mechanical handling facilities and other gasoline powered vehicles and equipment by minimizing haul distances wherever

possible for the facilities, vehicles, and equipment.

45. New buildings will be designed to conserve energy to the extent that the building code demands.

46. Mechanical and electrical equipment will be properly maintained to provide maximum efficiency.

LOCAL CONDITIONS

47. The Port of Fernandina will be subject to all Federal regulations concerning marine terminal operations and safety, i.e., Code of Federal Regulations 33 Parts 1-99, which contain current regulations of the U.S. Coast Guard and Department of Transportation governing all ports, wharves, and adjacent land activities on or about navigable waters of the United States. Particularly incorporated into the port operation procedures are the following:

- a. Subchapter P, Part 160 - Ports and Waterways Safety
- b. Subchapter O, Part 153 - Control of Pollution by Oil and Hazardous Substances, Discharge Removal
- c. Subchapter L, Part 126 - Handling of Explosives or Other Dangerous Cargoes within or Contiguous to Waterfront Facilities
- d. Subchapter L, Part 125 - Identification Credentials for Persons Requiring Access to Waterfront Facilities or Vessels

48. HAZARDOUS MATERIALS: The Port of Fernandina will make part of this Development Order, their Fire/Hazardous Materials/Oil Spill Control Manual, dated June 4, 1987, revised December 28, 1988, and February 16, 1989. This manual outlines all available equipment, the location of said equipment, specific procedures which shall be implemented during the handling, use and/or storage of hazardous materials/wastes and procedures for containment and clean-up of any spills that might occur at the Port of Fernandina.

48.1 The City Fire Department has a hazardous materials truck. Applicant will provide equipment and materials that could be used by the Fire Department personnel. Such equipment and materials could consist of detection equipment, patching material, plugging material, and non-sparking tools. Cost of providing these additional materials/equipment shall not exceed four thousand dollars (\$4,000.00).

48.2 Applicant will also have available on the dock site materials and equipment that would be used in the containment of hazardous materials such as absorbent boom and pads, gloves, boots, etc.

48.3 This equipment and materials will be kept in a container on the dock site so as to be available for emergency response.

49. Applicant shall pay for the resignalization of the traffic light located at 8th and Atlantic Avenue for a priority left turn for southbound traffic from 8th onto Atlantic.

49.1 Applicant shall, no later than June 1, 1989, 1989, provide at its expense the necessary plans and specifications.

a. For the improvements to Dade Street from Third Street through the intersection of North 8th Street with standard engineering practices for the City of Fernandina Beach to review and the appropriate City Staff to sign off on.

b. For the improvements on North 8th Street for acceleration and deceleration lanes with a stacking or holding lane for the purpose of left turns off of North 8th Street west on to Dade Street with other major improvement to the intersection. These in accord with sound engineering practices so that City Public Works can sign off on an approved drawing.

c. The applicant shall, at its expense, conduct a traffic study at the time of any substantial deviation to the DRI approval, said study to be concentrated on the port-related traffic primarily in the Dade and 8th Street areas. The applicant shall upon request provide the City with copies of its internal container movement counts by truck on a no more frequent basis than twice per year.

d. The Port's wetlands mitigation plan as approved by permitting agencies. After approval by permitting agencies, the mitigation plan will be sent to the City of Fernandina Beach City Commission for approval to become part of the Development Order.

50. LAW ENFORCEMENT PROTECTION.

50.1 Continue to provide private security for routine port operations.

50.2 Agree to supplement local law enforcement with user fees for actions of a non-routine nature when overtime is incurred to maintain order or control.

50.3 The applicant shall grant the representatives of the City access to the property and facilities providing:

a. proper identification is given by the City representative (pursuant to CFR 33, part 125, #125.09 and #125.15)

b. the City representative obtains a pass, authorized by Nassau Terminals Executive Office located at 501 North 3rd Street and,

c. the City representative is accompanied at all times by a Nassau Terminals representative.

51. In the absence of ad valorem taxes being due and payable by the applicant shall pay to the City an annual fee of \$50,000, due and payable on July 1 of each year, beginning July 1, 1989. Such payment shall be used, \$25,000 toward a capital acquisition or development for downtown parking and \$25,000 for development of a community civic center, for each of the first five years. Said annual amount shall be renegotiated every year, but shall never be less than \$50,000.00 per year.

54. Applicant shall, no later than June 1, 1989, install the culverts in Alligator Creek Basin area, in accordance with the plans included in the Applicant's Wetlands Mitigation Plan.

55. DEFAULT. Failure of the applicant to adhere to any of the above conditions shall subject the same to additional review as a substantial deviation pursuant to Section 380.06, F.S.

ADOPTED this 21st day of February, 1989.

CITY OF FERNANDINA BEACH

Ronnie S. [Signature]
Mayor-Commissioner

Attest:

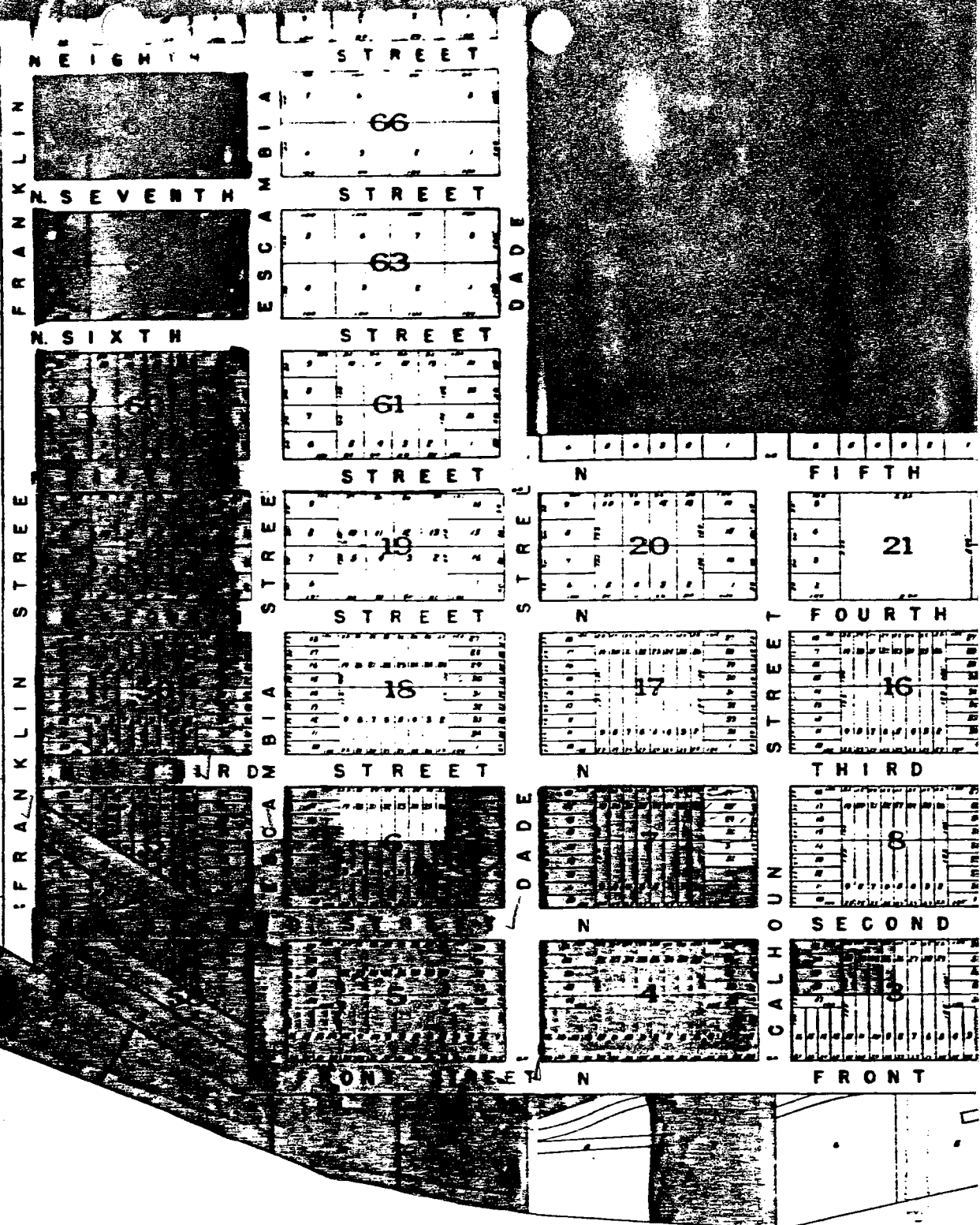
Vicki P. Wingate [Signature]
Vicki P. Wingate
City Clerk

city #6/regional.imp

(Note: Certified copies sent to the Department of Community Affairs and Northeast Florida Regional Planning Council on 3-14-89 by Victoria Robas of Nassau Terminals.)

CONTAINER CORPORATION
M. L. L.
S. E. E.

CORPORATION
MERICA
SITE
SHEET 8



AMELIA

RIVER

AMELIA

Shaded areas indicate property involved
1" = 300'

LEGAL DESCRIPTION
ATTACHMENT TO RESOLUTION NUMBER 962
DEVELOPMENT ORDER FOR THE
PORT OF FERNANDINA

All that certain piece or parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map or plat of said City as lithographed and issued by the Florida Town Improvement Company in 1887 and 1901 as:

Block 3, Lots 18-25

and

Block 4, Lots 1-34

and

Block 5, Lots 1-34

and

Block 6, Lots 1-18 and 27-34

and

Block 7, Lots 1-26 and 33-34

and

Block 56, Lots 1-34

and

Block 57, Lots 1-34, including the abandoned portion of North Third Street

and

Block 58, Lots 1-15

and

Block 59, Lots 1-16

and

Block 60, Lots 1-16

and

Block 64, Lots 1-8

and

Block 65, Lots 1-8

and

Waterlots 7 and 9-14

and

A portion of Waterlot 8 described as follows: Begin at the Northeast corner of said Lot Eight (8); run North Eighty-two (82) degrees, Thirty-one (31) minutes, Eighteen (18) seconds West, along the North line of said Lot, a distance of Fifty (50) feet; run thence South Ten (10) degrees, Fifty-seven (57) minutes, Twenty-four (24) seconds East, a distance of One Hundred Fifty-Eight and Eleven Hundredths (158.11) feet, to the West right of way line of North Front Street (a Sixty (60) foot right of way); run thence North Seven (07) degrees, Twenty-eight (28) minutes, Forty-two (42) seconds, along said right of way, a distance of One Hundred Fifty (150) feet, to the POINT OF BEGINNING, as shown

on prints of surveys dated June 7, 1983, revised January 9, 1985, prepared by Vernon N. Drake & Associates.

and

That portion of North Front Street commencing at the Southwest corner of Block 5 on a line extended to the westerly right-of-way line of Front Street as platted and thence northerly to the Northwest corner of Lot 10, Block 57 to the southerly line of Block 93. as vacated and discontinued under Ordinance No. 675, recorded in the Official Records Book 497, Page 15, Public Records of Nassau County, Florida.

and

That portion of North Second Street lying between the northerly right-of-way line of Dade Street to the southerly right-of-way line of Franklin Street, as vacated and discontinued under Ordinance No. 373, City of Fernandina Beach, County of Nassau, Florida.

and

All of that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach, County of Nassau, and State of Florida, and further known and described on the official plat of said City as that part of North Second Street lying and being in Block 57 of said City as conveyed to the City on the 9th day of January 1908 by the Fernandina Dock and Realty Company (Reference Deed Book B-9, Page 137) the same being accepted by Ordinance on December 18, 1907.

and

That portion of North Third Street lying between the northerly right-of-way line of Escambia, excluding the south 75 feet, to the southerly right-of-way line of Franklin Street, as vacated and discontinued under Ordinance No. 636, City of Fernandina Beach, County of Nassau, Florida.

and

That portion of Escambia Street lying between the easterly right-of-way line of North Front Street and the westerly right-of-way line of North Second Street, as vacated and discontinued under Ordinance No. 371, City of Fernandina Beach, County of Nassau, Florida.

and

That portion of Escambia Street lying between the easterly right-of-way line of North Second Street to the easterly property line of Lot 31, Block 57, as vacated and discontinued under Ordinance No. 374, City of Fernandina Beach, County of Nassau, Florida.

OCEAN HIGHWAY and PORT AUTHORITY

Nassau County



August 13, 1996

The Honorable Bob Rogers
Mayor of Fernandina Beach
Post Office Box 668
Fernandina Beach, Florida 32035-0668

Dear Mayor Rogers:

In accordance with the Port Authority's Master Plan and with the City of Fernandina's Port Element, we hereby request the city's assistance in reviewing our warehouse expansion plans.

Specifically, Policy 2.1.3 states, "Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the city. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative exist."

We are aware that the proposed warehouse expansion is in conflict with a condition of a rezoning ordinance (ord. #777 dated December 15, 1987). However the expansion is consistent with current zoning and with the city's land use plan. Also, the experience we have gained over the last nine years provides us a much better assessment of the impacts associated with warehouse expansion.

We understand that there may be specific questions or concerns related to our warehouse plans and we welcome the city's assistance in reviewing our plans and evaluating any concerns.

Page Two
August 14, 1996
The Honorable Bob Rogers

In order to coordinate our efforts, Wayne Stubbs, our port manager, and I would like to meet with you, the City Manager, and the Community Development Director to agree on the procedures for completing this review.

Please let me know when such a meeting can be scheduled. We look forward to working with you and the city staff on this very important project.

Sincerely,

A handwritten signature in cursive script that reads "Terry Powell".

Terry Powell
Chairman
Ocean Highway & Port Authority

TP/rb

cc: Zachary Zoul
cc: Mary Mckinney

RESOLUTION NO. 90-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING RESOLUTION NO. 962, APPROVING THE APPLICATION OF THE OCEAN HIGHWAY AND PORT AUTHORITY TO CONSTRUCT A 200 FOOT EXTENSION TO THE EXISTING BERTH OF THE FERNANDINA PORT DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, the City of Fernandina Beach, Florida, has previously granted approval of a Development of Regional Impact (DRI) for the Port of Fernandina by Resolution No. 962, on February 21, 1989; and

WHEREAS, the Ocean Highway and Port Authority of Nassau County, Florida, (OHPA) has made application to the City for approval of a 200 foot extension to the existing berth, said application being dated August 6, 1990; and

WHEREAS, the City Commission advertised and conducted a public hearing on said application on November 6, 1990, to determine whether the requested change constituted a substantial deviation to the previously approved DRI; and

WHEREAS, the said City Commission has determined that such requested change does not constitute a substantial deviation to the DRI, as defined in Florida Statutes §380.06(19)(f);

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fernandina Beach, Florida, at its meeting duly assembled and called, that the application of the Ocean Highway and Port Authority, dated August 6, 1990, to construct a 200 foot extension to the existing berth is hereby APPROVED, and that Resolution No. 962 is hereby AMENDED to the extent that the 200 foot extension is hereby permitted. In all other respects said Resolution No. 962 shall remain in full force and effect.

ADOPTED this 18th day of December, 1990.

CITY OF FERNANDINA BEACH

By: Ronnie Sp
Its: Mayor-Commissioner

Attest:

By: Vicki P. Engate
Its: City Clerk

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing Resolution has been furnished to the OCEAN HIGHWAY AND PORT AUTHORITY of NASSAU COUNTY, FLORIDA; NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL; and DEPARTMENT OF COMMUNITY AFFAIRS this 2nd day of ~~December, 1990.~~
January, 1991.

Vicki P. Engate
City Clerk

City of Fernandina Beach

OFFICE OF
CITY CLERK

Post Office Box 668
204 Ash Street
Fernandina Beach, FL 32034
904/261-4168

January 2, 1991

Mr. Ron Horlick
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

Mr. Michael Brown
Northeast Florida Regional
Regional Planning Council
9143 Phillips Highway, Suite 350
Jacksonville, Florida 32256

Honorable Nick Deonas, Chairman
Ocean, Highway and Port Authority
11 North 14th Street, Box 2
Fernandina Beach, Florida 32034

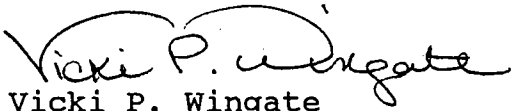
Gentlemen:

The City Commission of the City of Fernandina Beach, Florida, at its regular meeting of December 18, 1990, voted to adopt Resolution No. 90-35 approving the application of the Port Authority to construct a 200 foot extension to the existing berth of the Port of Fernandina Development of Regional Impact (DRI).

Should you have questions, or if additional information is needed, please do not hesitate to contact this office.

Sincerely,

CITY OF FERNANDINA BEACH


Vicki P. Wingate
City Clerk

vpw

Attachment

cc/enc: Ms. Victoria B. Robas, Director
Fernandina Marine Construction Management

RESOLUTION NO. 91-4

A RESOLUTION OF THE CITY COMMISSISON OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING RESOLUTION NO. 962, APPROVING THE FINAL MITIGATION PLAN IN RELATION TO A 200 FOOT EXTENSION TO THE EXISTING BERTH OF THE FERNANDINA PORT DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, the City of Fernandina Beach, Florida, has previously granted approval of a Development of Regional Impact (DRI) for the Port of Fernandina by Resolution No. 962, on February 21, 1989; and

WHEREAS, the City has, by Resolution No. 90-35, further approved a 200 foot extension to the existing berth, said Resolution being dated December 18, 1990; and

WHEREAS, the Northeast Florida Regional Planning Council, St. Johns River Management District, Florida Department of Environmental Regulation, and U.S. Army Corps of Engineers have all approved or issued permits for said Final Mitigation Plan;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fernandina Beach, Florida, at its meeting duly assembled and called, that the Final Mitigation Plan of the Ocean Highway and Port Authority, prepared by Environmental Services, Inc., and dated September, 1990, is hereby APPROVED, subject to all terms, conditions and restrictions of each of the said permits and approvals of the respective agencies as aforesaid, which by this reference are hereby incorporated herein as a part hereof, and that Resolution No. 962 is hereby AMENDED to the extent as provided herein. In all other respects said Resolution No. 962, as amended by Resoution No. 90-35, shall remain in full force and effect.

ADOPTED this 5th day of February, 1991.

CITY OF FERNANDINA BEACH

By: Ronnie Spr
Its: Mayor-Commissioner

Attest:

By: Vicki P. Wingate
Its: City Clerk

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing Resolution has been furnished to the OCEAN HIGHWAY AND PORT AUTHORITY of NASSAU COUNTY, FLORIDA; NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL; and DEPARTMENT OF COMMUNITY AFFAIRS this 21st day of February, 1991.

Vicki P. Wingate
City Clerk

CITY 1991 #1
A:PORTRES.DRI

City of Fernandina Beach

ltr. & attachment
mail 2/21/91
CPH

OFFICE OF
CITY CLERK

Post Office Box 668
204 Ash Street
Fernandina Beach, FL 32034
904/261-4168

February 21, 1991

Mr. Ron Horlick
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

Mr. Michael Brown
Northeast Florida Regional
Planning Council
9143 Phillips Highway, Suite 350
Jacksonville, Florida 32256

Honorable Nick Deonas, Chairman
Ocean, Highway and Port Authority
11 North 14th Street, Box 2
Fernandina Beach, Florida 32034

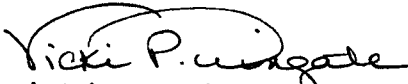
Gentlemen:

The City Commission of the City of Fernandina Beach, Florida, at its regular meeting of February 5, 1991, voted to adopt Resolution No. 91-4 approving the final Mitigation Plan in relation to the 200 foot extension to the existing berth of the Fernandina Port Development of Regional Impact.

Should you have questions, or if additional information is needed, please do not hesitate to contact this office at (904)277-7305.

Sincerely,

CITY OF FERNANDINA BEACH


Vicki P. Wingate
City Clerk

vpw

Attachment

cc/enc: Ms. Victoria B. Robas, Director, FMCM

MITIGATION PLAN
FOR
PORT OF FERNANDINA
EXPANSION PROJECT

SEPTEMBER 1990

PREPARED FOR:
OCEAN HIGHWAY AND PORT AUTHORITY
P.O. BOX DRAWER 1543
FERNANDINA BEACH, FLORIDA 32034

PREPARED BY:
ENVIRONMENTAL SERVICES, INC.
9124 CYPRESS GREEN DRIVE
JACKSONVILLE, FLORIDA 32256

MITIGATION PLAN
FOR
PORT OF FERNANDINA
EXPANSION PROJECT

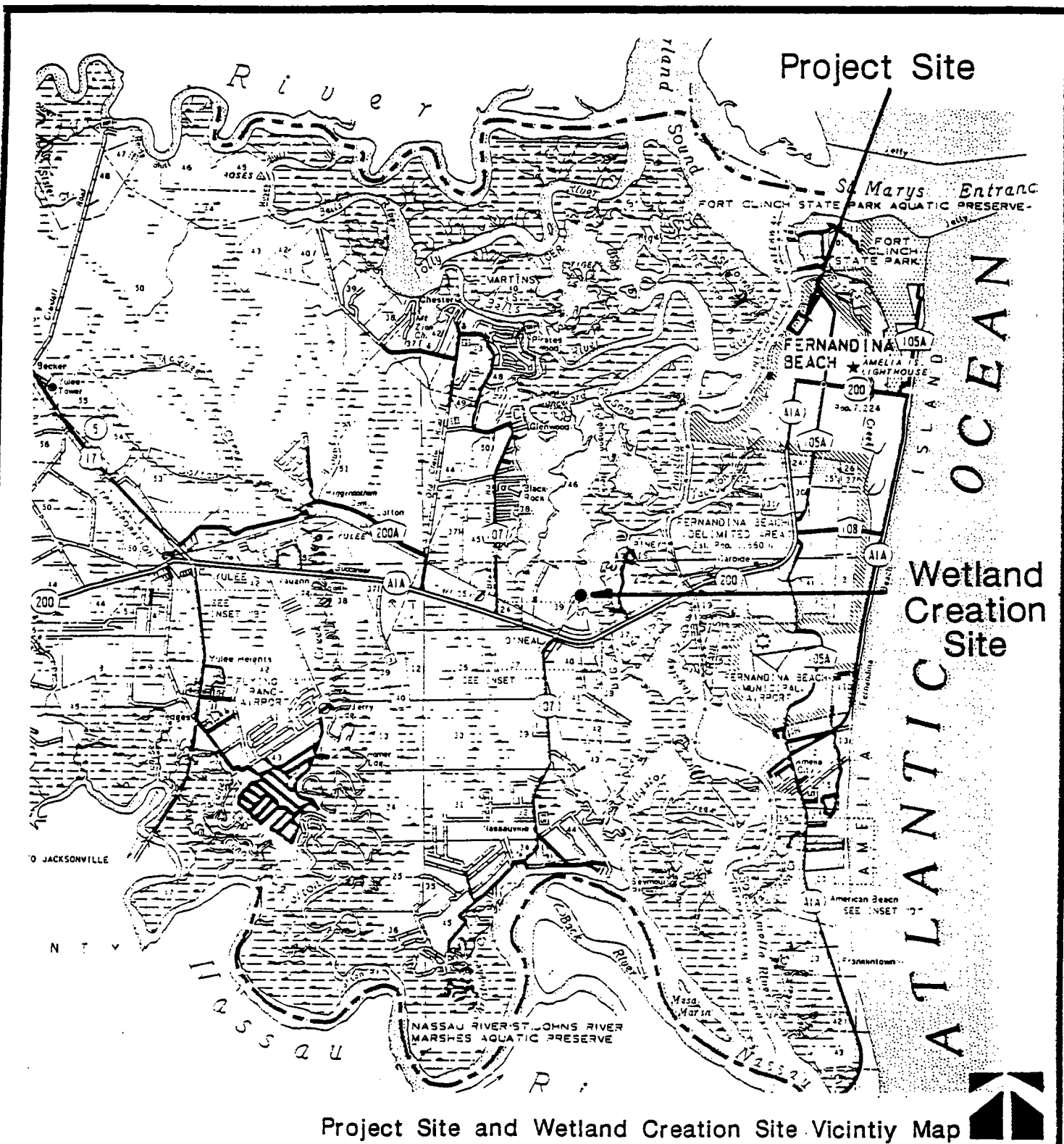
The expansion project for the Port of Fernandina entails the filling of 1.7 acres of saltmarsh in Alligator Creek, 1.98 acres of saltmarsh along the Amelia River and 0.71 acre of open water in the Amelia River for a total of 4.39 acres of wetland impact. The permits authorizing this work in wetlands from the St. Johns River Water Management District (Permit No. 7-089-0034G), the Florida Department of Environmental Regulation (Permit No. 451730689) and the U.S. Army Corps of Engineers (Permit No. 89IPV-90847) require compensation for the wetland impacts.

The mitigation presented herein provides the compensation required to offset the impacts of this project. The mitigation plan includes the creation of 5.55 acres of salt marsh off-site, the placement of 4.06 acres of Alligator Creek under a conservation easement, the replacement of the existing culverts within the Alligator Creek marsh system with larger culverts to enhance the water flow through the system and a trust fund donation to the Timucuan Ecological and Historic Preserve. The specific details of the mitigation plan are presented below.

A. Wetland Creation

This portion of the mitigation plan calls for the creation of 5.55 acres of saltmarsh off-site. An on-site creation area was not feasible because of the limited amount of undeveloped land on and/or adjacent to the project site. The creation area is located approximately 4.5 miles to the south and is also adjacent to the Amelia River as is the project site (Drawing 1). The proposed site is on the land currently owned by Gladys Scott who is granting an easement for perpetuity to the Ocean Highway and Port Authority. A legal description of the creation site and Covenant of Easement for the land is provided in Appendix A.

The creation site is currently pasture and is dominated vegetatively by pasture grasses. The area will be scraped down to a design bottom elevation of 2.0 feet MSL. Drawing 8 and Drawing 9 show a plan view and cross-sectional view of the creation site. As shown, this area will be connected to, actually an expansion of, the mitigation site for DER Permit #451404352 and CE Permit #87IPW-20172. For information purposes, a cross-sectional view of this area is provided on Drawing 9.



**England, Thims
& Miller, Inc.**
Consulting & Design Engineers



**ENVIRONMENTAL
SERVICES, INC.**

Mitigation Plan for Port of Fernandina Expansion

Proj No. 89-012

Date 11-9-89

Scale

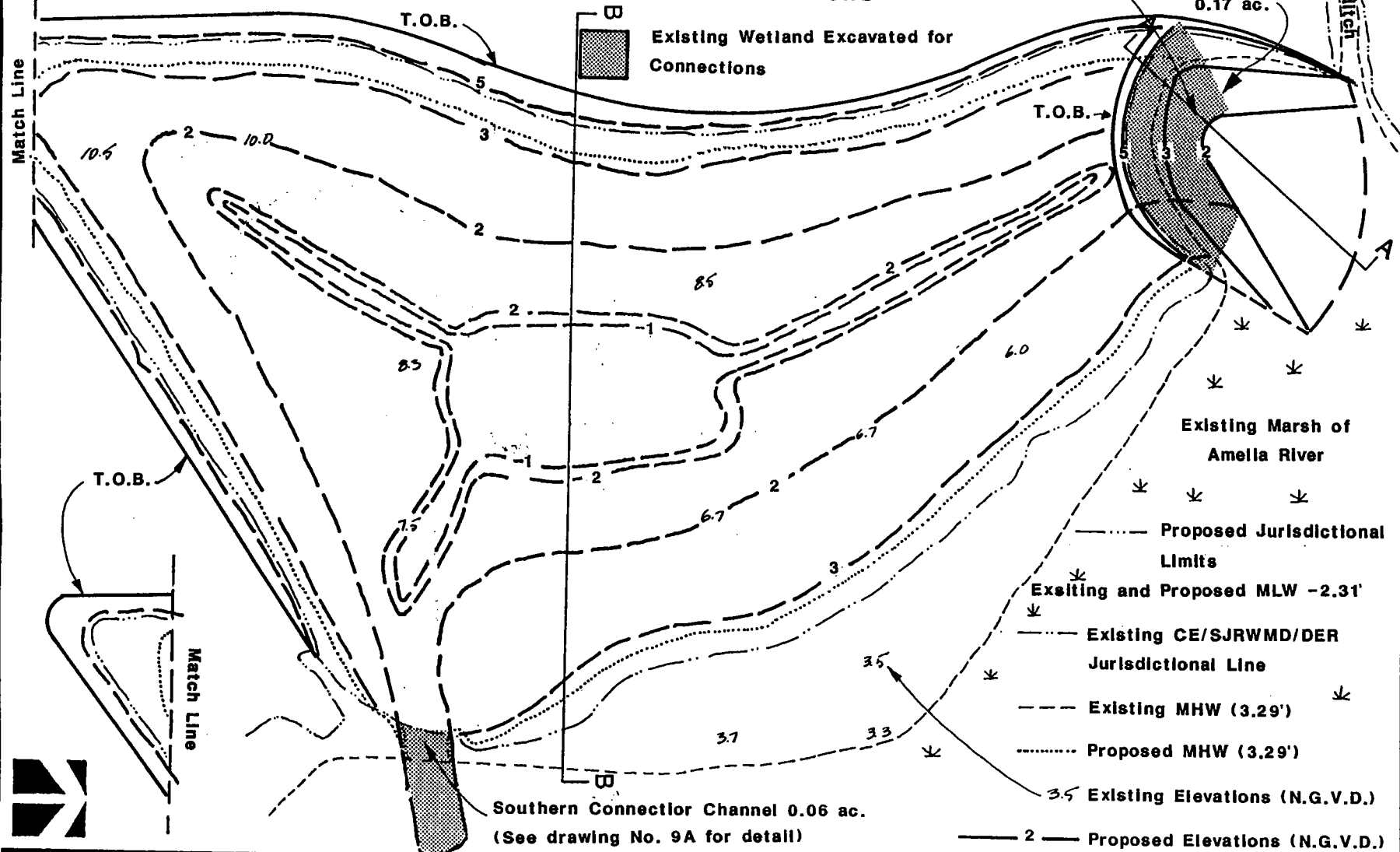
Drawing No. 1

Total Proposed Wetland Created 5.55 acres

Existing Mitigation Area for DER# 451404352
and CE# 87IPW-20172

Existing Wetland Excavated for
Connections

Northern Connection
0.17 ac.



Southern Connector Channel 0.06 ac.
(See drawing No. 9A for detail)

**England-Thims
& Miller, Inc.**
Consulting & Design Engineers
3131 St. Johns Bluff Rd. SE, Jacksonville, FL 32216

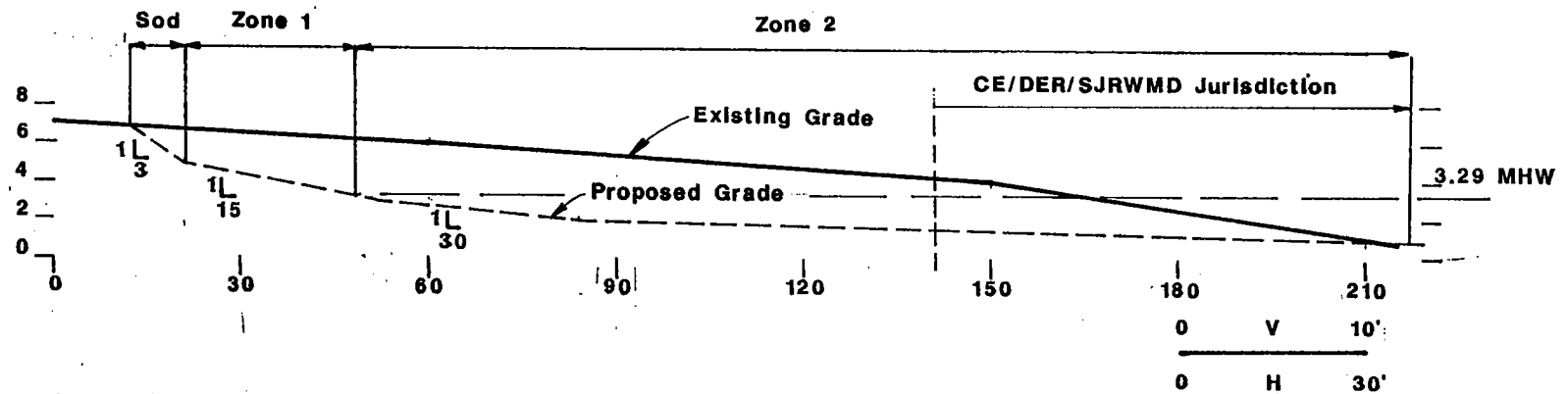


**ENVIRONMENTAL
SERVICES, INC.**

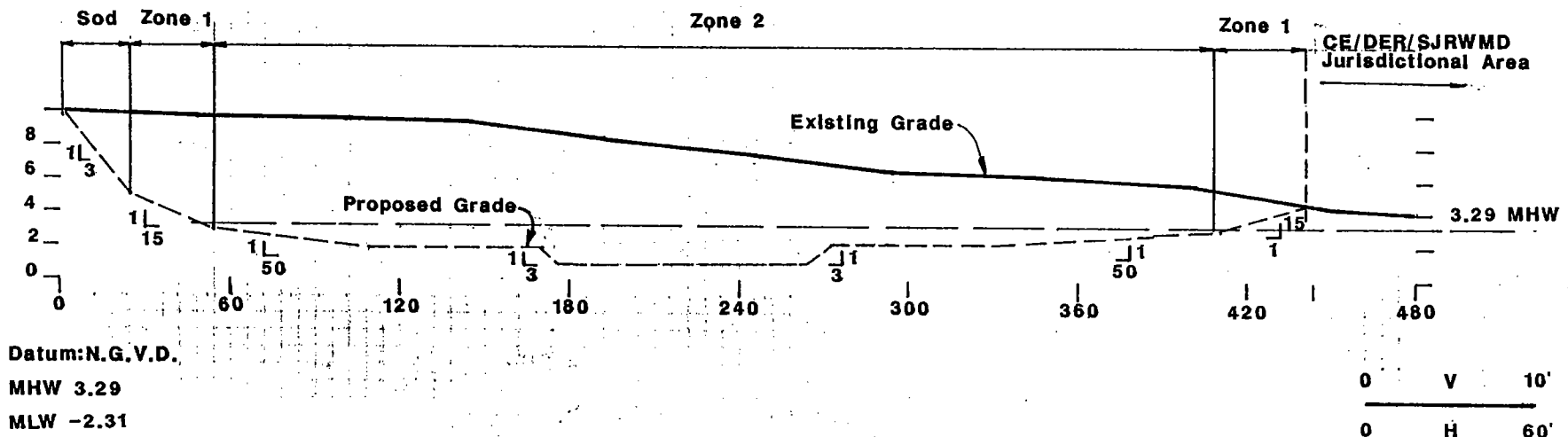
Mitigation Plan for Port of Fernandina Expansion

Proj No.	89-012
Date	1/16/90
Scale	1"=100'
Drawing No.	8

Cross-Section A/A Existing Mitigation Area



Cross-Section B/B Proposed Wetland Creation Area



Datum: N.G.V.D.

MHW 3.29

MLW -2.31

Area to be over excavated 6-8" and Backfilled with Mulch.

England-Thimby
& Miller, Inc.
Consulting & Design Engineers



ENVIRONMENTAL
SERVICES, INC.

Mitigation Plan for Port of Fernandina Expansion

Proj No. 89-012

Date 11-9-89

Scale

Drawing No. 9

The creation area will have a final bottom elevation of 2.0 feet MSL with a dendritic system of tidal ditches and a tidal pond at a bottom elevation of -1 feet MSL. The creation area will be overexcavated by 6 - 8 inches and backfill with mulch obtained from the project site. The area will establish wetland vegetation via the seed sources and tubers from the natural vegetation of the mulch.

The design elevations of the creation area were based on the existing saltmarsh adjacent to the creation area which is dominated by Spartina alterniflora along the waterward edge grading into a band of Spartina patens then into saltflats with scattered areas of Juncus roemerianus and Salicornia virginica. The landward edge is dominated by Distichlis spicata and Iva frutescens. The Florida Department of Natural Resources reports mean high water for this area at elevation 3.29 feet MSL and mean low water at elevation -2.31 feet MSL.

The proposed creation area will be connected to the existing marsh through the mitigation area to the north and by a connector channel to the south. The southern connector channel area exhibits the same vegetative characteristics as the adjacent marsh described above. The creation area is expected to revegetate from the seed sources in the mulch in a pattern similar to the existing adjacent marsh.

The construction of the creation area will commence upon issuance of the permit. The material obtained from the excavation process will be used as fill at the project site. Therefore, the creation effort will be preformed simultaneously with project construction and will be completed before the project is complete.

To ensure the success of the wetland creation the natural recruitment vegetation will be monitored for a three (3) year establishment period. The monitoring will be preformed semi-annually and include representative color photographs, visual estimates of cover and type of wetland species and water level elevations. Semi-annual reports of the monitoring results will be submitted to the regulatory agencies. Success will be determined by evaluating the percent coverage along four line transects through the site. The wetland creation will be considered successful if at the end of the three (3) year establishment period if desirable wetland species have achieved 80 percent cover and exotic and/or undesirable species are limited to 10 percent or less of the total cover. If the 80 percent survival rate and/or percent cover is not achieved at the end of the establishment period supplemental planting will be performed. Exotic and/or undesirable species will be removed if they reach a 10 percent or greater coverage at the end of the establishment period. Monitoring will cease upon approval by DER, SJRWMD, and CE if the success rates are achieved prior to three years.

B. Conservation Easement

This element of the mitigation plan will place a total of 4.06 acres of wetlands in Alligator Creek under a conservation easement. The wetlands are located immediately adjacent to the project site as shown on Drawing 10. This conservation easement will eliminate the concern of future impacts by terminating any possible future expansion to the north and east into Alligator Creek.

C. Culvert Replacement

The third element of the mitigation plan calls for the replacement of three (3) existing culverts with larger diameter culverts and the sleeving of another existing culvert within the Alligator Creek marsh system. The culverts to be replaced are located under the railroad near the mouth of Alligator Creek, under Escambia Street, and under Dade Street. The existing culvert under Eighth Street will be cleaned and sleeved. The locations of these culverts are shown on Drawing 11.

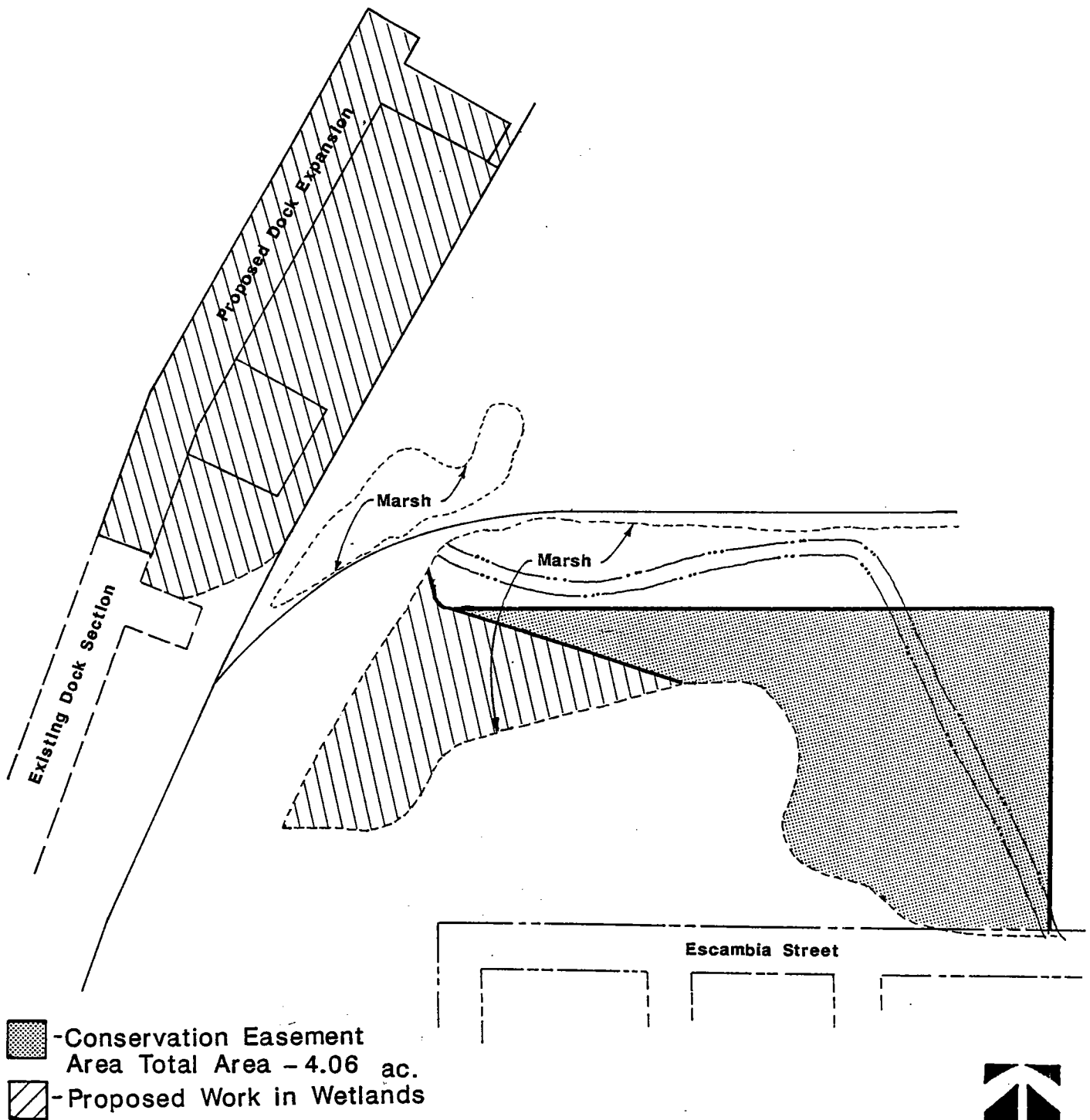
The existing 36-inch pipe under the railroad will be replaced with a 48-inch pipe. The 36-inch pipe has an invert of -2.8 feet MSL at both ends. The 48-inch pipe will be set at an invert of -2.8 feet MSL. Drawing 5 shows the details of the existing and proposed culverts.

The Escambia Street culvert, which is currently 36 inches in diameter, will be replaced with a 42-inch pipe. The new pipe will have an invert of -1.3 feet MSL at both ends. The invert of the existing pipe is approximately -1.3 feet MSL. Drawing 5 also shows the details of this area.

The Dade Street culvert currently is an 18-inch pipe with an invert of approximately -0.5 feet MSL. The new culvert will be a 24-inch pipe set at an invert of -0.5 feet MSL. Drawing 5 also provides the details for this area.

The 36-inch pipe under Eighth Street currently is deteriorated, silted in, and partially blocked. The installation of the fiberglass sleeve will reopen this culvert to its original 36-inch size.

In addition to the culvert replacement the existing concrete piping in the marsh between the Escambia Street culvert and the Eighth Street culvert, will be disconnected at both Escambia Street and Eighth Street and the remaining pipe will be broken up and left as artificial habitat within the marsh. These increases in pipe size along with the reopening of the 36-inch pipe under Eighth Street will enhance the tidal flushing within the Alligator Creek marsh system. The enhanced tidal flow into and out of the marsh system should provide a benefit to the system. In addition, the culvert replacement and the elimination of culvert section in Alligator



**England-Thims
& Miller, Inc.**
Consulting & Design Engineers
3131 St. Johns Bluff Rd. So., Jacksonville, FL 32216



**ENVIRONMENTAL
SERVICES, INC.**

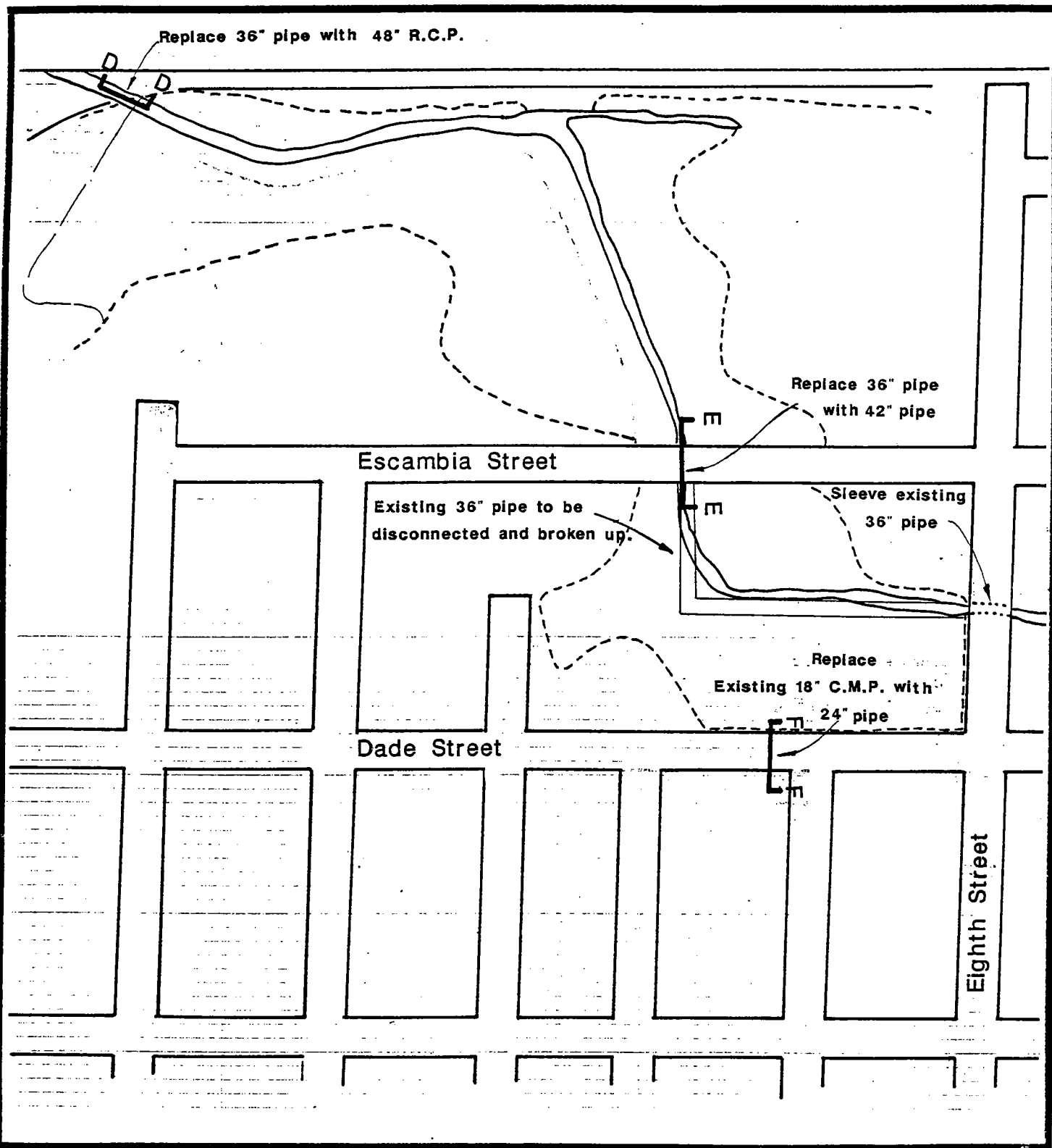
Mitigation Plan for Port of Fernandina Expansion

Proj No. 89-115

Date 8/23/90

Scale N.T.S.

Drawing No. 10





**England-Thimby
& Miller, Inc.**
Consulting & Design Engineers



**ENVIRONMENTAL
SERVICES, INC.**

Mitigation Plan for
Port of Fernandina
Expansion

Proj No.	89-012
Date	11-9-89
Scale	1"=200'
Drawing No.	11

5

MHW
ELEV.
3.29EXISTING
GRADE

0

MLW ELEV. (-) 2.31

INV. ELEV. = (-) 2.70

SECTION D-DSCALE: 1" = 60' HOR.
1" = 5' VERT.60' R/W
ESCAMBIA STREET

5

MHW ELEV. : 3.29

EXISTING
GRADE

INV. ELEV. = (-) 1.30

0

EXCAVATE AND
BACKFILL 7 C.Y.
BEFORE
PLACEMENT OF
CULVERTMLW ELEV.
(-) 2.31**SECTION E-E**SCALE: 1" = 30' HOR.
1" = 5' VERT.

(-) 5

60' R/W
DADE STREET

5

PROPOSED

24" R.C.P.

MHW ELEV. 3.29

0

EXISTING 18" C.M.P. TO
BE REPLACED W/ 24" RCP

EXISTING GRADE

EXCAVATE & BACKFILL 8 C.Y.
BEFORE PLACING CULVERT**SECTION F-F**SCALE: 1" = 30' HOR.
1" = 5' VERT.

MLW ELEV. (-) 2.31

REVISIONS - 1-10-90 - ADD S/S & REV. M. WATER
ELEV. & ADD INVERT
4-30-90 REV. SECTION D-D
6-1-90 REV. SECTION D-D

NOTE: ALL ELEVATIONS SHOWN
HEREON BASED UPON
NGVD.



England, Thimby
& Miller, Inc.

Consulting & Design Engineers



ENVIRONMENTAL
SERVICES, INC.

SECTIONS**PORT OF FERNANDINA**

PROJ. NO. E89-115

DATE 11-9-89

SCALE VARIES

DRAWING NO. 5

APPENDIX A

COVENANT OF EASEMENT

THIS COVENANT made this ____ day of April, 1989 between GLADYS SCOTT, a single woman, hereinafter referred to as "GRANTOR", and the OCEAN HIGHWAY AND PORT AUTHORITY, Nassau County, hereinafter referred to as "GRANTEE".

For and in Consideration of the sum of TEN AND NO/100 DOLLARS to GRANTOR in hand paid by the said GRANTEE, receipt whereof is hereby acknowledged, has granted, bargained and sold to the GRANTEES and their assigns forever the following described rights, titles and interest in that described land situate, lying and being in the county of Nassau, State of Florida to-wit:

A tract of land lying in Section 39, Township 2 North, Range 28 East, Nassau County, Florida, being more particularly described as follows:

Commence for a Point of Reference at the Northwest corner of lands described in Official Records Book 362, page 385 of the current records of Nassau County, Florida, thence run North 85° 27' 00" East along the Northerly line of the above described property, 685.50 feet to a point, thence run south 4° 19' 08" East 211.39 feet; thence south 19° 56' 00" West 738 feet; thence south 70° 04' 00" East 175 feet to the Point of Beginning; thence South 19° 56' 00" West 900 feet; thence North 78° 00' 00" East 550 feet more or less to the edge of the existing marsh of Amelia River; thence in a Northerly direction along the edge of marsh 800 feet more or less to the Point of Beginning. Said land contains 6 acres more or less. See sketch dated March 31, 1989 prepared by Harbor Engineering Company for exact shape of the parcel, drawing number 2006-A.

This conveyance is not intended to convey title but merely an easement whereby the GRANTEE can remove such material on site (see attachment "A") to an elevation of approximately 3.0 NGVD and then plant spartina alterniflora on said property. GRANTEE is granted the right to enter upon the land to maintain said spartina alterniflora and the GRANTEE warrants that the land will in perpetuity not be allowed to have any other use.

GRANTOR fully warrants that she has title subject to any claims of the State of Florida.

IN WITNESS WHEREOF, said GRANTOR has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of

James W. Higgins
Betty B. Higgins

Gladys Scott
GLADYS SCOTT

STATE OF FLORIDA
COUNTY OF NASSAU

I hereby certify that on this day before me an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgements, personally appeared GLADYS SCOTT to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that she executed the same for the purpose therein expressed.

Witness my hand and official seal in the county and state aforesaid this 5th day of April, 1989.

James W. Higgins
Notary Public

My Commission Expires: _____

Seal:

O.R. B. 362 P. 365

ATTACHMENT "A"

SKETCH FOR LEGAL DESCRIPTION
OF A PORTION OF
VIRGIL AND GLADYS SCOTT'S PROPERTY
DATED MARCH 31, 1989

A tract of land lying in Section 39, Township 2 North,
Range 28 East, Nassau County, Florida, being more
particularly described as follows:

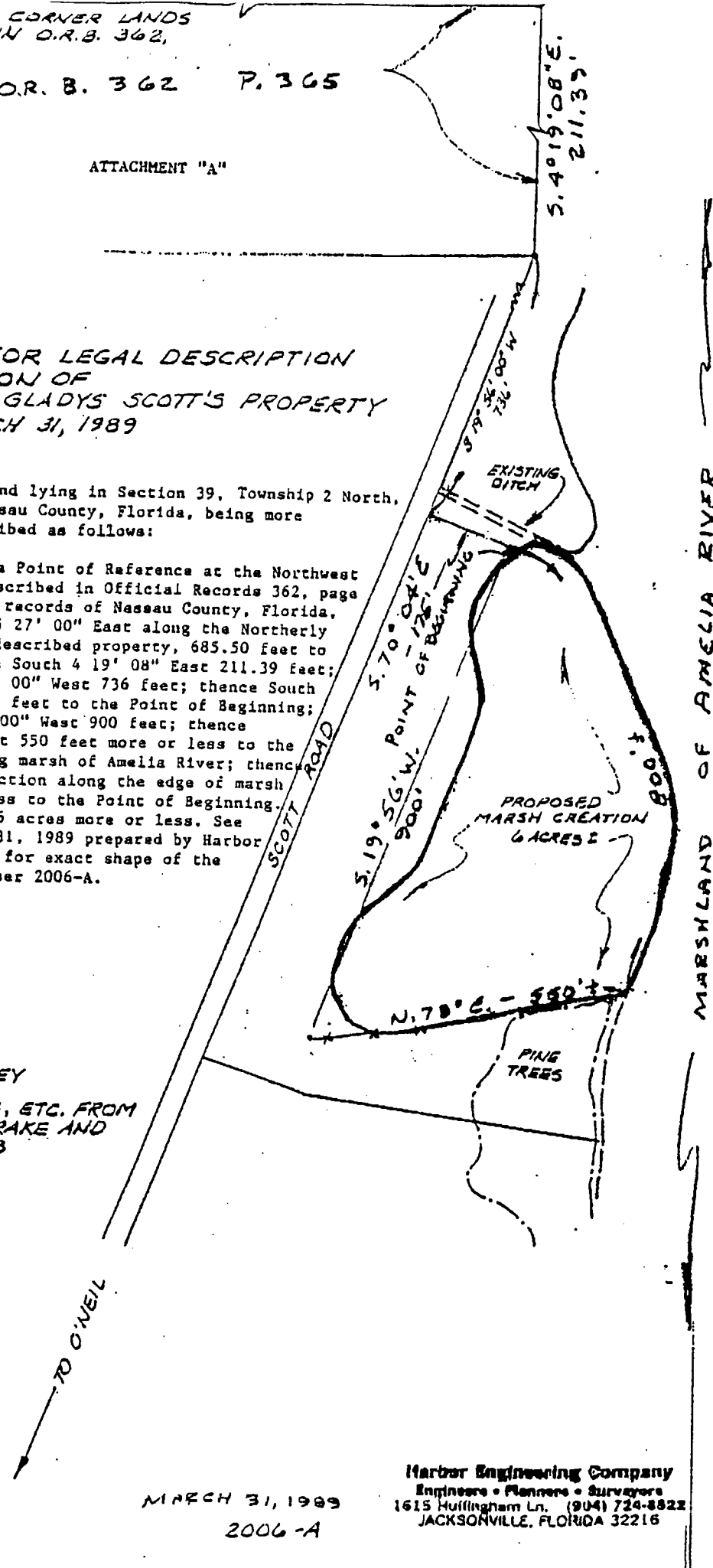
Commence for a Point of Reference at the Northwest
corner of lands described in Official Records 362, page
365 of the current records of Nassau County, Florida,
thence run North 85° 27' 00" East along the Northerly
line of the above described property, 685.50 feet to
a point, thence run South 4° 19' 08" East 211.39 feet;
thence South 19° 56' 00" West 736 feet; thence South
70° 04' 00" East 175 feet to the Point of Beginning;
thence South 19° 56' 00" West 900 feet; thence
North 78° 00' 00" East 550 feet more or less to the
edge of the existing marsh of Amelia River; thence
in a Northerly direction along the edge of marsh
800 feet more or less to the Point of Beginning.
Said land contains 6 acres more or less. See
sketch dated March 31, 1989 prepared by Harbor
Engineering Company for exact shape of the
parcel, drawing number 2006-A.

THIS IS NOT A SURVEY
BEARINGS, DISTANCES, ETC. FROM
SURVEY BY VERNON DRAKE AND
ASSOC., DATED 3/25/88
FILE B-5-1526

TO O'NEIL

MARCH 31, 1989
2006-A

Harbor Engineering Company
Engineers • Planners • Surveyors
1615 Hurlingham Ln. (904) 724-8822
JACKSONVILLE, FLORIDA 32216



Creek will allow runoff from the upper reaches of Alligator Creek more contact with the wetland vegetation in the lower reaches of Alligator Creek thus benefiting the water quality treatment provided by the lower portion of Alligator Creek.

D. Trust Fund Donation

The final element of the mitigation plan is a \$15,000 donation to the trust fund of the Timucuan Ecological and Historic Preserve. The donation will be deposited into a National Park Service donation account and set aside to apply towards the purchase of wetlands. This account is specific to the needs of the Timucuan Ecological and Historic Preserve. Currently, the National Park Service is working towards acquiring wetlands adjacent to Highway 17 at the Nassau River in accordance with the Land Protection Plan for the preserve. This donation could be applied to any of these priorities outlined in the Land Protection Plan.

tmd
89-012.mit
(SEPT90)

ORDINANCE NO. 95-5

AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN TO PROVIDE FOR A NEW ELEMENT ENTITLED "PORT FACILITIES ELEMENT"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach desires to amend its Comprehensive Land Use Plan; and

WHEREAS, said Comprehensive Land Use Plan was adopted by Ordinance No. 90-19; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION ONE. Provided the City Commission approves this Ordinance on First Public Hearing and First Reading the Ordinance will be submitted to the Department of Community Affairs for its recommendation and approval.

SECTION TWO. The Comprehensive Land Use Plan adopted on November 6, 1990, be and the same is hereby amended to include an additional element entitled "Port Facilities Goals, Objectives, and Policies" as more particularly described in Exhibit "A", attached hereto, and made a part hereof.

SECTION THREE. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendments in compliance in accordance with Section 163.3184, Florida Statutes.

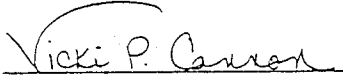
SECTION FIVE. Notwithstanding the provisions contained in this ordinance section, it is not the intent of the City to relieve any party, or its successors or assigns, of any obligations or conditions previously imposed on any party, its successors or assigns, as consideration for the City's consent to a Development of Regional Impact (DRI), Planned Unit Development (PUD), rezoning, variance, plat approval, conditional use, or other real property redesignation within the City limits.

ADOPTED this 15th day of August, 1995.

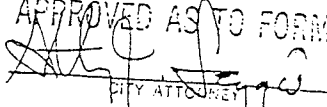
CITY OF FERNANDINA BEACH


CHARLES L. ALBERT, JR.
Mayor-City Commissioner

ATTEST:


VICKI P. CANNON
City Clerk

Date of First Reading: April 4, 1995
Date of Publication: March 29, 1995
Date of Public Hearing and Second Reading: August 15, 1995
Date of Publication: August 2, 1995
Date of Final Reading: August 15, 1995
Date of Adoption: August 15, 1995
Effective Date:

APPROVED AS TO FORM:

CITY ATTORNEY

III. PORT FACILITIES GOALS, OBJECTIVES, AND POLICIES (PORT MASTER PLAN)

GOAL 1: STIMULATE ECONOMIC DEVELOPMENT OF THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY

OBJECTIVE 1.1: The Ocean Highway and Port Authority shall continue to plan for and maintain facilities to meet the long-term useful life of the Port facility.

POLICY 1.1.1: The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements.

POLICY 1.1.2: The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility access shipping channel and turning basin as Port development continues.

POLICY 1.1.3: The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.

GOAL 2: OPERATION AND EXPANSION OF THE PORT FACILITY SHALL BE COORDINATED WITH THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY GOVERNMENTS.

OBJECTIVE 2.1: The Port Authority shall coordinate with County and City Commissions to ensure that Port development meets City and County requirements for "concurrency".

POLICY 2.1.1: The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.

POLICY 2.1.2: The Port Authority will supply pertinent information to the City of Fernandina Beach prior to the initiation of new Port development or substantial redevelopment of existing Port facilities.

POLICY 2.1.3: Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists.

Upon approval by the City of Fernandina Beach of any plan to expand the Port facility, the City shall submit a "Notice of Proposed Change" to the Development Order of the Port of Fernandina DRI to revise the approved Development Order prior to the development of the expansion area as part of the Port facility.

POLICY 2.1.4: Expansion of Port facilities shall be concurrent with expansions or improvements to the roadway system where impacted by Port operations. Port expansion shall be contingent upon the proposed expansion activity not significantly affecting the LOS standard of the traffic system impacted by the expansion.

POLICY 2.1.5: The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured.

GOAL 3: THE PORT AUTHORITY SHALL STRIVE TO MAINTAIN THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH.

OBJECTIVE 3.1: The Port Authority in operating the Port facility shall take all precautions to protect the environmental and historic assets of the City of Fernandina Beach.

POLICY 3.1.1: The Port Authority, in cooperation with the U.S. Coast Guard and the U.S. Department of Transportation, shall prohibit the handling of unauthorized toxic materials and will be prepared to contain toxic spills that could occur at the Port facility site.

POLICY 3.1.2: The Port Authority shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility.

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ORDINANCE NO. 95-5

AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN TO PROVIDE FOR A NEW ELEMENT ENTITLED "PORT FACILITIES ELEMENT"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach desires to amend its Comprehensive Land Use Plan; and

WHEREAS, said Comprehensive Land Use Plan was adopted by Ordinance No. 90-19; and

WHEREAS, the City of Fernandina Beach considers the adoption of an amendment to its Comprehensive Land Use Plan to include a Port Facilities Element to be in the best interest and future of the citizens of Fernandina Beach.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION ONE. Provided the City Commission approves this Ordinance on First Public Hearing and First Reading the Ordinance will be submitted to the Department of Community Affairs for its recommendation and approval.

SECTION TWO. The Comprehensive Land Use Plan adopted on November 6, 1990, be and the same is hereby amended to include an additional element entitled "Port Facilities Goals, Objectives, and Policies" as more particularly described in Exhibit "A", attached hereto, and made a part hereof.

SECTION THREE. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendments in compliance in accordance with Section 163.3184, Florida Statutes.

ADOPTED this _____ day of _____, 1995.

CITY OF FERNANDINA BEACH

CHARLES L. ALBERT, JR.
Mayor-City Commissioner

ATTEST:

VICKI P. CANNON
City Clerk

Date of First Reading:
Date of Publication:
Date of Public Hearing
and Second Reading:
Date of Final Adoption:

TAB K

RE: ORDINANCE #95-5 ADOPTING PORT ELEMENT

LIST OF ATTACHMENTS (IN CHRONOLOGICAL ORDER):

- 1) ORDINANCE #95-5 WITH EXHIBIT A (AS PRESENTED AT THE PUBLIC HEARING HELD ON APRIL 4, 1995).
- 2) PAGES 5-8 OF THE MINUTES OF THE COMMISSION MEETING HELD ON 4/4/95.
- 3) COVER LETTER TO RAY EUBANKS, DEPARTMENT OF COMMUNITY AFFAIRS (DCA), FROM MAYOR ALBERT, DATED APRIL 26, 1995, SUBMITTING TRANSMITTAL DOCUMENTS.
- 4) LETTER TO DARRIN TAYLOR, DCA, FROM CITY MANAGER ZOUL, DATED JUNE 30, 1995, ADVISING THAT THE COMMISSION HAD NOT ACTED TO ADOPT OR APPROVE THE PORT MASTER PLAN.
- 5) COVER LETTER DATED JULY 7, 1995, TO MAYOR ALBERT FROM J. THOMAS BECK, DCA, RE: DCA'S COMMENTS ON THE PROPOSED PORT ELEMENT.
- 6) COVER LETTER, WITH ATTACHMENT, FROM RUDY MARCHESE, NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL (NEFRPC) TO CITY MANAGER ZOUL, DATED JULY 26, 1995, RE: REVISED PORT ELEMENT BASED UPON "COMMENTS" FROM DCA.
- 7) LETTER TO CITY MANAGER ZOUL FROM NASSAU TERMINALS, DATED AUGUST 1, 1995, RE: COMMENTS AND PROPOSAL FOR REVISION TO THE PROPOSED PORT ELEMENT.
- 8) FAX TRANSMITTAL TO RUDY MARCHESE, NEFRPC, FROM CITY CLERK CANNON, DATED AUGUST 3, 1995, RE: REQUESTING NEFRPC'S REVIEW OF NASSAU TERMINAL'S COMMENTS AND PROPOSAL FOR REVISION.
- 9) LETTER, WITH ATTACHMENTS, TO CITY MANAGER ZOUL FROM RUDY MARCHESE, NEFRPC, DATED AUGUST 4, 1995, RE: RESPONDING TO CITY'S REQUEST TO REVIEW NASSAU TERMINALS' COMMENTS AND PROPOSAL FOR REVISION.
- 10) LETTER TO MIKE WILLIAMS FROM CHARLES GAUTHIER, DCA, DATED AUGUST 8, 1995, RESPONDING TO CONCERNS RE: THE PORT ELEMENT.
- 11) MEMORANDUM TO CITY COMMISSION FROM CITY ATTORNEY LEGGIO, DATED AUGUST 10, 1995, RE: TEXT REVISIONS FOR PORT ELEMENT GOALS, OBJECTIVES AND POLICIES AS SUGGESTED BY NASSAU TERMINALS.
- 12) ORDINANCE #95-5 WITH EXHIBIT A

1st Reading held at April 4, 1995
Commission Meeting.

ORDINANCE NO. 95-5

AN ORDINANCE OF THE CITY OF FERNANDINA BEACH,
FLORIDA, AMENDING THE COMPREHENSIVE LAND USE
PLAN TO PROVIDE FOR A NEW ELEMENT ENTITLED
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ADOPTED this _____ day of _____, 1995.

CITY OF FERNANDINA BEACH

CHARLES L. ALBERT, JR.
Mayor-City Commissioner

ATTEST:

VICKI P. CANNON
City Clerk

Date of First Reading:
Date of Publication:
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and Second Reading:
Date of Final Adoption:

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"Policy 2.1.1 The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.

Policy 2.1.2 The Port Authority will supply pertinent information to the City of Fernandina Beach prior to the initiation of new Port development or substantial redevelopment of existing Port facilities.

Policy 2.1.3 Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the ~~City Commission~~. the review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists.

Policy 2.1.4 Expansion of Port facilities shall be concurrent with expansions or improvements to the roadway system where impacted by Port operations.

Policy 2.1.5 The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured."

GOAL 3: THE PORT AUTHORITY SHALL STRIVE TO MAINTAIN THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH.

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POLICY 3.1.5:

The Port Authority shall use best management practices during construction, operation and maintenance at the Port facility to ensure that water quality within the area of the Port facility will receive ~~minimum~~ degradation as a result of Port activity.

NO

amended motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Commissioner Rogers, seconded by Commissioner Neely, "that the Mayor send a letter of appreciation to the Building Department Investigative Committee at the earliest possible time." Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

The next item on the agenda was update on the City's annual independent audit. This item was removed from the agenda, as the auditor's report was received just prior to the meeting.

The next item on the agenda was discussion regarding an update on plans for the Library parking lot. Public Works Director Higginbotham stated that it had been requested that he look at the parking lot and determine if the number of parking spaces could be increased. He stated that the size of the parking spaces on the west side of the lot could be downgraded from standard size to compact size, creating four additional spaces in that area. He further stated that he also looked at moving the center parking spaces along the Alcoholics Anonymous building and moving the light, which would give six additional spaces, for a total of 10 additional spaces. He stated that if the Commission accepted his proposal, he would work up the cost projections for the Commission's approval. He concluded by stating that the compact spaces could be done within the current year's budget, and the work for the additional spaces could be placed in next year's budget.

Vice Mayor Roland asked if there would be designated handicapped spaces, and Public Works Director Higginbotham stated that there would be.

The next item on the agenda was to consider the appointment of one member to the Environmental Advisory Board (EAB) to the unexpired term of A. J. Beale. A resume was submitted by Steven S. Chapman, 2356 Pirates Bay Drive, for the Commission's consideration. A motion was made by Commissioner Neely, seconded by Commissioner Rogers, "to appoint him [Steven S. Chapman] to the committee [Environmental Advisory Board]." Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

The next item on the agenda was public Hearing and first reading of Ordinance Number 95-5 entitled, "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN TO PROVIDE FOR A NEW ELEMENT ENTITLED "PORT FACILITIES ELEMENT"; AND PROVIDING FOR AN EFFECTIVE DATE." City Attorney read said ordinance by title only.

Vice Mayor Roland asked that the public hearing be opened. A motion was made by Commissioner Smith, seconded by Commissioner Neely, "to so move [to open the public hearing]." Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Terry Powell, Ocean Highway and Port Authority Commissioner, District 2, addressed the Commission at that time. He made a brief

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presentation of background information regarding the request to include the Port Facilities Element and Port Master Plan into the City's Comprehensive Plan. He stated that the Planning Advisory Board (PAB) had reviewed the plan and had made recommendations for a few changes, which were reflected in the minutes of the March 8, 1995 PAB meeting. He asked that the Commission consider the request to approve the inclusion of the Port Facilities Element and Master Plan into the Comprehensive Plan.

Mike Williams, 221 North 3rd Street, urged the Commission to review the Port Facilities Element and Master Plan carefully to ensure that the City's original Development Order, Resolution No. 962, was complied with. He referred to Section 2.1.5 of Goals and Objectives, which stated, "The Ocean Highway and Port Authority shall work with the City of Fernandina Beach to revise earlier imposed restrictions on site expansion that affect the Port's ability to improve cargo handling operations," and stated that he was concerned that the wording would allow the Port to expand into the residential areas of the community. He further stated that Section 3 regarding hazardous materials was general in nature, and did not specifically address environmental concerns, such as toxic waste and stormwater runoff. He asked the Commission to take the time to consider the concerns of the citizens and answer each one individually.

Mike Brown, Director of Planning for the Northeast Florida Regional Planning Council, stated that he had been hired to assist the Port Authority to develop the Port Element. He stated that the City's Development Order could not be weakened or changed unless it was amended by the City Commission, and the Port Authority could not violate the Development Order.

Commissioner Rogers asked who the City appointed as its local planning agency and what vehicle was used to notify the State of the agency. City Manager Myers stated that the notification occurred before he became the City Manager.

John Glenn, 214 North 17th Street, addressed the Commission at that time, and stated that he felt that all of Section 3 should be stricken. He commented that the Commission had just adopted Resolution No. 95-8, and asked why no one was under oath.

Rudy Marchese of the Northeast Florida Regional Planning Council (NEFRPC) stated that he reviewed the Comprehensive Plans of seven counties, and was in regular contact with the Department of Community Affairs, who was responsible for reviewing and approving Comprehensive Plans and Elements. He stated that Chapter 163 of the Florida Statutes states that the Comprehensive Plan is a general document, and one year after submittal of the plan, Land Development Regulations should be adopted to implement the plan. He stated that the only policy in the proposed plan that was contrary to City policy was regarding the degradation of water, Section 3.1.5.

Terry Powell stated that they had met with the PAB on four occasions, and an exhaustive review process had been completed. He stated that time was of the essence, as there were only two windows of opportunity per year to amend the Comprehensive Plan, and funding opportunities were also a consideration.

Mike Williams asked the Commission to consider the recommendation of language presented by the PAB and the NEFRPC.

A motion was made by Commissioner Smith, seconded by Commissioner Neely, "that we close the public hearing." Vote upon

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passage of the motion was taken by ayes and nays and being all ayes, carried.

After further discussion, a motion was made by Commissioner Smith, seconded by Commissioner Neely, "that we return this to the Planning [Advisory] Board and ask them to please examine Goal 3, and the Objectives and Policies stated with a view toward assuring the Commission that the document they originally put together, the Development Order, is not weakened by this document [Port Master Plan and Port Element]."

Commissioner Rogers stated that when the issue of the Port Element was addressed by the PAB, the meeting lacked orderliness and specific direction. He stated that if the PAB was going to compare the Port goals and objectives with the Development Order, they may need legal help doing it. He suggested that it might be best to have City Attorney Leggio to comment further on Mike Williams' suggestions.

City Attorney Leggio stated that if there was an inconsistency in the general policies and the Development Order regarding the degradation of waters, the word "minimum" in that section could be changed to "no."

Commissioner Smith referred to Condition 16 of the Development Order, and asked Wayne Stubbs of Nassau Terminals why there were Port-O-Lets in use at the Port. Mr. Stubbs stated that they had been attempting to have Public Works come out and "snake out" existing sewer lines, but that had not yet been done.

Commissioner Rogers questioned whether or not it would be appropriate to send the element back to the PAB, as Commissioner Smith had suggested, in that there was no indication in the PAB minutes that they had not considered Goal 3 versus the Development Order. Vice Mayor Roland stated that the PAB had done a good job, and he felt that it would be a mistake to send the item back to the PAB.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Vice Mayor Roland	Nay
Commissioner Smith	Aye
Commissioner Neely	Aye
Commissioner Rogers	Nay
Mayor Albert	Absent

Motion failed.

Vice Mayor Roland stepped down from the chair at that time, and Commissioner Smith then took the chair. A motion was made by Vice Mayor Roland, seconded by Commissioner Rogers, "that we pass Ordinance 95-5 following changes to change the word in policy number 3.1.5, the word "minimum" to "no." Commissioner Rogers asked that in Policy 2.1.3, the first sentence read "Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach as opposed to the City Commission." Vice Mayor Roland accepted the amendment to the motion.

City Manager Myers stated that there should be no ambiguity that the City Commission must be involved and is the final authority, and if the Commission wished to engage various advisory boards and consultants, it could do so.

Vote upon passage of the amended motion was taken by ayes and nays and was as follows:

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Commissioner Smith	Nay
Commissioner Neely	Aye
Commissioner Rogers	Aye
Vice Mayor Roland	Aye
Mayor Albert	Aye

Motion carried.

Vice Mayor Roland returned to the Chair.

Vice Mayor Roland deviated from the agenda and stated that the discussion regarding truck traffic on 14th Street would be moved forward at that time. Oscar Odum, 103 South 14th Street, stated that the residents on 14th Street wanted to know when the truck traffic that was re-routed from 8th Street was going to be stopped.

Public Works Director Higginbotham stated that he had spoken with Mr. Odum regarding the situation. He stated that a recommendation for modification to the intersection of 8th Street and Franklin Street had been made by the City Commission to Container Corporation in 1990, and the improvements had been done. Commissioner Smith referred to a drawing of the modification plans that were used, and after brief review by Public Works Director Higginbotham, Public Works Director Higginbotham stated that the drawing was not the drawing that was submitted when the work was done, which was a detailed drawing that showed the street coming up at a direct 90 degrees. He stated that the road had been built, but had not been accepted by the City to date, but what had been happening was as they were trying to complete the road to meet the City's criteria, the trucks were destroying the road because of the lack of turning ability of the semi trucks. He stated that he told CCA that the City would not accept the road as long as the road was being torn up with the semi trucks, because he thought that the intent of the Commission was to remove all truck traffic where the intersection would come in contact with other traffic at a 90 degree angle. He stated that the truck traffic was re-routed to 14th Street, which was a designated truck route.

Commissioner Smith stated that he spoke with Cliff Mattox of CCA that day, and Mr. Mattox had told him that a three lane gate had been installed, and there was nothing impeding an eighteen-wheeler making a left-hand turn from Franklin St. through the gate, and it was more difficult for it to go through from 14th Street because the truck would be in the other lane closest to the gate. He further stated that Mr. Mattox said that Public Works Director Higginbotham had ordered CCA to have the trucks come up 14th Street, and they had pleaded with him not to do so. He stated that he had followed a truck up 8th Street to CCA and that the truck had no problems making the turn. He continued by stating that the problem occurred when truckers pulled off the road, and that CCA should prohibit the truckers from parking on the side of the road.

Public Works Director Higginbotham stated that he agreed that the left turn was not the problem. He stated that the right turn was the problem, which occurred when a truck came up Franklin Street to the new road and turned right and came to a stop at the intersection, which was a 90 degree angle. He stated that the truck has to go in everybody else's lane to make that right turn onto Franklin. He stated that the drawings provided to him by CCA did not show a wide sweep as the drawing that Commissioner Smith provided had shown.

City of Fernandina Beach

OFFICE OF
THE MAYOR

Mailing Address:
Post Office Box 668
Fernandina Beach, FL 32035-0668
Street Address:
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305
Suncom 904/848-7305
FAX 904/277-7308

April 26, 1995

Mr. D. Ray Eubanks
Plan Processing
Bureau of Local Planning
Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

RE: PROPOSED PLAN AMENDMENT TO THE CITY OF FERNANDINA BEACH
COMPREHENSIVE PLAN

Dear Mr. Eubanks:

In accordance with the provisions of Chapter 163, Part II, Florida Statutes and Chapter 93-11, Florida Administrative Code, I am transmitting six copies of a proposed amendment to the City of Fernandina Beach Adopted Comprehensive Plan. This amendment includes the addition of a Port Element to the existing Plan. It is requested that the Department conduct a formal review and prepare an Objections, Recommendations and Comments (ORC) Report. I hereby certify that one copy of this amendment package is also being sent by this letter to the Northeast Florida Regional Planning Council, the St. Johns River Water Management District, the Florida Department of Transportation and the Florida Department of Environmental Protection.

The City's Local Planning Agency held public hearings on the proposed amendment on February 22, 1995 and March 8, 1995. The City Commission held a public hearing on the proposed amendment on April 4, 1995, at which time the amendment was approved (with changes) for transmittal to the Florida Department of Community Affairs.

The proposed amendment is not applicable to an Area of Critical Concern or directly related to a proposed Development of Regional Impact pursuant to Chapter 380, Florida Statutes. The proposed amendment is not to be adopted under a Joint Planning Agreement. Finally, the proposed amendment is not an exemption to the twice per calendar year limitation on the adoption of comprehensive plan amendments.

The contact person for the City of Fernandina Beach is Mr. J. Craig Duey, Comprehensive Plan Coordinator, P. O. Box 668, Fernandina Beach, Florida 32034, telephone (904) 277-7325, Fax (904) 277-7308.

Page two

The amendment package consists of one document (The Port Facilities Element and Master Plan). The Element contains (1) background information, (2) trends, (3) analysis of future need and (4) Goals, Objectives and Politics. Also included is a copy of the Future Land Use Map of Fernandina Beach showing the land use designation for the Port and surrounding area.

Supporting documentation includes:

- A. Advertisements for public hearings:
- B. Agendas for public hearings: and
- C. Summaries of comments received at public hearings.

It is anticipated that the City of Fernandina Beach will adopt the proposed amendment in August 1995.

If you need any additional information, or if there are any questions regarding this matter, please do not hesitate to contact Mr. Duey or myself at your convenience.

Sincerely,

City of Fernandina Beach



Charles L. Albert, Jr.
Mayor - Commissioner

Port

City of Fernandina Beach

OFFICE OF
CITY MANAGER

June 30, 1995

Mailing Address:
Post Office Box 668
Fernandina Beach, FL 32035-0668
Street Address:
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305
Suncom 904/848-7305
FAX 904/277-7308

Mr. Darrin Taylor, Planner
Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

Dear Mr. Taylor:

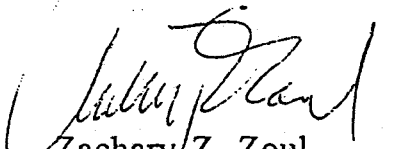
This letter is to follow-up on our telephone conversation of Wednesday, June 28, 1995.

The Port Master Plan was submitted to, and received by, the City Commission and other City officials. Please be advised that the City Commission has not acted to adopt or approve the Port Master Plan presented by the Ocean, Highway and Port Authority.

Thank you.

Sincerely,

CITY OF FERNANDINA BEACH


Zachary Z. Zoul
Interim City Manager

blm

CC: Craig Duey
Sent Bn
7/10/95

Sent CC
blue sheet
7/14/95
ve

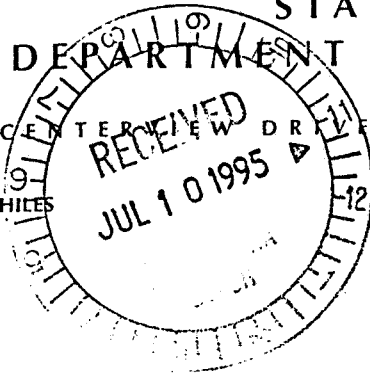


STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTER NEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

LAWTON CHILES
Governor

LINDA LOOMIS SHELLEY
Secretary



July 7, 1995

The Honorable Charles L. Albert, Jr.
Mayor, City of Fernandina Beach
204 Ash Street
Post Office Box 668
Fernandina Beach, Florida 32035-0668

Dear Mayor Albert:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Fernandina Beach (DCA No. 95-1), which was received on May 1, 1995. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for review and their comments are enclosed.

The Department has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code, Chapter 163, Part II, Florida Statutes, and the adopted City of Fernandina Beach Comprehensive Plan. The Department raises no objections, to the proposed amendment, but would like to express a few comments.

First, the City will need to submit a Notice of Proposed Change to the Development Order of the Port of Fernandina DRI to revise the approved master plan prior to the development of the expansion area as part of the port. Second, in Policy 2.1.4 there is no reference to the LOS standards and port expansion being based upon facility capacity. The Department recommends the City revise the policy by establishing that port expansion will not significantly effect the LOS standards of the traffic system. The policy should also remove FDOT as an agency responsible for toxic spills at the port. Third, Policy 3.1.1 should be revised to clarify that the US Coast Guard and the US

The Honorable Charles L. Albert, Jr.
July 7, 1995
Page Two

Department of Transportation are responsible for toxic spills at the port. Finally, and as a general comment, the element does not provide an analysis for either the existing or projected LOS for SR A1A/SR 200 or any other roadway that may be impacted by port expansion. The Department recommends that the master plan be amended to reflect the impact of the port expansion upon SR A1A/SR 200.

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, Florida Administrative Code. Upon receipt of this letter, the City of Fernandina Beach has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City of Fernandina Beach must submit the following to the Department:

Five copies of the adopted comprehensive plan amendments;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the Northeast Florida Regional Planning Council.

The Honorable Charles L. Albert, Jr.
July 7, 1995
Page Three

Please contact Darrin Taylor, Planner II, or Charles Gauthier, AICP, Growth Management Administrator, at (904) 487-4545 if we can be of assistance.

Sincerely,

Maria Abdel Cahill fa

J. Thomas Beck, Chief
Bureau of Local Planning

JTB/dtj

Enclosures: Review Agency Comments

cc: Larry D. Myers, City Manager
Brian D. Teeple, Executive Director, Northeast
Florida Regional Planning Council

CE 74 *Handwritten notes*



Northeast Florida Regional Planning Council

Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

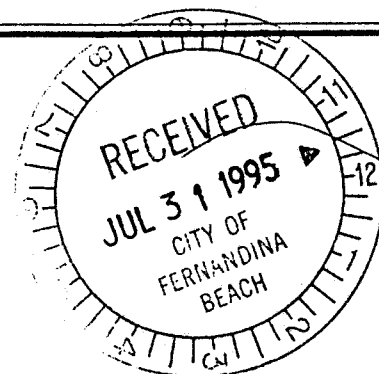
9143 Phillips Highway, Suite 350, Jacksonville, Florida 32256

(904)363-6350 FAX (904) 363-6356

Suncom 874-6350 Suncom FAX 874-6356

July 26, 1995

Mr. Zachary Zoul, City Manager
City of Fernandina Beach
P.O. Box 668
Fernandina Beach, Florida 32035-0668



Dear Mr. Zoul:

Attached is a copy of the revised City of Fernandina Beach, Port Element, Goals, Objectives and Policies (GOPs). The text added to the original presentation is underlined for easy identification. None of the original text has been removed.

While it is not necessary for the City to make any changes to its originally submitted Port Element based upon "Comments" presented by the Department of Community Affairs (DCA), the comments presented by the Department in its July 7, 1995 letter to the City certainly are legitimate and are in the best interest of the City.

The attached revised Goals, Objectives and Policies address those specific issues that have been identified by DCA. As you will note, changes have been made to Policies 2.1.3, 2.1.4 and 3.1.1. The changes to Policies 2.1.3 and 2.1.4 were requested by DCA to ensure that any expansion to the Port facility will preserve infrastructure Level Of Service (LOS) standards as adopted elsewhere in the Comprehensive Plan and that any expansion to the Port facility is made part of the Port's DRI Development Order. The change to Policy 3.1.1. is made simply to ensure that it is the U.S. Department of Transportation and not the Florida Department of Transportation that is expected to work with the Port in containing toxic spills should any such spill occur at the Port facility site.

I have discussed with the DCA Review Team the wording used to satisfy those concerns expressed in the Department's July 7, 1995 letter and have been told that the wording presented in the attached GOP revision is acceptable. Please call me if you have any questions regarding this proposed revised text or if you wish to make any changes before submitting the text to the City Commission.

Sincerely,

Rudy Marchese

III. PORT FACILITIES GOALS, OBJECTIVES, AND POLICIES (PORT MASTER PLAN)

GOAL 1: STIMULATE ECONOMIC DEVELOPMENT OF THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY

OBJECTIVE 1.1: The Ocean Highway and Port Authority shall continue to plan for and maintain facilities to meet the long-term useful life of the Port facility.

POLICY 1.1.1: The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements.

POLICY 1.1.2: The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility access shipping channel and turning basin as Port development continues.

POLICY 1.1.3: The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.

GOAL 2: OPERATION AND EXPANSION OF THE PORT FACILITY SHALL BE COORDINATED WITH THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY GOVERNMENTS.

OBJECTIVE 2.1: The Port Authority shall coordinate with County and City Commissions to ensure that Port development meets City and County requirements for "concurrency".

POLICY 2.1.1: The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.

POLICY 2.1.2: The Port Authority will supply pertinent information to the City of Fernandina Beach prior to the initiation of new Port development or substantial redevelopment of existing Port facilities.

POLICY 2.1.3: Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists.

Upon approval by the City of Fernandina Beach of any plan to expand the Port facility, the City shall submit a "Notice of Proposed Change" to the Development Order of the Port of Fernandina DRI to revise the approved master plan prior to the development of the expansion area as part of the Port facility.

POLICY 2.1.4: Expansion of Port facilities shall be concurrent with expansions or improvements to the roadway system where impacted by Port operations. Level of Service (LOS) standards shall be maintained and Port expansion shall be contingent upon the proposed expansion activity not significantly affecting the LOS standards of the traffic system impacted by the expansion.

POLICY 2.1.5: The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured.

GOAL 3: THE PORT AUTHORITY SHALL STRIVE TO MAINTAIN THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH.

OBJECTIVE 3.1: The Port Authority in operating the Port facility shall take all precautions to protect the environmental and historic assets of the City of Fernandina Beach.

POLICY 3.1.1: The Port Authority, in cooperation with the U.S. Coast Guard and the U.S. Department of Transportation, shall prohibit the handling of unauthorized toxic materials and will be prepared to contain toxic spills that could occur at the Port facility site.

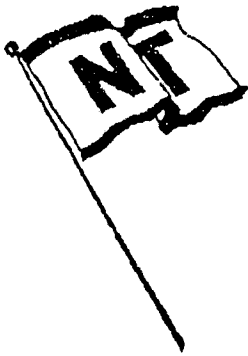
POLICY 3.1.2: The Port Authority shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility.

POLICY 3.1.3: Stormwater runoff at the Port facility shall comply with stormwater management requirements established by the St. Johns River Water Management District as well as federal state and local agencies.

POLICY 3.1.4: The Port Authority shall continue to coordinate with the Department of Environmental Protection, Division of Marine Resources, the New England Aquarium, the Cumberland Sound Pilots Association and other interested organizations to support protection of manatee and right whale communities that are on the fringe of Port operations.

POLICY 3.1.5:

The Port Authority shall use best management practices during construction, operation and maintenance at the Port facility to ensure that water quality within the area of the Port facility will receive no degradation as a result of Port activity.



NASSAU TERMINALS

Port of Fernandina

P.O. Drawer 1543
Fernandina Beach, FL 32035-1543
TELEPHONE 904/261-0753
FAX 904/261-4407
TELEX 441734 NSAU UI

August 1, 1995

To: Mr. Zachary Z. Zoul/City Manager
From: Val Schwec/Nassau Terminals

Re: Port Facilities goals, objectives, and policies
(Port Element)

Attached is the most recent draft sent to the City by the Northeast Florida Regional Planning Council.

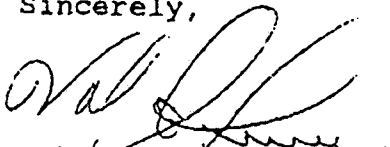
We have the following comments and proposal for your consideration:

Page 50, policy 2.1.3 - After the words "The approved master plan" and before "prior to the development" the words "development order" should be inserted. This correction would make it clear that the master plan referred here is the current development order of the Port of Fernandina as approved by the City in 1989.

Page 50, Policy 2.1.4 - The beginning of the second sentence should be deleted. Specifically the words "level of service(LOS) standards shall be maintained and" should be deleted. The policy as corrected then clearly maintains that the Port expansion shall be concurrent with improvements to the impacted roadway, (if any impact at all), and not significantly affect the LOS standards.

I hope the above is clear, however, if you have any comments or further discussion, please contact me at 261-0753.

Sincerely,



Val Schwec

VS/mc



*copy to Vicki Cannon
from S
port*

Northeast Florida Regional Planning Council

Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

9143 Phillips Highway, Suite 350, Jacksonville, Florida 32256

(904)363-6350 FAX (904) 363-6356

Suncom 874-6350 Suncom FAX 874-6356

August 4, 1995

Mr. Zachary Z. Zoul, City Manager
City of Fernandina Beach
P.O. Box 668
Fernandina Beach, FL 32034-0668

RECEIVED

AUG - 7 1995

CITY OF
FERNANDINA
BEACH

RE: Text Revisions for Port Element Goals, Objectives and Policies

Dear Mr. Zoul:

I have just received a FAX transmittal from Vicki Cannon of your office regarding the Goals, Objectives and Policy text that may be submitted to DCA for an adopted City of Fernandina Beach Port Element. As I told Vicki Cannan and earlier told Wayne Stubbs, the revised wording, which I originally submitted to your office in response to DCA's "comments" regarding this Element, were not cast-in-stone. That revised text was simply an intial suggestion for text changes that would satisfy the issues raised by DCA in that Agency's July 7, 1995 letter to the City.

I sent a copy of the suggested text revision to both your office and to Wayne Stubbs at the Port with the intent that a subsequent dialogue would result in a revision of the text that would satisfy both the City and the Port without changing the structure or intent of the "transmitted" document. I made it clear, however, to Wayne Stubbs that, at this point in the process, the NEFRPC was not in the employ of the Port or the City but would take the position of arbitrator between these two entities to assist them in preparing a text revision that the NEFRPC believed would satisfy the DCA "comments." (The Regional Planning Council's role as arbitrator in such issues is established by Florida Statute.)

Ms. Cannon provided me with a copy of Mr. Val Schwec's recommendations for changes to the earlier submitted NEFRPC suggested text. In reviewing Mr. Schwec's requested changes, I see that they are very minor. He would like to add the phrase "development order" to POLICY 2.1.3 where that Policy makes reference to "the approved master plan." I see no problem with adding this phrase and, in fact, believe it is more correct that using the term "master plan" alone. The second change requested by Mr. Schwec is to drop from POLICY 2.1.4 the words "Level of Service (LOS) standards shall be maintained and." In an earlier telephone conversation with Mr. Stubbs, the reason given for requesting that these words be dropped from Policy 2.1.4 was that

the wording, as stated, does not identify "who" or "how" the level of service standards shall be maintained. His concern is that the Policy, as stated, could be construed to place full responsibility on the Port for maintaining all level of service standards in the City. While I believe that such an assumption is a stretch of rationality, I realize that, in these matters, one never knows what interpretations could surface in the future. Therefore, since satisfying Mr. Schwec's request does not change the intent of Policy 2.1.4, I believe that Mr. Schwec's request is reasonable.

The changes requested by Mr. Schwec to the NEFRPC suggested text submitted earlier to the City and Port do not appear to change the intent of the earlier "transmitted" City of Fernandina Port Element. The NEFRPC recommends that Mr. Schwec's requested changes be incorporated into the version of the Port Element text that will be provided to the City Commissioners for consideration during the "adoption" hearing on this Element. If the City concurs with the NEFRPC recommendation, we shall be pleased to provide a revised version of the Port Element, Goals, Objectives and Policies for distribution to the City Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rudy Marchese".

Rudy Marchese, AICP
Regional Planner

cc: Mr. Val Schwec

III. PORT FACILITIES GOALS, OBJECTIVES, AND POLICIES (PORT MASTER PLAN)

GOAL 1: STIMULATE ECONOMIC DEVELOPMENT OF THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY

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POLICY 1.1.1: The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements.

POLICY 1.1.2: The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility access shipping channel and turning basin as Port development continues.

POLICY 1.1.3: The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.

GOAL 2: OPERATION AND EXPANSION OF THE PORT FACILITY SHALL BE COORDINATED WITH THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY GOVERNMENTS.

OBJECTIVE 2.1: The Port Authority shall coordinate with County and City Commissions to ensure that Port development meets City and County requirements for "concurrency".

POLICY 2.1.1: The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.

POLICY 2.1.2: The Port Authority will supply pertinent information to the City of Fernandina Beach prior to the initiation of new Port development or substantial redevelopment of existing Port facilities.

POLICY 2.1.3: Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists.

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POLICY 2.1.4: Expansion of Port facilities shall be concurrent with expansions or improvements to the roadway system where impacted by Port operations. Port expansion shall be contingent upon the proposed expansion activity not significantly affecting the LOS standard of the traffic system impacted by the expansion.

POLICY 2.1.5: The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured.

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POLICY 3.1.4: The Port Authority shall continue to coordinate with the Department of Environmental Protection, Division of Marine Resources, the New England Aquarium, the Cumberland Sound Pilots Association and other interested organizations to support protection of manatee and right whale communities that are on the fringe of Port operations.

POLICY 3.1.5:

The Port Authority shall use best management practices during construction, operation and maintenance at the Port facility to ensure that water quality within the area of the Port facility will receive no degradation as a result of Port activity.



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

August 8, 1995

LINDA LOOMIS SHELLEY
Secretary

Mr. Mike Williams
221 North Third Street
Fernandina Beach, FL 32034

Dear Mr. Williams:

This letter is in response to concerns you have expressed regarding the comprehensive plan amendment proposed for the Port of Fernandina. As you are aware the City of Fernandina Beach held a public hearing on April 4, 1995 and voted to transmit to the Department proposed goals, objectives and policies (GOPs) relevant to the Port. We have not identified any procedural flaws in this process.

During our telephone conversation of August 7, 1995, you indicated that your concern centered around the compatibility of future development on a parcel of land identified for possible Port expansion with residential uses (including your own personal residence) located across the street. As you have a copy of the Department's Objections, Recommendations and Comments (ORC) Report for the proposed amendments, you will note that the Department raised no objections but did raise comments recommending several changes to the proposed policies in order to provide greater clarity and specificity. Our review of the proposed amendment included consideration of the fact that the property which the supporting data and analysis identified for possible Port expansion is currently designated as Waterfront Industrial on the City's Future Land Use Map. This designation would allow relatively intensive development compatible with Port related activities. This designation indicates that the City had previously determined that this area is appropriate for waterfront industrial uses.

You also indicated that there may be areas which are appropriate for Port expansion other than the ones identified within the supporting data and analysis. I would like to turn your attention to proposed Policy 2.1.3 which provides that all plans for expansion shall be reviewed by the City in order to, among other things, determine that no feasible alternative to expansion exists. These provisions establish a basis for public participation in the expansion process.

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN FIELD OFFICE 2796 Overseas Highway, Suite 212 Marathon, Florida 33050-2127	SOUTH FLORIDA RECOVERY OFFICE P.O. Box 4012 8600 N.W. 36th Street Miami, Florida 33159-4022	GREEN SWAMP AREA OF CRITICAL STATE CONCERN FIELD OFFICE 155 East Summerlin Bartow, Florida 33830-4641
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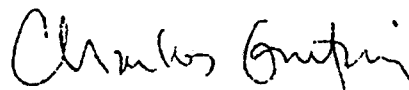
Mr. Mike Williams
August 8, 1995
Page Two

As noted above, the amendments are at this time proposed not adopted. The City is required to hold public hearings to adopt the amendments. I would encourage you to remain active at the local level in pursuing your concerns. It may be appropriate for you to propose at the adoption hearing that the City consider policies which establish procedures for public input into expansion decisions. Such procedures could include requiring public comment on future development including evaluation of alternative locations, requirements for buffering between land uses, and review of alternative site designs. The Department would be happy to work with the City in developing these policies prior to final adoption.

As noted above, the City will hold a public hearing for adoption of the amendments. The Department will review the adopted amendments for consistency with State planning laws and rules and issue a Notice of Intent to find the amendment "in-compliance" or not "in-compliance". Pursuant to Section 163.3181, Florida Statutes, an "affected person" may request an administrative hearing to challenge the Department's finding. You may wish to consult an attorney in order to apprise yourself of legal requirements and your options under this provision.

Thank you for taking the time to become involved in the planning issues of the City of Fernandina Beach and the Port of Fernandina. If you have further questions please call me at (904) 487-4545 or John Healey at the same number.

Sincerely,



Charles Gauthier, AICP
Growth Management Administrator

CG/jh

cc: Charles L. Albert Jr., Mayor, City of Fernandina Beach
Larry D. Myers, City Manager, City of Fernandina Beach
Brian D. Teeple, Executive Director, Northeast Florida
Regional Planning Council
John Conner

City of Fernandina Beach

Mailing Address:
Post Office Box 668
Fernandina Beach, FL 32035-0668
Street Address:
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305
Suncom 904/848-7305
FAX 904/277-7308

MEMORANDUM

TO: CITY COMMISSION DATE: AUGUST 10, 1995
CITY MANAGER

FROM: ANTHONY J. LEGGIO, CITY ATTORNEY

RE: TEXT REVISIONS FOR PORT ELEMENT GOALS, OBJECTIVES
AND POLICIES AS SUGGESTED BY NASSAU TERMINALS

Having reviewed the recommended changes to the earlier submitted NEFRPC relating Policy 2.1.3 and Policy 2.1.4, it is my opinion that the suggested changes do not present any legally significant substantive difference.

It is to be further noted that I have suggested Section 5 to be added to Ordinance No. 95-5 so that it is clearly specified that any obligations or conditions previously imposed through the permitting process shall remain intact irrespective of the City's adoption of the ordinance adopting the Port Element.

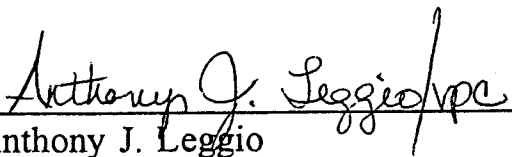
It should be further noted that Policy 2.1.3 provides for City review of Port expansion plans. Inherent in this review process there will be an opportunity for public expression. However, the Commission may wish to consider the inclusion of more explicit language to be added to Policy 2.1.3 providing for public comment, evaluation of alternative locations, buffer requirements, and review of alternate site designs as suggested by Charles Gauthier of the Department of Community Affairs in his letter of August 8, 1995 to Mr. Mike Williams. Should the Commission wish to consider such additional provisions, the following is suggested:

POLICY 2.1.3 Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists. This review process shall include an opportunity for public comment on the

proposed future development including evaluation of alternative locations, requirements for buffering between land uses, and review of alternative site designs.

Upon approval by the City of Fernandina Beach of any plan to expand the Port facility, the City shall submit a "Notice of Proposed Change" to the Development Order of the Port of Fernandina DRI to revise the approved Master Plan Development Order prior to the development of the expansion area as part of the Port facility.

AJL/vpc



Anthony J. Leggio
City Attorney

ORDINANCE NO. 95-5

AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN TO PROVIDE FOR A NEW ELEMENT ENTITLED "PORT FACILITIES ELEMENT"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach desires to amend its Comprehensive Land Use Plan; and

WHEREAS, said Comprehensive Land Use Plan was adopted by Ordinance No. 90-19; and

2) WHEREAS, the City of Fernandina Beach considers the adoption of an amendment to its Comprehensive Land Use Plan to include a Port Facilities Element to be in the best interest and future of the citizens of Fernandina Beach.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION ONE. Provided the City Commission approves this Ordinance on First Public Hearing and First Reading the Ordinance will be submitted to the Department of Community Affairs for its recommendation and approval.

3) SECTION TWO. The Comprehensive Land Use Plan adopted on November 6, 1990, be and the same is hereby amended to include ~~an additional element entitled~~ "Port Facilities Goals, Objectives, and Policies" as more particularly described in Exhibit "A", attached hereto, and made a part hereof.

SECTION THREE. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendments in compliance in accordance with Section 163.3184, Florida Statutes.

SECTION FIVE. Notwithstanding the provisions contained in this ordinance section, it is not the intent of the City to relieve any party, or its successors or assigns, of any obligations or conditions previously imposed on any party, its successors or assigns, as consideration for the City's consent to a Development of Regional Impact (DRI), Planned Unit Development (PUD), rezoning, variance, plat approval, conditional use, or other real property redesignation within the City limits.

ADOPTED this _____ day of _____, 1995.

CITY OF FERNANDINA BEACH

CHARLES L. ALBERT, JR.
Mayor-City Commissioner

ATTEST:

VICKI P. CANNON
City Clerk

Date of First Reading:
Date of Publication:
Date of Public Hearing
and Second Reading:
Date of Publication:
Date of Final Reading:
Date of Adoption:
Effective Date:

III. PORT FACILITIES GOALS, OBJECTIVES, AND POLICIES (PORT MASTER PLAN)

GOAL 1: STIMULATE ECONOMIC DEVELOPMENT OF THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY

OBJECTIVE 1.1: The Ocean Highway and Port Authority shall continue to plan for and maintain facilities to meet the long-term useful life of the Port facility.

POLICY 1.1.1: The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements.

POLICY 1.1.2: The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility access shipping channel and turning basin as Port development continues.

POLICY 1.1.3: The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.

GOAL 2: OPERATION AND EXPANSION OF THE PORT FACILITY SHALL BE COORDINATED WITH THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY GOVERNMENTS.

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AMENDED

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TAB K

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The Planning Advisory Board of the City of Fernandina Beach met on Wednesday, March 8, 1995 at 7:00 P.M. in the City Commission Chambers. Present were: Chairman Allan Jump, presiding; Members Richard Bradford, Thomas Martin and Michael Davis. James Shroads and Glenda Smith had an excused absence. Gary Belson was absent without excuse. Also present were Building Inspector Craig Duey and Roberta Healey acting as recording secretary.

Chairman Jump called the meeting to order.

The minutes of the regular meeting of February 22, 1995 were presented for approval. Chairman Jump requested the following correction: Page 3, second paragraph, the motion was made by Board Member Belson. A motion was made by Board Member Bradford, seconded by Board Member Martin, to approve the minutes of February 22, 1995, as corrected. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Board Member Martin, seconded by Board Member Bradford, that Robert's Rules of Order as amended or revised from time to time, where not in conflict with State or Federal laws, is hereby adopted as the governing rules of order for all meetings of the Planning Advisory Board. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Chairman Jump stated that those present seemed to be working at cross purposes to the requirement that the Port present an element for inclusion in the Comprehensive Plan and the underlying current had nothing to do with the question at hand. He noted that the other sections of the Port's document were merely what the Port wanted and not a foregone conclusion and that to the best of his knowledge there was no application on file for rezoning or revision of the ordinance containing the restrictions to expansion. He added that such application would most likely be forthcoming and these same arguments would come up at that time. He asked the Board members if they wished to hear more evidence or have a discussion among themselves. Board Member Martin asked about the negotiations between the parties. Chairman Jump stated that both parties involved in the negotiations were not present and wanted the Board to discuss how they wished to proceed before opening the public hearing. He presented the following proposal for consideration by the Board:

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- "Policy 2.1.1 The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.
- Policy 2.1.2 The Port Authority will supply pertinent information to the City of Fernandina Beach prior to the initiation of new Port development or substantial redevelopment of existing Port facilities.
- Policy 2.1.3 Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the City Commission. the review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists.
- Policy 2.1.4 Expansion of Port facilities shall be concurrent with expansions or improvements to the roadway system where impacted by Port operations.
- Policy 2.1.5 The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured."

He explained that his proposal was merely a re-wording and re-arrangement of the original Port facility element.

After some discussion, a motion was made by Board Member Bradford, seconded by Board Member Martin, to accept the Chairman's language [as the Board's proposal] to be substituted for the language in pages 49 through 51, Policy 2.1.1 through Policy 2.1.6, of the Port facility element. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Mr. Wayne Stubbs, President of Nassau Terminals, asked if the Board would hear input from the Port. Chairman Jump explained that the Board had already heard input from both sides, and that the changes were minor. Mr. Stubbs asserted that the law says that the Port shall write the element for the Comprehensive Plan. Chairman Jump responded that it was the Board's prerogative to make changes to the Port's document. Mr. Stubbs asked for time to review the Board's proposal. Board Member Bradford stated that the Board's proposal was in compliance with the Comprehensive Plan. After some discussion by

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the Board, Mr. Stubbs questioned why Policy 2.1.5 had been omitted. Board Member Martin reminded Mr. Stubbs that Policy 2.1.5 had been omitted at the February 22, 1995 meeting, with the consent of the Port representatives. Mr. Terry Powell, Port Commissioner District #2, stated that he had agreed to the omission if that was what was hindering the approval process. In response to an inquiry from Chairman Jump, Building Inspector Duey stated that he could not give a legal opinion, but under Chapter 163 the Planning Advisory Board shall hold the primary public hearing and make a recommendation to the City Commission, and that it was within the Board's jurisdiction to put together a recommendation to the City Commission. After further discussion, Board Member Bradford stated that he would like to hear the Port's objections to the Board's proposal.

A motion was made by Board Member Bradford, seconded by Board Member Davis, to open the public hearing on the Port facility element. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Mr. Stubbs stated that it was his understanding that there would be a give and take negotiation; that no conclusions were made at the last meeting; and that the offer to eliminate Policy 2.1.5 was not consummated. He explained that the Port had been advised by Mr. Rudy Marchese of the Northeast Florida Regional Planning Council (NEFRPC), that the Port, under the guidelines of the Florida Statutes, shall write and provide an element to be enacted by the City and that it was the Planning Advisory Board's responsibility to review the document for concurrency and make a recommendation to the City Commission. He stated that he was not expecting a re-write. Chairman Jump advised that the document was the same with the exception of Policy 2.1.5. Mr. Stubbs asked about the omission of Goals 3 and 4. Chairman Jump advised that he had considered those goals because he wanted to make sure the wetlands were included, and had later learned that the goals were incorporated by reference. Mr. Stubbs explained that the Port believed there should be a goal in the City's Comprehensive Plan allowing for review of restrictions imposed by the City eight years earlier when no one knew where the Port was going. He added that it was appropriate then, but eight years later the Port knew the expansion it wanted, which would be non-truck oriented and clean and it was now appropriate for the Port to ask the City to review those restrictions. He further stated that he felt it essential that a goal be included establishing a procedure for re-consideration and review from time to time. He referred to the re-wording of Policy 2.1.5 presented by Mr. Michael Brown, NEFRPC, on behalf of the Port:

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"Policy 2.1.5 The Ocean Highway and Port Authority shall work with the City of Fernandina Beach to review earlier imposed restrictions on site expansion which may no longer be appropriate. Prior to any expansion of the port facilities, the City shall review all plans or proposals for expansion. The review shall be conducted so as to ensure that the expansion is necessary for the continued growth and economic well-being of the facility, and that such expansion will be a benefit to the City."

He advised that the Port did not want to abandon the whole process of review by the City and asserted that all the goals empower the City to control the Port's expansion and nothing could happen without a majority vote by the Commission. He requested that the Board present the original Port document to the City Commission with the revision to Policy 2.1.5 to give the Port an opportunity to discuss it directly with the City Commission.

Board Member Bradford advised that Objective 2.02 Safety and Efficiency, Policy 2.02.03, provided that prior to expansion of the city airport and the port, the City shall review all plans for expansion, therefore the procedure requested by the Port was already in place and any new provision would be superfluous. Chairman Jump concurred. Board Member Davis asked why the Port did not think the provision was covered in Policy 2.1.6. Mr. Stubbs explained that provisions existed for the City to review its the Port's plans but not for the City to review limitations on the Port. After further comments, Mr. Stubbs explained that cities having deep water ports were required to have a port element to establish procedures for both parties to work together. Chairman Jump contended that there was nothing stopping the Port from making application to the City, so there was no need for a mandate in the element.

Mr. Stubbs asked if the change in the word "revise" to "review" made a difference to the Board. Chairman Jump stated that the word change was better, but that the Board had already agreed to omit Policy 2.1.5. Mr. Stubbs again asked the Board to submit the original element to the City Commission to give the Port an opportunity to discuss it with the City Commission. Board Member Martin stated that he had not heard anyone talk against expansion, only the means of expansion and the impact on taxpayers and voters. He stated that he looked to the Port to increase the viability of Rayonier, Inc. and Container Corporation of America. He explained that he was looking for straight answers, but that much of the discussion wasn't

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pertinent to the Board's responsibility and was focused on the policy being defended by the Port. He suggested that the Port's public relations was not good and the Board was trying to straighten out the language and requested that if there were no major problems with the Board's proposal, that the Board vote and get the element included in the Comprehensive Plan. Board Member Bradford contended that without Policy 2.1.5, there were already procedures in place for the Port to apply for expansion. Mr. Stubbs explained that most of the goals clarify the City's involvement and ultimate approval of Port expansion, which the majority of the City would have to agree would be in the best interest of the City. He further stated that the Port was just asking to have one goal requesting the City to review its own restrictions. After further comments, Chairman Jump noted that no new information was being presented.

Mr. Stubbs asked the Board to look at the proposed change to Policy 2.1.5 and contended that it was impossible for the City to prepare a plan for the Port to review if there was an ordinance dis-allowing expansion. He expressed concern that the Port could not begin long term land planning with neighbors.

Mr. Mike Williams, 221 North 3rd Street, asked if this was a continuation of the public hearing from the meeting of February 22, 1995. Chairman Jump advised that it was and stressed that the warehouse expansion was not an issue at this time. Mr. Williams referred to the legal opinion previously submitted to the Board that the Master Plan was part of the Port element and should be taken into consideration when the Board voted. He advised that he and Mr. Brown, NEFRPC, had met on Monday, March 6 for approximately an hour at which time he had told Mr. Brown his concerns, which were as follows:

1. Page 43 of the Master Plan, additional warehousing, the beginning of the first paragraph: That reference to "the most appropriate areas" through the next paragraph be deleted since no back-up documentation was provided. He also requested that the map preceding that section be changed. Chairman Jump explained that the Port would have to provide documentation during the application process. Mr. Williams contended that those facts should be available to this Board as well. Chairman Jump advised that Mr. Williams would have an opportunity to show otherwise during the application process.

2. That the following wording be added to Policy 2.1.4 [the Port's original element] after the words, Comprehensive Plan: "including existing land development regulations." Board Member Martin asked Mr. Williams to review the Board's proposal.

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3. Mr. Williams passed out a copy of proposed language revising Policy 2.1.5, which read as follows:

"Policy 2.1.5: Prior to the expansion of the City's Port facilities, the City shall review all plans or proposals for expansion. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists. Also, the review shall be conducted to ensure necessary interest of public health, safety, welfare and morals".

He made specific reference to the last sentence.

Mr. Williams advised that the Board's proposal sounded reasonable and that the Port's revision was also acceptable with the following language added to the first sentence: "or to expand restrictions on site expansion which may be more appropriate." He asked the Board to take both proposals into consideration and suggested that the language either be general or include specifics of both parties. Board Member Martin suggested that eliminating Policy 2.1.5 would be a third option. Mr. Williams advised that he would be happy with Policy 2.1.5 eliminated if the last sentence of his proposal was included in Policy 2.1.6. Board Member Bradford advised that the language referred to was included in Ordinance No. 777.

Mr. Williams pointed out a notation on the map between pages 22 and 23 of the Master Plan, showing an area south of Calhoun Street marked "130" (the north end of the block, below the existing warehouse) was CPO (Commercial Professional Office) not industrial, which he believed to be an error.

Mr. Williams asked the significance of the word change in the Port's revision to Policy 2.1.5 (third to last line, first word): "needed" to "necessary."

Mr. Mike Brown explained that the NEFRPC had been hired by the Port to prepare the Port's element and that he had met with Mr. Williams to try to come up with compromise wording but they had not been successful. He stressed that both parties had been willing. He referred to the land use map and explained that north of the Port was wetlands, east was the historical district, west was the river and south was an area already designated for industrial development which made it the most appropriate area for expansion. He further advised that the map on page 22 was not a zoning map, but a land use map, and was appropriately

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identified under the 130 industrial category. In response to a question from Chairman Jump, Mr. Brown explained that he personally he felt that inclusion of existing Land Development Regulations was not necessary since any expansion had to meet adopted land regulations according to state rules.

Mr. Brown stated that the existing restrictions in Ordinance No. 777 were the problem and needed to be addressed since the Port wanted it in but the residents didn't. Board Member Martin stated that the Board wanted to present something clean to the City, without obstacles. Mr. Brown explained that the City must transmit the approved document to the State and the Department of Affairs would probably prepare an Objections, Recommendations and Comments (ORC) report which the element would have to comply with, and then the document would come back to the City for adoption. Mr. Martin stressed that the Board should hear as much information as possible to save future problems for the City Commission.

After further discussion, Mr. Williams recommended going with the Board's proposal.

Mr. John Glenn, 214 North 17th Street, Chairman of Taxpayers Protection Committee, stated that he was chagrined that the Port could not live without Policy 2.1.5. He noted that it was within the Board's purview to leave it out. He asserted that the laws of the City of Fernandina Beach applied and referred to the ordinance creating the Planning Advisory Board which gave them the power and duty to prepare and recommend amendments to the Comprehensive Plan and, in conducting such work, may investigate subject matter relating to the development and betterment of the City and make recommendations it deemed advisable. He asserted that the language in Goal 3 was covered in the Development Order and would be weakened if adopted in the element. He requested that any motion clearly exclude the Port's Master Plan. He concurred with Mr. Williams that the Board's proposal was acceptable.

Mr. Glenn further advised that it was within the Board's discretion and encouraged them to put people under oath. Board Member Martin agreed, since the Board had received different stories from the same people several nights. Mr. Glenn stated that it was not fair that everyone did not have a copy of the proposal before the meeting started. Mr. Powell asked Board Member Martin to clarify his statement. Mr. Martin explained that he was not referring to Mr. Powell. Mr. Powell stated that he thought they were at the point of agreement and expressed concern about all the revisions. Chairman Jump explained that

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the Board was back where it started because the negotiating team could not come to a compromise. After some discussion, Mr. Powell advised that the Port would like to keep Policy 2.1.5 in with the proposed word change. Board Member Martin explained further that he was confused with all the information submitted and about who was mandating whom, etc.

Mr. Stubbs expressed concern that the Board had changed the Port's goals and asked that the Board consider the Port's revision. He requested that the Board consider adopting the original Port element with the revised word change in Policy 2.1.5 and submit it to the City Commission with its own comments about deleting Policy 2.1.5, giving the Port an opportunity to discuss it with the City Commission. He explained to Mr. Williams that there was no reason for changing the word "needed" to "necessary" other than it sounded better. Board Member Davis suggested adding the word "sites" after the word expansion. After some discussion, Mr. Stubbs contended that there was no feasible alternative to expansion.

Mr. Glenn suggested putting a period after the word "plan" in Policy 2.1.1; delete the word "pertinent" in Policy 2.1.2 and replace with "competent, relevant, complete and credible."

A motion was made by Board Member Bradford, seconded by Board Member Martin, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Chairman Jump asked the Board for any amendments to the proposal. Board Member Davis suggested adding the word "sites" after the word "expansion" in the last sentence of Policy 2.1.3. A motion was made by Board Member Martin, seconded by Board Member Davis, to substitute the top section [of the Board's proposal] down to Goal 3, as amended, to the document found on page 49 [of the Port facility element], as substitute language for Goal 2. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

After some discussion, a motion was made by Board Member Martin, seconded by Board Member Davis, to move the adoption of the Port Facility Goals, Objectives and Policies as contained in pages 49, 50 and 51, as amended, as part of the Comprehensive Plan of the City of Fernandina Beach. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

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After considerable discussion, a motion was made by Board Member Martin to amend the previous motion to accept the Port Facilities Goals, and Policies, as amended, and the Port Master Plan, with the understanding that the Planning Advisory Board does not endorse the figures and information in the Master Plan. The motion died for lack of a second. After further discussion, a motion was made by Board Member Martin, seconded by Board Member Davis, that we submit the Port Facility Element and Port Master Plan, including the amended Section 2, to the City Commission for approval, with the stipulation that pages 1 through 48 were received as informational input only. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

There being no further business to come before the Board, a motion was made and duly seconded to adjourn the meeting.

TO: THE CITY COMMISSION
FROM: THE PLANNING ADVISORY BOARD

RE: The Master Plan of the PORT AUTHORITY

To clear up any possible misunderstanding that might arise out of the motions made and approved at the March 8, 1995 meeting of the Planning Advisory Board, the following is attached to the approved minutes of said meeting.

It was the intent of the Planning Advisory Board to indicate to the Commission that it found no fault with Sections I and II of the MASTER PLAN SUBMITTED BY THE PORT AUTHORITY. The figures used in preparing the document were not verified as it was felt that the information provided gave sufficient background for developing a Master Plan. If said projected developments are presented for action then before any definitive action could be taken the Port Authority would be required to present verifiable facts and figures to justify the project.

It was not, and is not, the intent of the Planning Advisory Board to say to the Port Authority, the citizens opposed to Port development, or the City Commission that we approve the proposed project for building a warehouse, or any other proposed developments. We simply recognized that in drawing up their plans for the future this was their vision of what they would like to see happen. Before such a vision can become a reality it would still be necessary for the Port Authority to go through the process established by the City of Fernandina for any such developments and for any change in land use.

THE PLANNING ADVISORY BOARD
OF FERNANDINA BEACH, FLORIDA

James L. Martin
[Signature]
[Signature]

Glenda L. Smith

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ance with s. 163.3184(6). Subsections (6), (7), and (8) of s. 163.3184 shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2), this subsection, s. 163.3187, or s. 163.3189.

(4) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan shall be deemed controlling until the municipality adopts a comprehensive plan in accord with the provisions of this act. If, upon the expiration of the 3-year time limit, the municipality has not adopted a comprehensive plan, the regional planning agency shall prepare and adopt a comprehensive plan for such municipality.

(5) Any comprehensive plan, or element or portion thereof, adopted pursuant to the provisions of this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

(6) When a regional planning agency is required to prepare or amend a comprehensive plan, or element or portion thereof, pursuant to subsections (3) and (4), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (3) and (4) or by the time the plan or element, or portion thereof, is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon the failure of the local government to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the State Comptroller, request payment by the State Comptroller from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the State Comptroller shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any one year.

(7) A local government that is being requested to pay costs may seek an administrative hearing pursuant to s. 120.57 to challenge the amount of costs and to determine if the statutory prerequisites for payment have been complied with. Final agency action shall be taken by the state land planning agency. Payment shall be withheld as to disputed amounts until proceedings under this subsection have been completed.

(8) Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.

(9) The Reedy Creek Improvement District shall exercise the authority of this part as it applies to municip-

palities, consistent with the legislative act under which it was established, for the total area under its jurisdiction.

(10) Nothing in this part shall supersede any provision of ss. 341.321-341.386.

(11) Each local government is encouraged to articulate a vision of the future physical appearance and qualities of its community as a component of its local comprehensive plan. The vision should be developed through a collaborative planning process with meaningful public participation and shall be adopted by the governing body of the jurisdiction. Neighboring communities, especially those sharing natural resources or physical or economic infrastructure, are encouraged to create collective visions for greater-than-local areas. Such collective visions shall apply in each city or county only to the extent that each local government chooses to make them applicable. The state land planning agency shall serve as a clearinghouse for creating a community vision of the future and may utilize the Growth Management Trust Fund, created by s. 186.911, to provide grants to help pay the costs of local visioning programs. When a local vision of the future has been created, a local government should review its comprehensive plan, land development regulations, and capital improvement program to ensure that these instruments will help to move the community toward its vision in a manner consistent with this act and with the state comprehensive plan. A local or regional vision must be consistent with the state vision, when adopted, and be internally consistent with the local or regional plan of which it is a component. The state land planning agency shall not adopt minimum criteria for evaluating or judging the form or content of a local or regional vision.

History.—s. 4, ch. 75-257; s. 1, ch. 77-174; s. 3, ch. 85-55; s. 6, ch. 86-191; s. 1, ch. 87-338; s. 1, ch. 92-129; s. 5, ch. 93-206.

163.3171 Areas of authority under this act.—

(1) A municipality shall exercise authority under this act for the total area under its jurisdiction. Unincorporated areas adjacent to incorporated municipalities may be included in the area of municipal jurisdiction for the purposes of this act if the governing bodies of the municipality and the county in which the area is located agree on the boundaries of such additional areas, on procedures for joint action in the preparation and adoption of the comprehensive plan, on procedures for the administration of land development regulations or the land development code applicable thereto, and on the manner of representation on any joint body or instrument that may be created under the joint agreement. Such joint agreement shall be formally stated and approved in appropriate official action by the governing bodies involved.

(2) A county shall exercise authority under this act for the total unincorporated area under its jurisdiction or in such unincorporated areas as are not included in any joint agreement with municipalities established under the provisions of subsection (1). In the case of chartered counties, the county may exercise such authority over municipalities or districts within its boundaries as is provided for in its charter.

F.A.C., not specifically addressed herein. No challenge pursuant to s. 120.56 may be filed from July 1, 1987, through April 1, 1993. Any amendments to chapter 9J-5, F.A.C., exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.

(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation.

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(e) The department shall implement the provisions of this subsection by rule.

History.—s. 7, ch. 75-257; s. 1, ch. 77-174; s. 1, ch. 80-154; s. 6, ch. 83-308; s. 1, ch. 85-42; s. 6, ch. 85-55; s. 1, ch. 85-309; s. 7, ch. 86-191; s. 5, ch. 92-129; s. 6, ch. 93-206.

163.3178 Coastal management.—

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. There-

fore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and other fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster.

(e) A component which outlines principles for protecting existing beach and dune systems from man-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

(g) A shoreline use component which identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas.

(h) Designation of high-hazard coastal areas, which for uniformity and planning purposes herein, are defined as category 1 evacuation zones. However, application of mitigation and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand

imposed by the element. Such public completion to coastal development or

(j) An identification techniques that has adopted in order to control development in order to give consideration

(k) A component master plan prepared s. 403.021(9), which addresses the ap

(a)-(k) for areas to be submitted to least 6 months prior shall be integrated in, the coastal local government responsibility for lies, except that municipalities which the deep government" measure for the area in which a deepwater port to submit its comment shall not result to sanctions upon. However, a deep government shall 163.3184.

(3) Expansion navigation channels other related investment in s. 403.021(9) impact where such comprehensive master section.

(4) Improved state highways plan approved project be exempt from

(5) The approach provided under s. 118 inconsistencies between comprehensive plans. In to deepwater port the state comprehensive, and policies enhancement of priority is given incentive for project report may opt for impact review project alternative with a local government 163.3243.

(6) Local government countywide map existing and future

(2)

imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. 403.021(9), which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port. Such component shall be submitted to the appropriate local government at least 6 months prior to the due date of the local plan and shall be integrated with, and shall meet all criteria specified in, the coastal management element. "The appropriate local government" means the municipality having the responsibility for the area in which the deepwater port lies, except that where no municipality or two or more municipalities each have responsibility for the area in which the deepwater port lies, "the appropriate local government" means the county which has responsibility for the area in which the deepwater port lies. Failure by a deepwater port which is not part of a local government to submit its component to the appropriate local government shall not result in a local government being subject to sanctions pursuant to ss. 163.3184 and 163.3167. However, a deepwater port which is not part of a local government shall be subject to sanctions pursuant to s. 163.3184.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities within ports listed in s. 403.021(9) shall not be developments of regional impact where such expansions are consistent with comprehensive master plans that are in compliance with this section.

(4) Improvements and maintenance of federal and state highways that have been approved as part of a plan approved pursuant to s. 380.045 or s. 380.05 shall be exempt from the provisions of s. 380.27(2).

(5) The appropriate dispute resolution process provided under s. 186.509 must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state's commitment to deepwater ports, the growth management portion of the state comprehensive plan must include goals, objectives, and policies that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, a deepwater port may opt out of the development

Interagency Management Committee, at the request of the Legislature, shall identify incentives to local governments to adopt such siting plan criteria and standards to be used by local governments to implement state goals, objectives, and policies relating to marina siting. These criteria must give priority to water-dependent land uses. The Coastal Resources Interagency Management Committee shall submit its recommendations regarding government incentives to the Legislature by January 1, 1993. Countywide marina siting plans shall be consistent with state and regional environmental planning policies and standards. Each local government in the coastal area which participates in a countywide marina siting plan shall incorporate the coastal management element of its comprehensive plan.

(7) Each local government in the coastal area which has spoil disposal responsibilities shall provide for and identify disposal sites for dredged materials and other land use and port elements of the local comprehensive plan as needed to assure proper long-term management of material dredged from navigation channels. The disposal site selection criteria shall include efficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost of transportation. The disposal site selection criteria shall be developed in consultation with navigation authorities and other appropriate state and federal agencies and the public.

(8) Each county shall establish a coastal management process for identifying and prioritizing coastal resources so they may be acquired as part of the state's acquisition programs. This process must include the establishment of criteria for prioritizing coastal resources which, in addition to recognizing pristine properties and coastal properties of significant environmental sensitivity, recognize hazardous waste, beach access, beach management, urbanization, and other policies necessary for effective coastal management.

History.—s. 7, ch. 85-55; s. 8, ch. 86-191; s. 24, ch. 87-224; s. 1, ch. 88-157.

163.3179 Family homestead.—A local government may include in its comprehensive plan a provision regarding the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, grandchild, adopted parent, sibling, child, stepchild, grandchild, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the intensity of use assigned to the parcel in the previous provision shall apply only once to any individual.

History.—s. 6, ch. 92-129.

163.3180 Concurrency.—

(1) Roads, sanitary sewer, solid waste, and other public facilities, including but not limited to, potable water, parks and recreation, and

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INTERGOVERNMENTAL PROGRAMS

(2)

imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. 403.021(9), which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port. Such component shall be submitted to the appropriate local government at least 6 months prior to the due date of the local plan and shall be integrated with, and shall meet all criteria specified in, the coastal management element. "The appropriate local government" means the municipality having the responsibility for the area in which the deepwater port lies, except that where no municipality or two or more municipalities each have responsibility for the area in which the deepwater port lies, "the appropriate local government" means the county which has responsibility for the area in which the deepwater port lies. Failure by a deepwater port which is not part of a local government to submit its component to the appropriate local government shall not result in a local government being subject to sanctions pursuant to ss. 163.3184 and 163.3167. However, a deepwater port which is not part of a local government shall be subject to sanctions pursuant to s. 163.3184.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities within ports listed in s. 403.021(9) shall not be developments of regional impact where such expansions are consistent with comprehensive master plans that are in compliance with this section.

(4) Improvements and maintenance of federal and state highways that have been approved as part of a plan approved pursuant to s. 380.045 or s. 380.05 shall be exempt from the provisions of s. 380.27(2).

(5) The appropriate dispute resolution process provided under s. 186.509 must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state's commitment to deepwater ports, the growth management portion of the state comprehensive plan must include goals, objectives, and policies that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, a deepwater port may opt out of the development-of-regional-

Interagency Management Committee, at the request of the Legislature, shall identify incentives to encourage local governments to adopt such siting plan criteria and standards to be used by local governments to implement state goals, objectives, and policies relating to marina siting. These criteria must be consistent with the priority is given to water-dependent land uses. The Coastal Resources Interagency Management Committee shall submit its recommendations regarding government incentives to the Legislature by January 1, 1993. Countywide marina siting plans shall be consistent with state and regional environmental planning policies and standards. Each local government that participates in adopting a countywide marina siting plan shall incorporate the coastal management element of its comprehensive plan.

(7) Each local government in the coastal area shall identify disposal responsibilities shall provide for the identification of disposal sites for dredged materials in the coastal area and port elements of the local comprehensive plan as needed to assure proper long-term management of material dredged from navigation channels. The disposal site selection criteria shall be consistent with efficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost of transportation. The disposal site selection criteria shall be developed in consultation with navigation authorities and other appropriate state and federal agencies and the public.

(8) Each county shall establish a court process for identifying and prioritizing coastal properties so they may be acquired as part of the state's acquisition programs. This process must include the establishment of criteria for prioritizing coastal properties which, in addition to recognizing pristine properties and coastal properties of significant environmental sensitivity, recognize hazardous waste, beach access, beach management, urbanization, and other policies necessary for effective coastal management.

History.—s. 7, ch. 85-55; s. 8, ch. 86-191; s. 24, ch. 87-224; s. 7, ch. 88-117.

163.3179 Family homestead.—A local government may include in its comprehensive plan a provision regarding the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, grandchild, adopted parent, sibling, child, stepchild, grandchild, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density of use assigned to the parcel in the plan. A provision shall apply only once to any individual.

History.—s. 6, ch. 92-129.

163.3180 Concurrency.—

(1) Roads, sanitary sewer, solid waste, drinking water, potable water, parks and recreation, and mass transit, where applicable, are the responsibility of the local government.

reasonableness of audit selection, and audit quality and timeliness.

(7) **MINORITY PROGRAMS.**—The audit shall include a review and analysis of the performance of the department for at least the last 5 years in employing minorities and the use of minority business enterprises in implementing the expenditure of both federal and state dollars. The audit should also include a comparison of the programs of the department with those of other states and recommendations for improvements.

(8) **BUDGET PROCESS.**—The audit shall include a review of the planning and budgeting information system, the transportation planning and budget development process, and the department's implementation and monitoring of the work program and approved budget. The Auditor General shall further perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature methods to eliminate or reduce the disruptive effects of the factors.

(9) **MANAGEMENT INFORMATION SYSTEMS.**—The audit shall include, but not be limited to, a review of the need, usefulness, and accuracy of the data in the department's major management information systems.

(10) **FLORIDA TRANSPORTATION COMMISSION.**—The audit shall include a review of the commission's compliance with applicable laws and recommend improvements that can be made to increase the commission's effectiveness.

(11) **DUTY OF AUDITOR GENERAL.**—For each audit required by this section, the Auditor General shall determine whether sufficient procedures and internal controls exist to assure that department managers are accountable for the implementation and enforcement of all laws, rules, policies, and procedures related to their areas of responsibilities.

(12) **AUDIT PERIODS.**—The Auditor General has the discretion to schedule the audits required by this section. However, such audits must be performed by July 1, 1996, and must be performed during each subsequent 6-year period thereafter. The Auditor General must make audits of department functions or programs identified in this section or of other department functions or programs whenever directed to do so by the Legislature or the Joint Legislative Auditing Committee. The Auditor General shall annually report to the Legislature on the efforts made by the department to rectify problems noted in prior audits.

History.—s. 1, ch. 83-2; s. 217, ch. 84-309; s. 43, ch. 90-136; s. 70, ch. 93-164.

Note.—Former s. 334.235.

339.155 Transportation planning.—The department shall develop and annually update a statewide comprehensive transportation plan, to be known as the Florida Transportation Plan. The plan shall be designed so as to be easily read and understood by the general public.

(1) **PURPOSE.**—The purpose of the Florida Transportation Plan is to establish the long-range goals of the

(2) **DEVELOPMENT CRITERIA.**—The Florida Transportation Plan shall consider the needs of the entire state transportation system, examine the use of all modes of transportation to effectively and efficiently meet such needs, and provide for the interconnection of all types of modes in a comprehensive intermodal transportation system. In developing the Florida Transportation Plan, the department shall consider the following:

(a) The results of the management systems required pursuant to federal laws and regulations.

(b) Any federal, state, or local energy use goals, objectives, programs, or requirements.

(c) Strategies for incorporating bicycle transportation facilities and pedestrian walkways in projects where appropriate throughout the state.

(d) International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation and scenic areas, monuments and historic sites, and military installations.

(e) The transportation needs of nonmetropolitan areas through a process that includes consultation with local elected officials with jurisdiction over transportation.

(f) Consistency of the plan, to the maximum extent feasible, with comprehensive regional policy plans, metropolitan planning organization plans, and approved local government comprehensive plans so as to contribute to the management of orderly and coordinated community development.

(g) Connectivity between metropolitan areas within the state and with metropolitan areas in other states.

(h) Recreational travel and tourism.

(i) Any state plan developed pursuant to the Federal Water Pollution Control Act.

(j) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.

(k) The total social, economic, energy, and environmental effects of transportation decisions on the community and region.

(l) Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant vehicle travel.

(m) Methods to expand and enhance transit services and to increase the use of such services.

(n) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decisionmaking and the provisions of all applicable short-range and long-range land use and development plans.

(o) The transportation needs identified through use of the management systems required by federal laws and regulations.

(p) Where appropriate, the use of innovative mechanisms for financing projects including value capture

TAB K

Please replace pages 49, 50 & 51 of the Port Element under Tab K with the corrected pages 49, 50 & 51 attached. The highlighted corrections reflect the substituted language voted on by the Planning Advisory Board in their minutes of March 8, 1995, Page Two.

Thank you.

III. PORT FACILITIES GOALS, OBJECTIVES, AND POLICIES (PORT MASTER PLAN)

GOAL 1: STIMULATE ECONOMIC DEVELOPMENT OF THE CITY OF
FERNANDINA BEACH AND NASSAU COUNTY

OBJECTIVE 1.1: The Ocean Highway and Port Authority shall continue to plan for and maintain facilities to meet the long-term useful life of the Port facility.

POLICY 1.1.1: The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements.

POLICY 1.1.2: The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility access shipping channel and turning basin as Port development continues.

POLICY 1.1.3: The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.

GOAL 2: OPERATION AND EXPANSION OF THE PORT FACILITY SHALL BE
COORDINATED WITH THE CITY OF FERNANDINA BEACH AND
NASSAU COUNTY GOVERNMENTS.

OBJECTIVE 2.1: The Port Authority shall coordinate with County and City Commissions to ensure that Port development meets City and County requirements for "concurrency".

"Policy 2.1.1 The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.

Policy 2.1.2 The Port Authority will supply pertinent information to the City of Fernandina Beach prior to the initiation of new Port development or substantial redevelopment of existing Port facilities.

Policy 2.1.3 Prior to any future expansion of the City's Port facilities, all plans or proposals for expansion shall be reviewed by the City Commission. the review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists.

Policy 2.1.4 Expansion of Port facilities shall be concurrent with expansions or improvements to the roadway system where impacted by Port operations.

Policy 2.1.5 The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured."

GOAL 3: THE PORT AUTHORITY SHALL STRIVE TO MAINTAIN THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH.

OBJECTIVE 3.1: The Port Authority in operating the Port facility shall take all precautions to protect the environmental and historic assets of the City of Fernandina Beach.

POLICY 3.1.1: The Port Authority, in cooperation with the U.S. Coast Guard and the Department of Transportation, shall prohibit the handling of unauthorized toxic materials and will be prepared to contain toxic spills that could occur at the Port facility site.

POLICY 3.1.2: The Port Authority shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility.

POLICY 3.1.3: Stormwater runoff at the Port facility shall comply with stormwater management requirements established by the St. Johns River Water Management District as well as federal state and local agencies.

POLICY 3.1.4: The Port Authority shall continue to coordinate with the Department of Environmental Protection, Division of Marine Resources, the New England Aquarium, The Cumberland Sound Pilots Association and other interested organizations to support protection of manatee and right whale communities that are on the fringe of Port operations.

City of Fernandina Beach

Lisa

Mailing Address:
Post Office Box 668
Fernandina Beach, FL 32035-0668
Street Address:
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305
Suncom 904/848-7305
FAX 904/277-7308

OFFICE OF
CITY CLERK

TAB K

MEMORANDUM

TO: HONORABLE MAYOR, CITY COMMISSION, CITY MANAGER AND
CITY ATTORNEY
Mary Mercer
FROM: MARY MERCER, DEPUTY CLERK
DATE: APRIL 3, 1995
SUBJECT: ADDITION OF INFORMATION FROM CITIZEN TO TAB "K"

The attached information for Tab "K" was presented by Mr. John Glenn at his request that this be added to your Tab "K" for the Agenda for April 4.

Thank You.

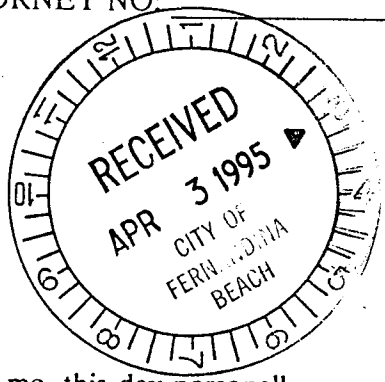
MM

TAB - R

STATE ATTORNEY NO: _____

IN THE County COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN AND
FOR Nassau COUNTY, FLORIDA

DIVISION: _____



AFFIDAVIT

Before me, this day personally appeared John Glenn
whose address is _____
and who, after being first duly sworn, deposes and says that the affiant has reason to believe and
does believe that _____, whose address is _____, on the 24

day of March, 1995, in the County of Nassau and the State of Florida, did
then and there the OHPA did conduct a special
meeting in the old Federal Courtroom in
the Post office. The meeting was not
posted at City Hall, library or other
known public place. Public rooms were
available at the City & County.

Prior to the meeting several members
of OHPA met & talked about unknown topics
A.I. Jacobs was present during meeting

contrary to the provisions of Section(s) 286.011, Florida Statutes.

John S. Glenn
Affiant

Sworn to and subscribed before me this
3 day of April, 1995.

James H. Stinson
Notary Public, State of Florida At Large
My Commission expires _____

John Glenn , Chairman
Taxpayers Protection Committee
214 North 17th. St.
Fernandina Bch., FL 32034-2608

Granville C. Burgess
Assistant State Attorney
11 N. 14th. St., Box 9
Fernandina Bch., FL 32034

March 28, 1995

Dear Doc:

The following represents the facts as I know them concerning an apparent violation of F.S. 286.011 by all members of the Ocean Highway and Port Authority (OHPA).

During a phone conversation with Mary Hurst of the News-Leader approximately 3:30 P.M. Friday, March 24, 1995, I learned she had to hurry to a meeting. Upon inquiry, she informed me that the OHPA was meeting at 4:00 P.M. in the former Federal Court Room, on the second floor of the building housing the U.S. Post Office. As you know, this is a private location, under the control of A.I. Jacobs, and consequently, not open to the public, except at his pleasure.

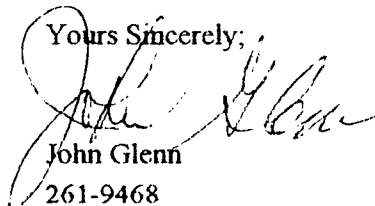
In the period between 4:00 P.M. and 4:20 P.M., all of the port commissioners in changing groups of two and three, carried on conversations visible to me but not in tones I could hear. Occasionally, during this time, one or the other of the only other witnesses would be included in their little enclaves.

The only persons not connected to OHPA or Nassau Terminals were Mary Hurst and a woman identifying herself as Lil Spinks from the Nassau County Record. Ms. Spinks indicated to me it was through her 'good buddy' Tom Williams that she had learned of the meeting.

I inquired of Ms. Cassandra Mitchell of the City of Fernandina Beach and was told that the normal location for OHPA meetings, i.e., Commission chambers, was unoccupied from 3:30 P.M. onward on that day, following a 1:00 P.M. meeting of a City Board. I haven't had an opportunity to check with the Public Library to ascertain whether its public meeting room was available.

As I said yesterday, I'll come in and swear out the complaint whenever it's convenient to your schedule.

Yours Sincerely;

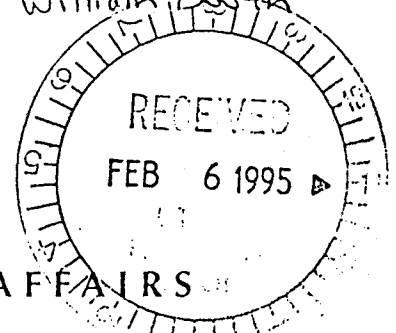


John Glenn
261-9468

fc: News-Leader
City Clerk



CC: HM-CC-CM-CA
cc: William Booth



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

LAWTON CHILES
Governor

LINDA LOOMIS SHELLEY
Secretary

January 23, 1995

The Honorable Charles L. Albert Jr.
Mayor, City of Fernandina Beach
Post Office Box 668
204 Ash Street
Fernandina Beach, Florida 32304

Dear Mayor Albert Jr.:

The Department has completed its review of the adopted Comprehensive Plan Amendment (Ordinance No. 94-15; DCA No. 94S1) for the City of Fernandina Beach, as adopted on August 2, 1994 and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes; for compliance, as defined in Subsection 163.3184(1)(b). The Department is issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent has been sent to the News Leader for publication on January 25, 1995.

Please note that a copy of the adopted City of Fernandina Beach Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City Hall, 204 Ash Street, Fernandina Beach, Florida 32034.

The adoption ordinance for the amendment, Ordinance No. 94-15, does not cite the correct section of Chapter 163, F.S., as amended, for the effective date of the plan amendment. The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of 163.3189(2)(a), F.S. Therefore, the Department recommends that the City of Fernandina Beach include the following language in the adoption ordinances:

THE CITY OF FERNANDINA BEACH, FLORIDA, DOES HEREBY ADOPT AND ENFORCE THE COMPREHENSIVE PLAN AMENDMENT NO. 94-15, AS AMENDED, FOR THE EFFECTIVE DATE OF THE PLAN AMENDMENT. THE CITY MUST ENSURE THAT ALL ORDINANCES ADOPTING COMPREHENSIVE PLAN AMENDMENTS ARE CONSISTENT WITH THE PROVISIONS OF 163.3189(2)(A), F.S. THEREFORE, THE DEPARTMENT RECOMMENDS THAT THE CITY OF FERNANDINA BEACH INCLUDE THE FOLLOWING LANGUAGE IN THE ADOPTION ORDINANCES:

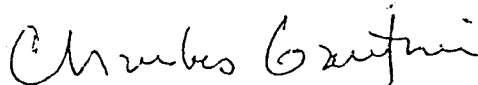
The Honorable Charles L. Albert Jr.
January 23, 1995
Page Two

"The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes."

The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued, and no development may commence before the plan amendment takes effect.

If you have any questions, please contact me, Carmen Bishop, Community Program Administrator, or Darrin Taylor, Planner II at (904) 487-4545.

Sincerely,



Charles Gauthier, AICP
Growth Management Administrator
Bureau of Local Planning

CG/dtj

Enclosures: Notice of Intent
Effective Date Language

cc: Craig Duey, Building Inspector
Brian D. Teeple, Executive Director, Northeast Florida
Regional Planning Council

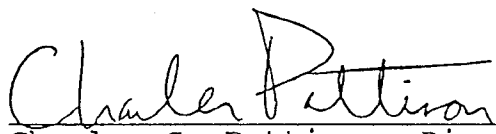
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
CITY OF FERNANDINA BEACH
COMPREHENSIVE PLAN AMENDMENT IN COMPLIANCE
DOCKET NO. 94S1-NOI-4503-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Fernandina Beach, adopted by Ordinance No. 94-15 on August 2, 1994, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Fernandina Beach Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Fernandina Beach, City Hall, 204 Ash Street, Fernandina Beach, Florida 32034.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the City of Fernandina Beach Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Rule 9J-11.012(7), F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Section 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least five (5) days before the final hearing and must include all of the information and contents described in Rule 60Q-2.010, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Section 120.57, F.S., or to participate in the administrative hearing.


Charles G. Pattison, Director
Department of Community Affairs
Division of Resource Planning
and Management
2740 Centerview Drive
Tallahassee, Florida 32399-2100

3/27/95
4/4/95

received & forwarded to Mr. Myers & M. Mercer
CC Agenda

DRAFT

MINUTES
Planning Advisory Board
Regular Meeting
March 22, 1995
Page 1

The Planning Advisory Board of the City of Fernandina Beach met on Wednesday, March 22, 1995 at 7:00 p.m. in the City Commission Chambers. Present were: Chairman Allan Jump, presiding; Members Richard Bradford, Thomas Martin and Glenda Smith. Gary Belson, Michael Davis and James Shroads had excused absences. Also present were Building Inspector Craig Duey and Roberta Healey acting as recording secretary.

Chairman Jump called the meeting to order.

The minutes of the regular meeting of March 8, 1995 were presented for approval. Chairman Jump requested the following correction: Page 7, third line, delete the word "he." A motion was made by Board Member Bradford, seconded by Board Member Martin, to approve the minutes as corrected. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Chairman Jump submitted a proposed letter addressed to the City Commission to be attached to the minutes of the March 8, 1995 minutes, the contents of which read as follows:

"To clear up any possible misunderstanding that might arise out of the motions made and approved at the March 8, 1995 meeting of the Planning Advisory Board, the following is attached to the approved minutes of said meeting.

It was the intent of the Planning Advisory Board to indicate to the Commission that it found no fault with Sections I and II of the MASTER PLAN SUBMITTED BY THE PORT. The figures used in preparing the document were not verified as it was felt that the information provided gave sufficient background for developing a Master Plan. If said projected developments are presented for action then before any definitive action could be taken the Port Authority would be required to present verifiable facts and figures to justify the project.

It was not, and is not, the intent of the Planning Advisory Board to say to the Port Authority, the citizens opposed to Port development, or the City Commission that we approve the proposed project for building a warehouse, or any other proposed developments. We simply recognized that in drawing up their plans for the future this was their vision of what they would like to see happen. Before such a vision can become a reality it would still be necessary for the Port

MINUTES
Planning Advisory Board
Regular Meeting
March 22, 1995
Page 2

Authority to go through the process established by the City of Fernandina for any such developments and for any change in land use."

It was the consensus of the board to submit the letter to the City Commission.

Mr. Mike Williams, 221 North 3rd Street, asked for confirmation that the amended language of the Port element had been included as Section III and that Sections I and II had also been submitted to the City Commission. Chairman Jump verified that information.

OLD BUSINESS:

Final Draft of Chapter 155 of the Land Development Regulations - the Historic District Council final revision.

Mr. Jose Miranda, alternate member of the Historic District Council (HDC), appeared before the Board. He advised that the HDC had just received further recommendations from the Department of State Division of Historic Preservation and passed out copies of the final draft. He advised that he had highlighted the newest changes which he explained were changes in verbiage required by the State.

Mr. Miranda then reviewed the changes and answered questions from the board.

1. Page 2, Section 155.02 C. Purpose of this Preservation Ordinance. Addition of paragraph at the end.

In response to some concerns about procedures for adding new historic sites, Mr. Miranda explained there was currently in place a process for applying for expansion of the district.

2. Page 3, Section 155.03 B. Membership - Addition of first sentence to item 1.

After some discussion, it was the consensus to move the last sentence of item 1 to Section 155.02 E. Staff, Consultants, Equipment, and Other City Agencies, and make it a new item 2 and renumber the rest of Section E.

3/27/95
4/4/95

received & forwarded to Mr. Myers & M. Mercer
CC Agenda

TAB K

DRAFT

MINUTES

Planning Advisory Board
Regular Meeting
March 22, 1995
Page 1

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MINUTES
Planning Advisory Board
Regular Meeting
March 22, 1995
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MINUTES
Planning Advisory Board
Regular Meeting
March 22, 1995
Page 3

3. Page 3, Section 155.03 E. Staff, Consultants, Equipment, and Other City Agencies - Addition of new item 1. Chairman Jump requested that the word "who" at the end of the fourth line be deleted.
4. Page 4, Section 155.03 E. Staff, Consultants, Equipment, and Other City Agencies - Addition of new item 3 [to be re-numbered item 4].
5. Page 4, Section 155.03 J. Duties and Responsibilities. Change in wording and addition of last sentence item 2.
6. Page 5, Section 155.03 J. Duties and Responsibilities. Addition of new item 4 and renumber remainder of Section J.
7. Page 7. Section 155.05 D. Public Meetings on Designation. Addition of second sentence to item 9.
7. Page 7, Section 155.05 E. Work During the Designation Process. Delete the word "after" in the second sentence.

Board Member Martin asked if there was a close working relationship between any of the City appointed boards or commissions. He suggested that it would improve the HDC's effectiveness if it had a member sit on the Tourist Advisory Council. Some discussion ensued.

After further discussion, a motion was made by Board Member Martin, seconded by Board Member Bradford, that the final draft, dated March 21, 1995, as amended, be forwarded to the City Commission for its prompt approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

BOARD BUSINESS:

Long Range Planning.

Chairman Jump advised that he had had after a conversation with City Manager Myers and Public Works Director Jim Higginbotham, as a result of which he requested that each board member put together a list of ideas of what they would like to see in the City together with suggestions for financing and bring them back to the next regular meeting. The following ideas were mentioned:

MINUTES
Planning Advisory Board
Regular Meeting
March 22, 1995
Page 4

Continuation of 14th Street to Atlantic
Filling in ditches and putting in pipes
Road improvements
Bike paths
Widening Sadler Road
Port alleviate truck traffic situation
City-wide expansion
Widening of median strip on A1A.
Public transportation

After some discussion Mr. Ed Lubin offered to bring in copies of information on "Project Horizon" from his former residence. Board Member Bradford stated that he would like to see an ad hoc committee for island-wide planning.

There being no further business to come before the Board, a motion was made and duly seconded to adjourn the meeting.

STATEMENT OF PURPOSE

This Port Facilities Element and Port Master Plan for the Port of Fernandina has been prepared to serve several purposes.

First of all, the Port, along with other Florida deepwater ports, is required to prepare a Master Plan in accordance with Chapter 163, Florida Statutes (F.S.) and Chapter 9J-5, Florida Administrative Code (F.A.C.). Relevant portions of the Port of Fernandina Master Plan will be included within the Coastal Management Element of the Comprehensive Plan for the City of Fernandina Beach.

The second purpose of this Master Plan is to clearly define the Port's direction for the future. The Ocean Highway and Port Authority believes this plan will enable the Port to best serve the needs of the surrounding region. The Port can achieve its objectives only if local government, business, industry, and the general citizenry understand the important role of the Port and support the policies and plans outlined in this Master Plan.

Once adopted, this Master Plan will provide the Ocean Highway and Port Authority a guide for short-range and long-range planning and development opportunities.

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OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY

INTRODUCTION

A. PORT HISTORY

Amelia Island and the town of Fernandina has had a colorful past. Known as the Isle of Eight Flags, Amelia Island has seen the ebb and flow of history through its harbor. At the outbreak of the American Revolution, Florida remained loyal to Britain and Fort Tonyn was erected by the English in the Port of Fernandina. During the Revolution, many English from northern states fled to Florida and, by the end of the Revolution, nearly 16,000 refugees were in Florida. In 1783 another of the seemingly endless treaties was signed and England returned Florida to Spain. This treaty brought about one of the largest exoduses ever to take place in the New World. Amelia Island, having the finest natural harbor on the east coast of Florida, was the debarkation point.

In 1807, American ports were closed to foreign shipping as a provision of the Jefferson Embargo Act. Still controlled by Spain, Fernandina was the closest free port on the Atlantic coast to the United States. As a result of this proximity and its natural harbor, Fernandina became a haven for smugglers, pirates, slave traders, etc. In December of 1817, the United States assumed control of Amelia Island and the rest of Florida in 1821. In 1824, Nassau County was formed with Fernandina as the county seat and in 1845 Florida became a state.

During the 1850's, the cross-state railroad, which was promoted by Senator David Yulee, opened up the central portions of the state and connected the Port of Fernandina, on the Atlantic Coast, with Cedar Key on the Gulf Coast. The opening of the railroad provided a steady flow of goods to the Port of Fernandina for further shipment to northern cities. In time, extensive wharves, railroad maintenance facilities and warehouses were built on the waterfront.

The closing of the 19th century brought with it a great deal of activity in connection with the Spanish American War. The Port of Fernandina was a base for shipping military supplies to Cuba and this greatly stimulated the economy of the area with increased shipments of lumber, cotton, naval stores and phosphate. During this time the harbor and wharves were filled with sailing ships for transporting Fernandina's products. This new prosperity lasted approximately twenty years and then began a steady decline. The reason for its decline can be attributed to changes in freight rates and the opening of the Florida East Coast Railroad by Henry Flagler. The Florida East Coast Railroad crossed the St. Johns River at its narrowest point, Jacksonville, and this city became the new break point between rail and ship for major growth.

December 5, 1985 was a new beginning for the Port of Fernandina. A bond issue allowed the Ocean Highway and Port Authority to rehabilitate the port infrastructure. Replacing old, rotten wood pilings with a new, concrete pile dock, concrete paved marshalling yard, cranes, and new warehouses. These improvements allowed the Port Authority to bring the Port back to life as a major contributor to Nassau County's economic development.

B. OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY ORGANIZATION AND POWERS

The Ocean Highway and Port Authority is governed by five commissioners elected from the voting districts of Nassau County and serve staggered four year terms.

The Port Authority was originally chartered in 1941 as a body politic and corporate and a subdivision of the State of Florida having a corporate title of Fernandina Port Authority. The name was changed in 1961 to Ocean Highway and Port Authority. As the Port's governing body, the Port Authority has policy-making, budgeting and general oversight responsibilities for all port activities. The Port Authority employs Nassau Terminals Inc., a private port operator company, to manage and administer the port under the terms of an Operating Agreement dated December 1, 1990.

The Port Authority does not have authority to tax. The Port Authority is also exempt from taxation by the State of Florida, or by any county, municipality or political subdivision on those properties it owns. The Port Authority must rely on the financial viability of each project to pay for the cost of its operations. The Port Authority may acquire property or property interests through negotiation or condemnation; set tariffs; enter into secure agreements with governmental entities; incur indebtedness; plan, develop or lease its properties; and regulate land use and buildings on Port lands. The Port Authority has powers similar to those of a unit of local government and is accountable to the electorate residing in Nassau County.

The Port Authority serves the principal public purpose to encourage economic development in Nassau County. One way it has fulfilled this responsibility has been by renovating the deepwater port facilities to meet the maritime shipping needs of this growing region. In so doing the Port Authority gives appropriate consideration to the impacts upon and relationships with surrounding communities, the economic goals of the State and region and the regulatory requirements of numerous governmental agencies.

* 14th Street (S.R. 105A) - a two-lane collector which runs parallel to Eighth Street. As traffic volumes on 8th Street continue to grow, 14th Street is becoming an attractive alternative route. In addition, the development of commercial centers along 14th Street continues to increase traffic volumes.

* Franklin Street - a two-lane road which runs east/west through the impact area. The segment that extends east from 8th Street toward 14th Street is paved and runs parallel to Container Corporation of America mill. The segment west of 8th Street toward the Amelia River is unpaved and closed.

* Dade Street - a paved two-lane facility that lies between Front Street and 8th Street. Dade Street is a City designated truck route to the commercial river front.

* Centre/Atlantic Avenue (S.R.200) - a two-lane arterial which extends from the City central business district to the Atlantic Ocean. Traffic signals are located at its intersections with 8th and 14th Streets.

* Gum Street - a two-lane residential collector which also serves the Rayonier plant located to the east. A traffic signal is located at its intersection with 8th Street.

* Jasmine Street - a residential collector running east/west through the impact area. Traffic control at its intersections is provided by a STOP sign at 8th Street and a traffic light at 14th Street.

Currently, the roadway network in the impact area operates at acceptable levels of service with the exception of the intersection of 8th Street at Sadler Road and 14th Street at Sadler. These intersections operate at Level Of Service (LOS) "E" and "F" respectively, in the afternoon peak hours. The Level Of Service concept is a standard means of expressing the types of traffic conditions on a roadway associated with various levels of traffic volumes. Roadway LOS concept in terms of traffic flow characteristics is presented in Table I.B.1.

In considering truck turning movements as a factor in LOS calculations, trucks which service Port operations drive straight through all intersections with the exception of the Dade/8th Street intersection.

TABLE I.B.1

ROADWAY LEVELS OF SERVICE CONCEPT

Level of Service	Traffic Flow Characteristics
A	Free flow conditions Low volumes High operating speeds Uninterrupted flow No restriction on maneuverability Drivers maintain desired speeds Little or no delays
B	Stable flow conditions Operating speeds beginning to be restricted
C	Stable flow but speed and maneuverability restricted by higher traffic volumes Satisfactory operating speed for urban conditions Some delays at signals
D	High density but stable flow Restricted speeds Noticeable delays at signals Little freedom to maneuver
E	Low but relatively uniform operating speeds Volumes at or near capacity Usually unstable flow Approaching unacceptable delays at signals
F	Forced flow conditions Stop and go operation Average vehicle delay signal is greater than one minute

b. Truck Trip Generation

Truck trips generated by the Port are directly related to the volume of cargo handled by the Port Operator. More precisely, there is a certain relationship between the number of truck trips and the amount of containerized cargo, and another relationship between truck trips and break-bulk cargo (i.e. forest products).

(1) Containerized Cargo Related Truck Trips

Containerized cargo is received at the Port by rail and by truck. The actual percentage received by rail or by truck will vary somewhat from year to year. However, during the last year (1994) rail delivery has accounted for 23% of total containers.

The Port Operator produces an interchange report (or receipt) for each container moving in or out of the Port by truck. Each interchange represents one or two truck trips, depending on whether the delivering truck also picked up a container, or left the Port without a container. A recent inspection of the gate interchange receipts indicates that 71% of trucks are moving containers in and out of the Port while the remaining 29% are carrying containers one way.

Thus the truck trips generated by the containerized cargo activity of the Port can be determined as follows:

TABLE I.B.2

**Truck Trip Generation Calculation
(for Containerized Cargo: 1994)**

Total Container Gatemoves (excluding rail) =	13,303	
13,303 X 71% X 1 way		= 9,445
+ Total Container Gatemoves (excluding rail) =	13,303	
13,303 X 29% X 2 ways		= 7,715
Total Truck Trips Related to Containerized Cargo		= 17,160

(2) Break-Bulk Related Truck Trips

41% of the break-bulk cargo delivered to the Port is carried by rail. The remaining 59% is delivered by truck either from Container Corporation of America (immediately north of the Port) or from other mills accessing the Port from 8th Street.

The break-bulk moving on the Port is generally heavy materials (i.e. kraft linerboard, wood pulp, cross-ties, telephone poles). Trucks delivering these cargos are loaded to the maximum legal highway limits of 80,000 pounds. Net cargo weight averages 42,000 pounds. However, these trucks are always departing empty. Therefore the average cargo weight per truck trip (in and out) is 21,000 pounds or 10.5 tons.

The number of trucks generated by break-bulk activities can be estimated as follows:

Break-bulk Tonnage Delivered By Truck divided by 10.5 Tons*

(* For determining impact of truck traffic on the access routes, it is reasonable that the traffic for CCA be excluded.)

(3) Other Truck Trips

The Port Operator, and the vessels calling the Port, receive certain supplies, materials, spare parts, and fuel from delivery trucks. It is difficult to identify precisely the number of the truck trips associated with these activities. It is also difficult to identify the number of these trucks which are serving the Port on a regular route along the designated truck route which passes through the Port. But a reasonable number can be developed as follows, based on current cargo levels:

	<u>1994</u>	<u>Capacity</u>
Del. of Equip and Materials to Port.....	64 trips	75 trips
Del. of Fuel to Port Operator.....	156 trips	156 trips
Del. of Fuel to Vessels.....	98 trips	102 trips
Del. of Misc. Ship Stores to Vessels.....	24 trips	28 trips
	-----	-----
Total Annual Other Truck Trips.....	342 trips	361 trips

Total truck traffic as described above is summarized on Table I.B.4. at both current cargo levels and at capacity levels projected for the existing Port facility.

c. Automobile Trip Generation

Automobile traffic is primarily generated by Port employees. However, there are several other sources. The Table below provides an estimate of Port related automobile traffic.

TABLE I.B.3.

PORT GENERATED AUTOMOBILE TRAFFIC
1994

<u>Activity</u>	<u>Avg. Daily Trips</u>
Full-Time Employees (70)	280
Part-Time Employees (5)	10
Government Employees	5
Visitors/Vendors	8
Vessel Agents	<u>3</u>
	306

Unlike truck traffic, automobiles access the Port from Dade Street, North Third Street, North Second Street and North Front Street.

2. Access to Railways

The rail system is the second major land transportation mode for cargo to and from the Port. A railroad right-of-way for the CSX Railroad runs through the Port site parallel with, and continuing to, the end of Front Street. As it passes Dade Street, this railroad easement runs parallel to the Port rail siding and loading dock making for a simple transfer of cargo from rail line to warehouse to ship. The railroad right-of-way runs north into Container Corporation of America's mill site.

a. Existing Rail Traffic Impact

Break-bulk operations at the Port do not add to the level of railroad cars that pass through the City of Fernandina Beach. Empty boxcars are routinely routed to the Container Corporation of America (CCA) mill site. Full boxcars of export cargo are placed on Port rail siding to be unloaded and then sent over to the CCA rail yard for reloading. Therefore, even without the Port, the same number of box cars would be hauled to CCA as empties and nevertheless pass through the City.

TABLE I.B.4.

PORT GENERATED TRUCK TRIPS
For Existing Port Facility
and
Projected Existing Capacity Facility

Current Cargo Activity	Truck Trips Generated	Cargo Activity At Capacity	Truck Trips Generated
CONTAINERIZED CARGO:		CONTAINERIZED CARGO:	
17,276 Container Gate Moves		45,000 Container Gate Moves	
- 3,973 Rail Moves (23%)		- 10,350 Rail Moves (23%)	
13,303 Gate Moves	17,160	34,650 Gate Moves	44,698
BREAK-BULK CARGO:		BREAK-BULK CARGO:	
239,000 Tons Break-Bulk		275,000 Tons Break-Bulk	
- 98,000 Tons Rail Delivery		- 120,000 Tons Rail Delivery	
- 76,000 Tons From CCA		- 85,000 Tons From CCA	
65,000 Tons Truck Delivery	6,190	70,000 Tons Truck Delivery	6,667
OTHER TRUCK TRAFFIC:	342	OTHER TRUCK TRAFFIC:	361
Total Annual Truck (Current)	23,692	Total Annual Trucks (Capacity):	51,726
Average Daily Truck Trips:	84	Average Daily Truck Trips:	184

Note: Port Operates 5.5 days per week with 5 holidays (281 days/year)

Source: Nassau Terminals Inc.

Containerized cargo delivered to the Port by rail does contribute to additional rail traffic onto and off of Amelia Island. Several rail road crossings in the impact area are affected by the additional rail traffic. These are Friendly Road, Bonnie View Road, Lime Street, Centre & Front Streets, and Dade Street.

Currently, 3,973 containers are delivered by rail to the Port annually. The maximum projected level for rail delivery of containers at the existing facility is 10,350 containers annually.

The double stack rail cars utilized for carrying containers provides for an average of 10 containers per 300' articulated rail car. Service is provided on a weekly basis or 104 train trips per year (one trip in and one trip out).

Using a conservative train speed of 10 MPH (15 feet per second) the current level of double stack activity increases the delay at each crossing by 76 seconds. At the projected capacity for containerized cargo, the average additional delay at each rail crossing will be 199 seconds. These projections are illustrated in Table I.B.5.:

TABLE I.B.5. CONTAINERS DELIVERED TO PORT VIA RAILROAD SERVICE Existing and Capacity		
Rail Delivery of Containers -----	Avg. # Rail Cars Per Train Trip -----	Avg. Passage Time/Trip -----
Current 3,973	3.8	76 Seconds
Capacity 10,350	10.0	199 Seconds

3. Access to Navigational Channel

The St. Marys River entrance channel, shared with Kings Bay Trident Submarines, is maintained to a depth of 46 feet MLW. The St. Marys channel serves as the main entrance from the Atlantic Ocean to the Port. This channel is approximately 6,000 feet long running approximately east and west and is jointly maintained by the U.S. Army Corps of Engineers and the U.S. Navy.

Significant geographic features of the Port serve to enhance its operations in the south Atlantic. The Port is located on the Amelia River, a naturally deep water site, continually swept and scoured by the flow of Lanceford Creek and the Bells River, which significantly lessen the harbor's maintenance. Transit time from the pilots sea buoy to the Port is approximately 45 minutes with no obstructions (such as bridges) and only one "dog-leg" turn south to enter the port channel.

Vessels entering the Port of Fernandina turn south into the Amelia River channel which is approximately three miles long and flows generally north and south. The port channel is 400 feet wide with a minimum depth of 35 feet. The turning basin, located in front of the Forest Products Terminal, is 1,600 feet north and south and 900 feet east and west with a controlled depth of 35 feet after dredging. Mean Low Water (MLW) alongside the 1,200 linear foot dock is 38 feet.

The port channel and turning basin are maintained by the Federal Government through the U.S. Army Corps of Engineers.

C. EXISTING PORT SERVICE DEMAND

The Port of Fernandina plays an important role in strengthening the competitive position of the forest products industry plants both in Fernandina Beach and throughout the region and southeast. The exact nature of that role is influenced by local, statewide, national and international factors. Those factors may be economic, technological or market-related. Technological advances such as containerization and joint water/rail (intermodalism) movements have been important developments in international shipping. Part of the output from sixteen plants is currently being shipped through the Port of Fernandina thereby allowing these plants to maintain competitive transportation costs and plant viability. A list of paper and kraft mills served by the Port is given in Table I.C.1.

While there is a world-wide tendency toward larger vessels in the interest of economy of scale, they are expensive to operate and require large, automated ports to achieve the desired level of operational efficiency. Large, deep draft vessels do not lend themselves to the Port's trading regions of the Caribbean and Latin America because these ports are usually small and shallow draft.

Most of the vessels calling the Port of Fernandina are in the range of 10,000 to 15,000 Dead Weight Tons (DWT) category. They range from 280 feet to 550 feet in Length Over All (LOA). These are vessels calling ports in Central and South America as well as the Caribbean and Bermuda. The Port must therefore plan and develop facilities in response to the unique characteristics of ships serving those regions.

The current trend in general cargo shipping is away from break bulk ships to container ships. This trend toward container shipping results in more efficient transfer operations at the Port. While some cargo containers are held at the Port facility pending reshipment to a final destination, other containers go directly from the ship to truck or rail car which hauls the container from the Port site.

TABLE I.C.1.

NASSAU COUNTY
OCEAN HIGHWAY AND PORT AUTHORITY

PAPER MILLS SERVED BY THE PORT OF FERNANDINA

Rayonier	Fernandina, FL
Jefferson Smurfit Corp.	Jacksonville, FL
Container Corp. of America	Fernandina, FL
Stone Container	Panama City, FL
Bowater	Calhoun, TN
Buckeye Cellulose Corp.	Foley, FL
Georgia-Pacific Corp.	Palatka, FL
Interstate Paper Corp.	Riceboro, GA
James River Corp.	Pennington, AL
Packaging Corp. of America	Macon, GA
Westvaco Corp.	Charleston, SC
Union Camp	Savannah, GA
Seminole Kraft	Jacksonville, FL
Chesapeake Paper Corp.	West Point, VA
International Paper Co.	Vicksburg, MS
St. Joe Forest Products	Port St. Joe, FL

The Port of Fernandina has handled almost 3,000,000 tons of cargo since its redevelopment in 1986. Presently, the Port handles 400,000 tons annually, of which approximately 150,000 tons is containerized cargo. Types of cargo include containerized cargo and breakbulk cargo such as lumber, steel, linerboard, wood pulp, yachts, mobile homes, logs, heavy equipment, and raw materials such as wood chips for local industries.

In 1993, the Port throughput was approximately 464,000 tons of cargo (Table I.C.2.). In that same year, containerized cargo volume amounted to approximately 185,000 tons. The number of import and export container loads has increased from 7,024 in 1992 to an estimated 10,481 in 1994. This information is broken down in Table I.D.2. The total container moves estimated for 1994 is approximately 14,800 including the repositioning of empty containers for use by manufacturers.

No cruise or passenger activity is planned for the Port of Fernandina facility.

Table I.C.2. describes cargo service demand for the Port of Fernandina for years 1986 through Year 1994.

TABLE I.C.2.									
Existing Cargo Service Demand 1986 - 1994									
(In Tons)									
Cargo Type	1986 (4 mos.)	1987	1988	1989	1990	1991	1992	1993	1994
Dry Bulk	12,100	43,200			13,000	7,000			
General Cargo	3,400	29,400	40,600	82,100	98,700	156,800	199,000	279,000	250,000
Containerized Cargo	5,800	99,800	290,000	347,400	311,200	124,000	128,000	185,233	150,000
Total:	21,300	172,400	330,600	429,500	422,900	287,800	327,000	464,233	400,000
Source: Port of Fernandina, Nassau Terminals.									

D. EXISTING PORT ECONOMIC IMPACTS

1. Employment

The Port employs 71 full time and 10 part time personnel working flexible shifts. Occasionally overtime and/or part-time personnel are engaged to expedite ship loading and off-loading activities. The 1993 annual payroll is \$2,100,000 with an additional \$180,000 for outside labor utilized during peak periods. (See Table I.D.1.)

TABLE I.D.1.
PORT OF FERNANDINA
Full and Part-Time Employees
1989 - 1994

<u>Year</u>	<u>Full-Time</u>	<u>Part-Time</u>	<u>Total</u>
1989	51	0	51
1990	55	0	55
1991	56	0	56
1992	66	3	69
1993	72	13	85
1994	71	10	81

Source: Nassau Terminals Inc.

TABLE I.D.2.
PORT OF FERNANDINA
Port Activity
1988 - 1994

<u>Year</u>	<u>Vessel Calls</u>	<u>Container Moves</u>	<u>Import Loads</u>	<u>Export Loads</u>	<u>Total Loads</u>
1988	160	31,832			
1989	185	35,818			
1990	199	29,201			
1991	150	14,082			
1992	165	12,937	1,128	5,896	7,024
1993	198	17,232	3,185	8,769	11,954
1994	190	14,864	4,043	6,438	10,481

Source: Nassau Terminals Inc.

There are also three other companies with 16 employees whose operations are directly dependent upon Port activity. These are:

North Florida Shipping (Ship Agents) 7 Employees
Trident Container (Container Repair) 6 Employees
Cumberland Sound Pilots (Ship Pilots) 3 Employees

2. Local Expenditures and Fiscal Impact

During construction of the Port facility, local businesses provided materials, services and skilled labor amounting to over \$1 million per year since 1986.

Direct purchases made from vendors and businesses in the City of Fernandina Beach and Nassau County have been estimated to be around \$500,000 for just 1993. Other local purchases such as fuel for trucks, expenditures at local department stores by ships crews, etc., give additional business to local retailers.

The Port Authority pays an annual base fee of \$50,000 to the City of Fernandina Beach which is used to provide public services. Once the Port tonnage rises above 500,000 tons, the City will collect a fee of \$.10 per ton shipped through the Port.

The largest economic impact of the Port operation is the direct and indirect activity impacts stimulated by employment generated and local services used. A payroll of about \$2.3 million is generated annually as a direct result of Port activity. These monies are spent again by the employees in the course of their normal household activity creating an indirect multiplier effect as this money is received for goods and services and spent again by businesses in the city and county.

Other indirect economic activity impacts are generated as local businesses provide products or services to the Port or those using Port facilities. All income from these sources revolves through the community several times over as additional income before the multiplier effect dissipates. Also, the local mills compete in the export market more efficiently because of the availability of Port facilities. This in turn creates more employment in those mills and for their suppliers.

Utilizing typical economic multipliers, the Port's overall economic impact on the City of Fernandina Beach and Nassau County is estimated at \$35.00 per ton of cargo shipped through the Port. Based upon an estimated 400,000 tons of cargo handled in 1994 the local economic impact of Port operation will add approximately \$14 million to the local economy.

E. EXISTING NATURAL RESOURCES

1. Introduction

This section of the Port Element identifies and describes natural resources in and adjacent to the Port area.

2. Existing Environment Setting

The Port site is located on the Amelia River on the northwestern edge of the city limits of Fernandina Beach on Amelia Island. The site covered by the Port facility has been altered severely by past uses, including historic filling, bulkhead construction, dock and building construction. The parcel is bisected by a railroad track that runs parallel to the shoreline.

Open space and stormwater retention areas have been incorporated into the site thereby providing a landscape buffer along the northern and western boundaries of the site. Actual land cover of the Port site by acres and type of cover is presented in Map I.E.1. and Table I.E.1.

a. Conservation Set-Aside

Approximately 4.06 acres of Port property has been set aside as a FDEP permanent conservation area. Bounded by Escambia and Franklin Street (North/South) and N. 3rd and N. 5th (East/West) this area provides excellent protection as a nursery for juvenile shrimp, fish, clams, oysters and crabs.

Animal life commonly associated with saltwater marsh grass communities include the rice rat, otter, rat, alligator, mink and raccoon. Because of the proximity of this site to the Amelia River, the marsh rabbit also may be present. Many bird species such as the Great Blue Heron, The Great Egret and Snowy Egret can be found in this conservation area.

b. Wetlands

Wetlands on the Port facility consist of saltwater marsh that is located along Alligator Creek in the permanent conservation easement and a narrow strip which exists along the Amelia Riverfront, adjacent to and just north of, the facility loading dock. In order to ensure a continued marshland environment at the Port facility, the Port Authority has established a 10 foot wide marshland mitigation area landward of the length of the existing pier. This area has been planted with Spartina alterniflora.

The salt cordgrass, Spartina alterniflora, that was planted behind the dock areas had experienced severe erosion problems. To correct this problem, rip-rap has been installed under the dock, the area covered with mud, and replanted. An additional year of monitoring has determined that the effort has been successful.

c. Marine Resources

Waterward of the shoreline saltwater marshes are small zones of tidal flats and oyster beds. Both of these communities also exist in much larger expanses elsewhere in the Amelia River and adjacent estuaries. Numerous fiddler crab burrows are evident in the upper intertidal flats on the site. Waterward of the intertidal and shallow shore zones, the river bottom drops off rapidly to the Florida Intracoastal Waterway and the open water of the Amelia River.

The biological communities of the Amelia River are structured primarily by the substrate, which is dredged periodically to maintain the channel, and by water quality, which includes natural episodes of low dissolved oxygen during summer low tide conditions. Sediments are extremely variable from sand and compact mud to fibrous organic debris. Benthic studies conducted in the immediate vicinity of the Port site have found only polychaete and oligochaete annelid worms plus nemertean worms, dominated by spinoid polychaetes. Numerous other taxa including molluscs, arthropods, nemertean worms, sponges (Porifera) and polyps (Coelenterata) were reported elsewhere in the River. Most of the forms were detritus feeders tolerant to periods of low dissolved oxygen.

Other biota found in the Amelia River include commercially important shrimp, blue crab and numerous fish species that are important commercial, sport or forage species. The West Indian Manatee (Trichechus manatus) and loggerhead turtle (Caretta caretta) also have been documented in the Amelia River in the vicinity of the Port site. The Right Whale (Eubalaena glacialis) does not occur in the Amelia River; but sightings have been documented in the Atlantic Ocean offshore of the St. Marys inlet.

(1) West Indian Manatee

As a pre-development agreement relative to the Port's Application for Development Approval (ADA), the Port participated in a \$60,000 three-year manatee study involving satellite-monitoring and tagging of manatees. Although the presence of the West Indian Manatee has been documented in the Amelia River, the three-year study added a great deal of knowledge to the migration patterns and habits of Manatees in the Amelia River and Intracoastal Waterway.

Aerial surveys have shown that warm water discharges into the Amelia River from the facilities of Rayonier and Container Corporation of America have drawn Manatees to the area during the winter season. Manatees have also been observed concentrating at the City of

Fernandina Beach's municipal sewage outfall. The Rayonier outfall and the Fernandina Beach wastewater discharge are located upstream from the Port site ship traffic. The Container Corporation of America outfall, though down- stream of the Port site, is located close to shore and outside of the ship channel.

Vessels entering the Port of Fernandina are required to use the slowest speed possible when approaching the dock area. The Port Authority is committed to manatee conservation and is working with the Chamberland Pilots Association and others to maintain a manatee watch/safety program for the protection of the manatee population in the vicinity of the Port area. Port efforts to protect the species include the placing of special Mitsubishi fenders to extend out five feet along the 1,200 feet of docking berth which prevents crushing should a manatee become trapped between the dock and a docking ship.

(2) Right Whales

Right Whales have been sighted within five miles of the Nassau County coastline off the St. Marys Entrance Channel. Ships entering the St. Marys Channel at the sea buoy (a distance of approximately nine miles from shore) slow down to speeds of eight knots or less. During the calving season (December - March) ships entering the Port are advised by the pilots to be on the look out for the whales.

Chamberland Sound Pilots and the Port Authority work together with the Southeastern U.S. Implementation Team for the Recovery of the Northern Right Whale Population to determine Right Whale locations in order to avoid a ship strike of a whale. All sightings by vessels and pilots are recorded and submitted to the Implementation team in order to better understand the habits of the whale.

d. Water Resources

(1) Recharge

The Hawthorn Formation underlies much of Northeast and Central Florida and serves as the confining layer between the surficial aquifer and the Floridan Aquifer. Some of the more permeable sand, shell and limestone layers within the Hawthorn Formation provide limited water supply. Below the Hawthorn Formation and to depths of more than 2,000 feet are limestone formations which make up the Floridan Aquifer which is the major source of potable water in the State. The Port site is generally considered to be in a poor recharge area due to the great thickness of the Hawthorn Formation soils overlaying the Floridan Aquifer at this location.

(2) Management of Surface Water

Surface water is managed at the Port facility in compliance with design criteria established by the St. Johns River Water Management District.

All run-off from the site is routed away from the Amelia River into four on-site retention ponds. Surface water collected from the dock and container storage areas is routed through a system of pipes to a large retention pond located north of Escambia Street. Surface water collected from the Port's warehouses is routed to on-site retention ponds located adjacent and alongside each warehouse at North 3rd Street between Dade Street and Calhoun Street and between North 2nd Street and North Front Street at Calhoun Street. (See Map I.E.3.).

F. HISTORIC RESOURCES

1. Introduction

The site of the Port of Fernandina was at one time part of an active commercial riverfront community which included sawmills, lumber and military stores, three miles of wooden docks and passenger line services. The current Port offices are housed in one of two restored historical dwellings (the Merrow House), located on a bluff overlooking the facility (Figure F-1). The second house, which is a fine example of Victorian "shot-gun" architecture, has been restored and is used as an office for the U.S. Customs Service. Nassau Terminals has received a letter from the Amelia Island/ Fernandina Restoration Foundation, Inc. expressing that organization's appreciation for the Terminals' restoration of these two historic structures.

Truck traffic generated by Port activities will travel along Dade Street, a roadway which cuts through a portion of the City's Historic District. Dade Street, however, is the City- designated truck route to the commercial riverfront. Therefore, Port-generated truck traffic travels over an already established truck route and represents what may be considered expected growth in the City's commercial riverfront activity.

2. Adjacent Historic Properties

The Port of Fernandina site is located adjacent to a portion of the City's Historic District (Map I.F.1.). Just as the management of the Port facility has shown concern for the historic properties on the Port site, the Port continues its commitment regarding the potential visual impact that Port operations may have on properties adjacent to the Port facility. Set-back buffers and planted visual screens are incorporated into the site in order to ensure adequate separation of industrial and residential land uses.

3. Archaeological Sites

The Florida Department of State, Division of Historical Resources has determined that there are no significant archaeological sites on land occupied by the Port of Fernandina. An area of "Morris Bluff" or "Yellow Bluff" does have some potential for container artifacts; however the majority of the site has been disturbed due to the removal of buildings that previously occupied the site and to the prior construction of those buildings. Also, local dumping had occurred on the slope of the bluff in the recent past in order to stabilize erosion. A small area of Yellow Bluff has been surfaced over to construct a parking lot. This area will be available in the future as a relatively undisturbed site for archaeological exploration.



Merrow House as it looked in the 1800's ...

Bringing back slice of yesterday

By Lucy Beebe
Staff Writer

There's a view of the Amelia River from a north window on the second floor that Eldridge Partin calls a \$5,000 view.

Partin, a Fernandina Beach businessman and life-long resident, remembers the Merrow House, high on a hill in the 500 block of North 3rd Street, because he spent a lot of time there while growing up.

The view from that window is now seen by harbor pilot Bill Kavanaugh as he sits at his office desk.

The historic home, which has become home to Nassau Terminals, the firm which manages and operates the Port of Fernandina, has undergone extensive renovation under Kavanaugh's direction and the facility has drawn high praise from local residents after some initial trepidation.

The Merrow House was built by Col. Josiah Merrow, whom local residents once described as a carpet bagger from Maine. Merrow arrived after the Civil War and entered the lumber business. Exactly when the house was built is not certain for courthouse records were burned in a fire but it could have been in the early 1870's.

Partin recalls the Merrow family went back to Maine each summer because Fernandina Beach was not a healthy place to live in hot weather. Yet the high spot proved to be the most healthy part of the island. In 1888 it was the last spot to feel the deadly effects of a yellow fever epidemic.

A Merrow offspring married the man across the street, Elmer Roux, who went on to become the city's postmaster and years later Partin married one of their descendants. Over the years the house was sold and was in the process of being restored when Fernandina Port Development bought the land and house for \$162,300.

At first, port developers wanted to move the house over one lot to the south, a move that sent shivers through the spines of local historians.

"Although they don't agree, we felt like moving the house was a prelude to destroying the hill," said Pat Williams, president of the Amelia Island-Fernandina Restoration Foundation, Inc. "We felt that hill was a vital part of the historic district."

The board asked port officials to leave the Merrow House on its original foundations. They agreed and the restoration proceeded.

"We've restored it from top to bottom," said Kavanaugh, proudly. "Let's just say the cost was considerable."

The house is now painted in the original Victorian colors. Moldings and doors were taken to Jacksonville where exact copies were made. To ensure an authentic restoration, old pictures from the collection of retired Fernandina Beach harbor pilot and city historian



... and as it looks today following restoration.

George Davis were used.

"They did a marvelous job," said Williams. "It's now an asset to the historic district. We are hoping it will have a domino effect and others will follow."

The historic board sent a letter of commendation to Nassau Terminal officials for their efforts.

In addition to restoring the Merrow House a small house down the hill has been purchased and renovated to become a U.S. Customs Office. A bay at the back is being built to accommodate the cargo from three containers as Customs officials do their spot checking.

Since the 1800's Fernandina Beach has been a U.S. Customs port of entry for international trade. It was designated as a customs port by federal congressional legislation. Since 1968, customs activity has dwindled, but U.S. Customs officials are re-evaluating the situation.

Douglas Gunter, chief inspector for the Jacksonville U.S. Customs office will be in the customs office every day during the month of January. He will let all sides' suggestions and check cargo looking for contraband. After that, the Tampa office will decide if Fernandina Beach, with its revived port, has enough business for a full time, customs inspector.

"The Port has done a lot of work and they did a fine job on this house for us," said Gunter. "Since the Port has been reestablished they may need to have someone up here." That's what will be decided after January.

Meanwhile, port officials have created a park in the lot next door to the Merrow House and put the gingerbread porch back on the U.S. Customs House, blending the Victorian era of yesterday adjacent to today's modern port facility.

AMELIA RIVER

CONTAINER CORPORATION
OF AMERICA

FRANKLIN ST

ESCAMBIA ST

DADE ST

CALHOUN ST

BROOME ST

N 2ND STREET

N 3RD STREET

4TH STREET

N 6TH STREET

N 7TH STREET

N 8TH STREET



APPROXIMATE
SCALE IN MILES

LEGEND

- PORT BOUNDARY
- HISTORIC DISTRICT BOUNDARY



PORT AREA



HISTORIC DISTRICT (5-5-87)

NOTE: THIS MAP FIGURE USES A MAP EXTRACTION FROM THE 1990
FERNANDINA BEACH COMPREHENSIVE PLAN AS THE BASIS
FOR DEPICTING BLOCK AND PARCEL DIMENSIONS.

REVISED DATE:	PREPARED BY:
REVISION DATE:	FILE NAME: PORT/PORT-FAC
PRINT DATE:	1-12-84
PORT OF FERNANDINA FOREST PRODUCTS TERMINAL MAP 1 F. 1 HISTORIC DISTRICT OCEAN HIGHWAY AND PORT AUTHORITY, FERNANDINA BEACH, NASSAU COUNTY, FLORIDA PREPARED BY: NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL 1974	

G. EXISTING PUBLIC FACILITIES

1. Wastewater

Sanitary sewage generated by the Port facilities are derived from on-site sources only. Cargo ships at the dock contract with a licensed marine sanitary hauler for sanitary sewage disposal. On-site sanitary sewage is generated by employees' use of toilets and lavatories. No industrial waste is produced or stored at the Port facility.

There are no plans to provide on-site treatment of sanitary sewage. Wastewater enters the City of Fernandina Beach wastewater collection system through gravity mains and is treated at the City Wastewater Treatment Plant.

Demand on the City sewer system as generated by the Port is calculated at 20 Gallons Per Day Per Employee (GPD/E). Given an employee staff of 80 persons, the calculated demand on the City system is 1,600 Gallons Per Day (GPD), Average Demand and 4,000 GPD, Peak Demand.

2. Potable Water

Florida Public Utilities water system, which obtains its raw water from deep wells, provides potable water to the Port. Should non-potable water be required, it will be seawater drawn from the adjacent Amelia River. No water wells are planned for the site. Operation and maintenance of the on-site water supply facilities up to the water meter is the responsibility of the Port of Fernandina.

Water use by the Port facility consists predominantly of domestic consumption by port personnel, refitting of cargo ships and dock washdown. Cargo ships generally take on potable water when in port for domestic consumption. Docks are washed down with potable water to reduce potential corrosion by seawater.

Average Daily Potable Water Demand at the Port

On-site employee use per berth 20 GDP per employee

Average cargo ship refitting 40 tons per ship

Dock washdown Every 30 +/- days; 4 hours +/-

Berthing: Average Usage 40 percent

Average Stay in Port 2 days per ship

Capacity 2 berths

Water for landscape irrigation and other non-potable uses is negligible.

3. Solid Waste

On-site operations generate all of the solid waste that must be disposed-of from the Port of Fernandina. Cargo ships at dock contract with a private solid waste hauler for disposal. On-site solid waste consists of domestic waste from facility employees and yard waste from the movement and storage of cargo.

The City of Fernandina Beach and Nassau Sanitation Services, Inc., supply dumpsters at the site for disposal of domestic waste (boxes, paper, cans, bottles and other waste typical of an office/warehouse environment). A private hauler supplies large dumpsters for yard waste which normally of packing materials, scrap lumber, etc. Operations of the Port facility contribute approximately 5.8 cubic yards of solid waste per day to the Nassau County land fill.

The Port separates aluminum cans and glass as part of its on-going solid waste volume reduction plan. Also, those items such as cardboard and metal that can be recycled are salvaged in order to reduce the Port's solid waste volume.

4. Drainage

Surface water is managed at the Port facility in compliance with design criteria approved by the St. Johns River Water Management District.

All run-off water from the site is routed away from the Amelia River into four on-site retention ponds. Surface water collected from the dock and container storage areas is routed through a system of pipes to a large retention pond located north of Escambia Street. For water quality control, the Port utilizes a detention basin with a filtration system. In this system the first inch of runoff volume is computed by multiplying the impervious drainage area times one inch. The filter has a design capacity for treating the above-specified first inch of runoff within 72 hours following the storm event. See Map I.E.3. and the discussion presented in Section E.2.d.(2).

Surface water collected from the Port's warehouses is routed to on-site retention ponds located adjacent and alongside each warehouse.

H. EMERGENCY MANAGEMENT

1. Fire

Fire protection at the Port of Fernandina is provided by the City of Fernandina Beach Municipal Fire Department. Travel distance between the nearest two fire stations and the Port facility is 4 to 6 minutes. City Station One is equipped with a pumper and a backup pumper. City Station Two has a pumper and aerial ladder truck and the Hazmat Team.

The City of Fernandina Beach and Nassau County are signatories of the statewide mutual aid agreement. In the event of a major incident at the Port, County aid would come first from County Station One with a response time of 4 to 6 minutes. The second responding County unit would be County Station Two with aerial ladder, and rescue unit. The firefighters at both the City and County Stations are paid professionals, each station is routinely staffed with four Firefighters.

Water for emergency fire control is supplied to the Port facility by Florida Public Utilities. The Port paid for the extension of a 12" water main from the 10th Street water tower along Dade to the Port's warehouses. This water supply is capable of delivering over 1,000 gallons of water per minute for a duration of four hours. A further benefit to this extension was improved water pressure and fire protection delivered to the resident properties near the Port.

In addition to the resources noted above, the Port has two dry hydrants located on the north and south ends of the 1,200 foot dock which permits the Fire Department to draw water directly from the Amelia River. There are three wet hydrants located throughout the container yard.

The Port terminal and warehouse complex is completely fitted with portable fire extinguishers. These extinguishers are serviced under contract.

Neither the Coast Guard, County, or City has the capability to conduct river based fire fighting. In the event of an uncontrollable fire aboard a docked vessel at the Port, to protect the docks and mainland structures, the ship will be towed out to sea where the fire will be allowed to burn itself out.

The City of Fernandina Beach Municipal Fire Department maintains a special truck for containing fires which involve hazardous materials. This truck is outfitted with barrels of special products necessary to neutralize or smother toxic emanations from fire or other chemical reactions. The Port contributed \$4,000 to the City's hazardous materials truck.

2. Spill Contingency

As one of the many requirements placed upon the Port Authority for Development Approval, the Port Authority prepared a hazardous/spill contingency plan which specifies the available equipment, staff and procedures for containment and clean-up of any spills at the Port of Fernandina.

Although approximately 10% of the ships that use the Port facility do require refueling, the Port Authority does not provide or arrange for the refueling of ships at the Port facility. Ships that require refueling must themselves contract for such service from commercial organizations licensed by the Coast Guard. These contractors refuel from barges on the Amelia River. The barges are required to maintain fuel containment equipment on-board and have the equipment available in case of a spill.

The Port has contracted with Environmental Recovery Group of Jacksonville, Florida to provide any emergency oil spill clean-up operations. Additionally, the Port has taken the initiative to request the assistance of its riverfront neighbors to the north and south to volunteer additional boom/absorbent materials should the need arise for emergency containment. Letters are on file from Container Corporation of America and Florida Petroleum Corporation offering such assistance. Thus, upon an emergency, Port employees will utilize available boom/absorbent materials on site to provide immediate response to a spill situation. Upon arrival, Environmental Recovery Group will take over and complete spill containment operations.

3. Hazardous Materials

The City of Fernandina Beach Municipal Fire Department maintains a Hazardous Materials response truck in City Station Two for containing fires which involve hazardous materials. The crew are trained hazardous materials specialist as outlined in OSHA 29 CFR 1910.120, and EPA 40 and CFR 311 which establishes hazardous materials training levels. All City and County Firefighters have received at minimum Level Two training for hazardous materials as outlined in OSHA 29 CFR 1910.120.

As stated earlier, the Port has prepared a spill/hazardous material contingency plan which specifies Port actions in case of such an occurrence. The County has also developed a Hazardous Materials response plan as required under SARA Title III, and Florida Emergency Planning and Community Right to Know Act, which outlines local government actions in case of a release of hazardous materials.

4. Hurricane Preparedness

The Port of Fernandina has established procedures for "High Winds and Hurricane Preparedness". These procedures are prepared in conjunction with the U.S. Coast Guard standard operating procedures for hurricanes and is contained in a single document which identifies responsibility and duties by Port individuals and sets the level of action in terms of the level of threat (expressed in number of hours until the hurricane is expected to make landfall).

The Port of Fernandina is under the jurisdiction of the U.S. Coast Guard Captain of the Port - Jacksonville (COTP) and will be under the direction of the Captain of the Port upon receiving warning of an approaching hurricane.

After notification of the 24-Hour Warning no vessel may anchor within the boundary lines of the Port. All vessels and barges in excess of 100 gross tons will be prohibited from anchoring within the territorial waters under the cognizance of the Captain of the Port - Jacksonville. In the event a vessel over 150 feet in length not being able to depart the Port, the person in charge of the vessel must submit a written request to the COTP to allow the vessel to remain in Port. The COTP may allow the vessel to remain in Port provided the vessel subscribes to certain specific conditions as described in the Port's preparedness plan.

II. PROPOSED PORT FACILITIES ANALYSIS (PORT MASTER PLAN) 9J-5.009(2)(b), F.A.C.

A. PORT TRENDS

1. General

The ocean transportation industry continues to improve efficiency, primarily by employing vessels specifically designed to carry specific cargoes within a particular trade lane. Within each trade, the tendency is to use the largest possible vessel to obtain the lowest per ton or per unit costs.

In the east-west container trades between the developed markets of the United States, Europe, and the Far East, the vessels are designed to carry over 3,000 twenty-foot containers and are calling ports which can provide four and five cranes to load and discharge up to a thousand containers in eight hours. By contrast, the Caribbean trade cannot support such large vessels, but still requires special design such as on-board cranes or ramps for unloading.

The forest products trade is another distinct trade which is dominated by vessels designed to load rolls and bales of paper and pulp as fast as possible with the most efficient use of space in ships. Again, the largest forest products trade, vessels are exceeding 45,000 Dead Weight Tons (DWT).

The utilization of large, specialized vessels is in turn creating a need for ports to provide facilities which fit the needs of the vessel. Ports are now specialized, with terminals designed for a particular kind of trade. Some terminals are designed for loading only containers. Some terminals are designed for discharging frozen pelletized cargo, other terminals are dedicated to loading forest products only.

Fernandina is responding to the trends toward dedicated operations by serving a growing niche of carriers which require a larger variety of services than a dedicated terminal can provide.

2. Vessel Trends In The Container Trade

While there is a tendency toward ever larger container vessels to obtain the highest economy of scale, they are very expensive and require large, automated ports to achieve the desired level of operational efficiency. Generally, the largest vessels call the largest ports and operate in the major trades (Europe, Asia, etc.).

The Port of Fernandina does not have the infrastructure to cater to the very large carriers (3,000 Twenty-Foot Equivalent Unit (TEU) vessels and greater). Instead, Fernandina has targeted the Caribbean and South American trade for its container cargo activities.

Large, deep draft vessels do not lend themselves to the Caribbean/Latin America trade because these markets are generally smaller than Europe and Asian markets. Also, the ports are frequently small and shallow draft. A relatively high frequency of smaller ships is characteristic of ports involved in this trade region. Ports must be planned for flexible operations with less containers loaded on more ships.

3. Vessel Trends In The Forest Products Trade

In the forest products trade, the Port of Fernandina is well located and well equipped to service major markets. The 35' channel depth is sufficient to handle most modern forest products carriers (up to 40,000 Dead Weight Tons (DWT)). These carriers will load in Fernandina for Europe, Asia, and the Middle East.

At the same time, Fernandina is an ideal port for shipping forest products to the smaller markets in South America and throughout the Caribbean. These markets are served by smaller conventional vessels, refrigerated vessels returning from Europe, Roll-On/Roll-Off (RO-RO) vessels, and covered barges. In order to continue in both the major and minor forest products trades, Fernandina must remain skilled and equipped for many types of loading operations. It is also important that warehouse space be expanded to accommodate the large volumes associated with the larger carriers, without displacing the small carriers.

4. Trends in Ship Operations

The climbing costs of ship operations lead to pressure for ports to provide quicker vessel turn-around. The objective of the ship's owners is to have the vessel unload, load, and be out of Port as quickly as possible. Fernandina enjoys a short, open entrance channel, with little congestion. The Port Operator is able to offer immediate work start on arrival. The Operator also works vessels around the clock and limits customers requiring multi-day loading operations. All of these features contribute to good berth availability and a quick turnaround of the vessel from sea buoy to sea buoy.

5. Trends in Port Operations

The requirement for more efficient ship operations places the burden on the Port to expedite cargo transfer. This, in turn, generates the need for improved cargo handling methods at dockside to facilitate expeditious vessels handling.

Generally, ports have now become an integral link in the transportation chain for the movement of cargo. They are no longer used as facilities for storing or distributing import and export cargo. Today ports are purely transfer facilities. Containerized cargo is often on port property for only hours. Break bulk consignments are still accumulated at the port over several weeks. However, rolls of paper are sometimes loaded on ships while still warm from the paper machine. Direct intermodal transfers to stack trains, together with more fully automated port systems, are major trends for the Port.

In an effort to streamline the processing of import cargo documents, the United States Customs Service is implementing an Automated Manifest System which allows import cargo to be processed by computer and released to U.S. importers quicker. In some cases cargo will be cleared and released before the vessel docks. The Port of Fernandina will assist smaller shippers by coming on-line with the Automated Manifest System as a value-added service.

B. FUTURE PORT DEVELOPMENT

The level of development that may occur at the Port of Fernandina is dependent on several factors. First, due to the land-locked nature of the site, utilizing existing space to maximize cargo throughput is a necessity. Second, with expanding South American and Caribbean markets, the port must be in a position to react to both existing and potential users' needs and requirements as they develop. New concepts of loading/unloading ships must be constantly explored in terms of current and future customer needs.

Cargo volumes at the Port are projected to grow at a rate of 15-20% per year until reaching its capacity operation. Table II.B.1. presents the anticipated level of cargo handling at the Port through the year 2000 given no Port expansion. Table II.B.2 presents the anticipated level of cargo handling at the Port for the same period given implementation of planned Port expansion projects. Increased levels of Port tonnage will occur with the increase in storage capacity and installation of bulk cargo handling equipment.

The Port has experienced almost continuous growth in total annual tonnage with breakbulk cargo showing the least amount of deviation from the general growth trend. Containerized cargo throughput, however, experienced a dramatic drop in tonnage between the years 1990 and 1991. This import aspect of Port operations has recovered during 1993 and 1994 and is projected to continue growing.

1. Site Requirements and Related Impacts

The Port of Fernandina currently occupies approximately 30 acres (of which 26 acres are operational) within the City of Fernandina. There are three areas in which the Port would like to expand its facilities to increase cargo handling effectively and accommodate growth. However, these expansions are limited in scope and involve only less than two acres. (See Map II.B.1.)

a. Rail Expansion

To better accommodate the delivery and dispatch of containerized cargo via rail, the Port is proposing extending its existing 1,200 foot rail siding by an additional 1,200 feet to the north and 400 feet to the south. The land required for such expansion is the marginal area parallel to the existing CSX rail line which runs along Front Street, through the Port facility, and into Container Corporation of America's mill site.

(1) Projected Service Demand, Traffic, Economic Benefits and Employment

The expanded rail service will not increase the Port's capacity for containerized cargo. However, it will allow the Operator to accommodate a higher percentage of rail delivered containers and reduce overall truck traffic. It also will improve overall efficiency of the Port, enhancing its ability to compete.

TABLE II.B.1.
PORT OF FERNANDINA
Future Port Service Demand
Without Port Expansion Projects
PROJECTED ANNUAL TONNAGE
1995 - 2000

YEAR	General Cargo	Container Cargo	New Warehouse	Dry Bulk Cargo	Total Cargo
1995	280,000	240,000			520,000
1996	280,000	320,000			600,000
1997	280,000	350,000			630,000
1998	280,000	350,000			630,000
1999	280,000	380,000			660,000
2000	280,000	380,000			660,000

Source: Nassau Terminals, Inc.

**TABLE II.B.2.
PORT OF FERNANDINA**

**Future Port Service Demand
Due to Port Expansion Projects**

**PROJECTED ANNUAL TONNAGE
1995 - 2000**

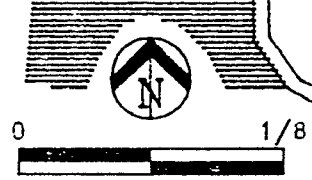
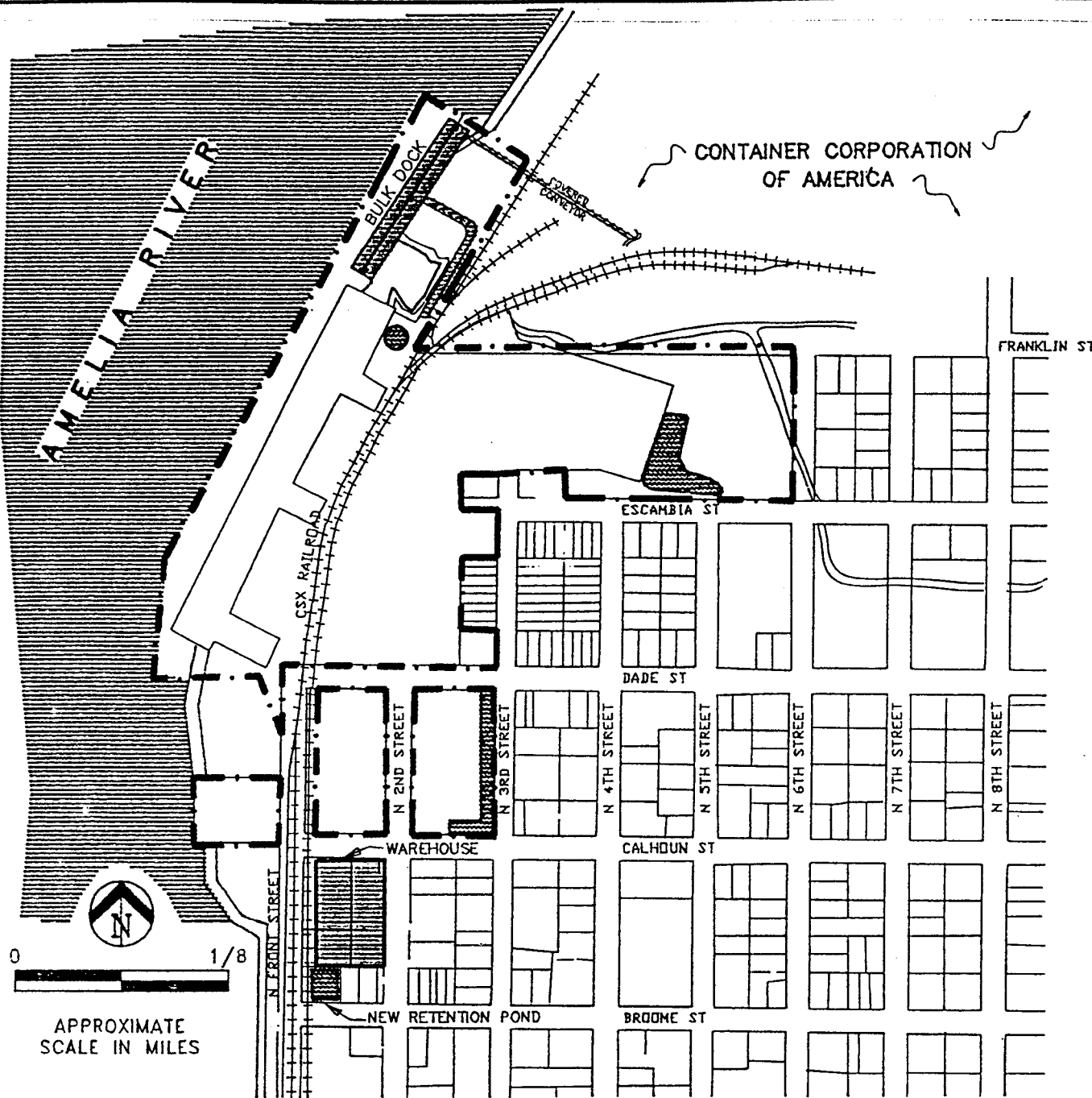
YEAR	General Cargo	Container Cargo	New Warehouse	Dry Bulk Cargo	Total Cargo
1995	280,000	240,000			520,000
1996	280,000	320,000	70,000		670,000
1997	280,000	385,000	70,000		735,000
1998	280,000	430,000	70,000		780,000
1999	280,000	450,000	70,000		800,000
2000	280,000	450,000	70,000	300,000	1,100,000

Source: Nassau Terminals, Inc.

(2) Future Land Uses and Adjacent Natural Resources (Map II.B.1.)

The site considered for the 400' southern rail expansion lies along the west side of Block 3 along the existing CSX Railroad rail bed. The Port Authority must negotiate the purchase or easement of land from current land owners. Future land use is consistent with the existing rail track area which is located in an industrial manufacturing zoned area and has been used extensively in the past for commercial and industrial development.

The Port Authority also plans to expand the existing rail spur approximately 1,200 feet to the north. The track will be built on property owned by Container Corporation of America for the mutual benefit of the Port and CCA.



APPROXIMATE
SCALE IN MILES

LEGEND

- PORT BOUNDARY
-  EXPANSION
-  RETENTION PONDS

NOTE: THIS MAP FIGURE USES A MAP EXTRACTION FROM THE 1990
FERNANDINA BEACH COMPREHENSIVE PLAN AS THE BASIS
FOR DEPICTING BLOCK AND PARCEL DIMENSIONS.

MAP NO. 1	PROJECT NO. 1
REVISION DATE:	FILE NAME: PORT\PORT-FAC
PRINT DATE: 5-12-94	

PORT OF FERNANDINA
FOREST PRODUCTS TERMINAL

MAP II B.1
PORT EXPANSION

OCEAN HIGHWAY AND PORT AUTHORITY
FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

PREPARED BY
NORTHEAST FLORIDA
REGIONAL PLANNING COUNCIL

1994

The Port benefits from the ability to push empty cars out of the terminal area, while CCA gains additional siding for switching. The rail extension will not adversely affect adjacent natural resources. The existing Alligator Creek culverts are wide enough to accommodate the expansion to the north. There is no natural resource impact to the south.

b. Additional Warehouse

The Port of Fernandina has developed as a major port for forest products exports. The expanded export program of Container Corporation of America combined with the improved water depth along the pier and in the channel, has contributed to increasing interest in the Port. In order to capitalize on the growth in forest products and secure its position in the trade, the Port is pursuing additional warehouse capacity. The most appropriate area for additional warehousing is located along the railsiding south of the existing warehouse (Between Calhoun and Broome and North 2nd and Front Streets or Block 3). This area is identified in the City Land Use Plan as a site for Industrial Manufacturing. It is currently occupied by a propane gas terminal and a fuel oil depot. A portion of this area is owned by the Port and used for equipment storage/parking.

Unloading cargo into the proposed warehouse from a rail car would be done along the west side of the warehouse. Receiving from trucks would be from Calhoun Street. Vessel loading from this warehouse would be accomplished by open trailers circulating through the warehouse (entering from the truck route on North 2nd Street and exiting onto Calhoun Street and back onto North 2nd Street. The portion of Calhoun Street west of North 2nd Street which dead-ends at the rail siding would only serve the Port warehouse operations and, if abandoned by the City, will be maintained in the future by the Port.

The size of the proposed warehouse will be influenced by the availability of land and the water retention requirements of the St. Johns River Water Management District; however, it would be approximately 50,000 square feet.

(1) Projected Service Demand, Traffic, Economic Benefits and Employment

Customer demand already indicates a strong need for the additional 50,000 sq.ft. warehouse. Strategically located among several pulp and paper mills, the Port will be able to generate an additional 70,000 tons of break bulk cargo.

This additional cargo generation would not have a negative impact on A-1-A traffic. Table II.B.3. shows the truck trip analysis for this additional cargo - essentially amounting to three additional trucks per day on the local roadway system. Forty-four percent of the forest products would be delivered by rail and 31% would come from Container Corporation of America.

Increased tonnage of 70,000 per year due to the warehouse factored by the impact multiplier of \$35/ton yield a positive spin-off impact to the local economy of approximately \$2.5 million annually.

It is expected that eight full-time jobs would be added if the proposed warehouse expansion is completed.

TABLE II.B.3.

PORT OF FERNANDINA

**Expansion Impact - Traffic
Additional 50,000 sq.ft. Forest Products Warehouse**

**TRUCK TRIPS GENERATED BY 70,000 TONS
ADDITIONAL BREAK BULK CARGO**

Total Tons Per Year	70,000
Less Delivery By Rail (44%)	(30,000)
Less Delivery From CCA (31%)	(21,700)

Delivered By Truck (VIA A-1-A)	17,500
Tonnage Delivered By Truck:	17,500
Divided By Avg. 10.5 Tons/Truck:	1,666 Truck Trips Per Year
Divided By 280 Days Port Open:	6 Truck Trips Per Day (3 Trucks)

(2) Future Land Uses and Adjacent Natural Resources

The site considered for the 50,000 sq.ft. forest products warehouse is currently occupied by a propane gas tank storage field and fuel oil depot. The proposed rail spur would run parallel to the proposed warehouse. The area is currently zoned industrial manufacturing and has been used extensively in the past for commercial and industrial development.

c. Bulk Unloading Facilities

The Port owns approximately 600 feet of undeveloped waterfront immediately North of the existing pier. There are no plans to expand the pier for general cargo activities due to the limited backup land available for cargo handling. However, there is a better use for this waterfront site related to the specific needs of the Container Corporation of America mill operations located immediately behind this site.

When circumstances allow, the Port would like to develop a bulk unloading pier dedicated to receiving wood chips and coal into a closed conveyor system for direct delivery to the mill. Such a pier could accommodate approximately 300,000 tons of bulk cargo. Woods chips would make up 240,000 tons and coal would total approximately 60,000 tons. As shown in Table II.B.4., delivery of wood chips to CCA via a bulk pier could take approximately 41 truck trips per day off the local road system.

(1) Projected Service Demand, Traffic, Economic Benefits and Employment

The service demand for the bulk delivery of wood chips and coal does not currently exist. Yet fiber demand in the Southeastern United States is currently exceeding growth rates. If this trend continues an offshore fiber supply may become necessary for Southeastern mills to maintain a high rate of production. The Port Authority is prepared to react to the industry's needs with a facility designed for import wood chips. Coal importing would likely follow suit, once the facility is in place. Imported coal is higher quality and less expensive than coal currently railed from Kentucky.

Wood chips and coal are resources brought to the mill by truck and rail. Table II.B.3. shows that approximately 41 truck trips per day could be eliminated from local roads by utilizing a bulk discharging system.

**TABLE II.B.4.
PORT OF FERNANDINA**

**Bulk Pier to Service CCA
Expansion Impact - Traffic
Wood Chips**

Wood Chips Delivered to CCA Per Year:	240,000	Tons
Replacing 50% Currently Delivered By Trucks:	(120,000)	Tons

Delivered By Truck (Via A-1-A)	120,000	Tons
Tonnage Delivered By Truck:	120,000	Tons
Divided By Avg. 10.5. Tons/Truck:	11,430	Truck trips per year
Divided By 280 Days Port Open:	41	Truck trips per day (21 trucks)

Delivery of wood chips to CCA by bulk pier could effectively reduce the number of truck trips by 50% and would take approximately 41 truck trips per day off the local road system.

Coal delivered directly to CCA would be via a state-of-the-art closed conveyor and would reduce the number of coal rail cars moving onto and off of Amelia Island. The delivery of coal via this system would be exclusively to the coal storage area of CCA and for their sole consumptive use. This additional cargo generation will not have a negative impact on A-1-A traffic since delivery of wood chips and coal would be for the exclusive use of CCA and would not leave their mill site.

Increased tonnage due to the bulk unloading system factored by the impact multiplier of \$35/ton yields a positive spin-off factor of \$10.5 million annually to the local economy.

(2) Future Land Uses and Adjacent Natural Resources

The site considered for the bulk unloading facility is currently an area permitted for expansion of the existing dock facility. However, the proposed bulk conveyor would require less

intensive dock construction than originally permitted. The area is currently zoned industrial waterfront by the City and constructing a bulk loading facility would be consistent with the City of Fernandina Beach Future Land Use plan.

As a safeguard to the City of Fernandina concerning the operation of a bulk unloading facility for coal, the Port would adhere to the conditions and standards found in the Development Order between the City and the Port dated February 21, 1989.

The bulk unloading facility is not expected to adversely impact the adjacent natural resources of the Amelia River and Alligator Creek.

d. Lay Berth

By design, such a pier construction would not accommodate the handling of general cargo. However, a bulk pier could be employed from time to time as a lay berth for idle vessels.

C. CAPITAL IMPROVEMENT PLAN

Along with its current cash position of \$1,200,000 designated solely for capital improvements, the Port Authority expects to be able to finance all of its capital improvement projects with additional bond financing and internal operational cash flow. However, the Port will utilize grants and other capital funding from State and Federal organizations, such as the Florida Department of Transportation. The Port is also prepared to enter into third party agreements on a joint funding basis for specific projects where a mutual benefit exists, such as a bulk unloading system dedicated to a single user. Table II.C.1. provides a projected Port Capital Improvement Budget through the Year 2001.

TABLE II.C.1.

**PORT OF FERNANDINA
Capital Improvement Budget
Funding Source**

Project Facility	FY 95-96	FY 96-97	FY 98-99	FY 2000-2001	Port Authority	* FSTED
50,000 sqft Forest Products Warehouse Location: between Calhoun and Broome Streets/2nd and front Streets	\$1,140,000				\$ 640,000	\$500,000
RAIL ACCESS IMPROVEMENTS						
1) 400 ft. Rail Siding South	110,000				60,000	50,000
2) 1200 ft. Rail Siding North		\$300,000			200,000	100,000
BULK UNLOADING FACILITY Location: north of existing pier			\$1,500,000	1,000,000	2,000,000	500,000
	<u>\$1,250,000</u>	<u>\$300,000</u>	<u>\$1,500,000</u>	<u>1,000,000</u>	<u>\$2,900,000</u>	<u>\$1,150,000</u>

* FSTED = Florida Seaport Transportation and Economic Development Council Grants

III. PORT FACILITIES GOALS, OBJECTIVES, AND POLICIES (PORT MASTER PLAN)

GOAL 1: STIMULATE ECONOMIC DEVELOPMENT OF THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY

OBJECTIVE 1.1: The Ocean Highway and Port Authority shall continue to plan for and maintain facilities to meet the long-term useful life of the Port facility.

POLICY 1.1.1: The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements.

POLICY 1.1.2: The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility access shipping channel and turning basin as Port development continues.

POLICY 1.1.3: The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.

GOAL 2: OPERATION AND EXPANSION OF THE PORT FACILITY SHALL BE COORDINATED WITH THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY GOVERNMENTS.

OBJECTIVE 2.1: The Port Authority shall coordinate with County and City Commissions to ensure that Port development meets City and County requirements for "concurrency".

POLICY 2.1.1: The Port Authority will supply pertinent information to the City of Fernandina Beach prior to the initiation of new Port development or substantial redevelopment of existing Port facilities.

POLICY 2.1.2: Expansion of Port facilities shall be concurrent with expansions or improvements to the roadway system where impacted by Port operations.

POLICY 2.1.3: The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured.

POLICY 2.1.4: The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.

POLICY 2.1.5: The Ocean Highway and Port Authority shall work with the City of Fernandina Beach to revise earlier imposed restrictions on site expansion that affect the Port's ability to improve cargo handling operations.

POLICY 2.1.6: Prior to the expansion of the City's port facilities, the City shall review all plans or proposals for expansion. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists.

GOAL 3: THE PORT AUTHORITY SHALL STRIVE TO MAINTAIN THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH.

OBJECTIVE 3.1: The Port Authority in operating the Port facility shall take all precautions to protect the environmental and historic assets of the City of Fernandina Beach.

POLICY 3.1.1: The Port Authority, in cooperation with the U.S. Coast Guard and the Department of Transportation, shall prohibit the handling of unauthorized toxic materials and will be prepared to contain toxic spills that could occur at the Port facility site.

POLICY 3.1.2: The Port Authority shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility.

POLICY 3.1.3: Stormwater runoff at the Port facility shall comply with stormwater management requirements established by the St. Johns River Water Management District as well as federal state and local agencies.

POLICY 3.1.4: The Port Authority shall continue to coordinate with the Department of Environmental Protection, Division of Marine Resources, the New England Aquarium, The Cumberland Sound Pilots Association and other interested organizations to support protection of manatee and right whale communities that are on the fringe of Port operations.

City of Fernandina Beach

TAB L

OFFICE OF
CITY CLERK

Mailing Address:
Post Office Box 668
Fernandina Beach, FL 32035-0668
Street Address:
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305
Suncom 904/848-7305
FAX 904/277-7308

MEMORANDUM

TO: HONORABLE MAYOR, CITY COMMISSION, CITY ATTORNEY, AND CITY
MANAGER

FROM: MARY MERCER, DEPUTY CLERK *mm*

DATE: MARCH 31, 1995

RE: TAB "L" OF 4/4/95 AGENDA BOOK

Please find the attached Section 155 of the Land Development Regulations (LDR) for your review and inclusion in the 4/4/95 agenda book under TAB "L." This section of the LDR was provided to me on Friday, March 31, 1995, by the Building Department, and contains changes made by the Planning Advisory Board and Historic District Council.

Thank you.

1b

FINAL DRAFT

CHAPTER 155: HISTORIC PRESERVATION (Was Sections 150.81 - 150.83)

SECTIONS

- 155.01 Definitions
- 155.02 Purpose of This Preservation Ordinance
- 155.03 The Historic District Council
- 155.04 District Boundaries
- 155.05 Designation of Historic Landmarks, Sites, & Districts
- 155.06 Review of Work on Historic Landmarks, Sites, & Property in Historic Districts
- 155.07 Applications for Demolition
- 155.08 Maintenance of Historic Landmarks, Sites, & Properties in Historic Districts
- 155.09 Enforcement, Penalties, & Appeals

155.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. See definition in Chapter 150.

ACCESSORY BUILDING. See definition in Chapter 150.

ALTERATION. Alteration shall be deemed to be any change to the exterior of the property, including the replacement of existing building materials.

CERTIFICATE OF APPROPRIATENESS. A certificate issued by the Building Department after review, and written authorization of the Historic District Council that indicates the HDC approval of plans for erection, alteration, addition, repair, construction, removal, or demolition, of an historic landmark, site, or property in the Historic District.

CONSTRUCT or CONSTRUCTION. The act of erection, alteration, addition, repair, removal, or demolition of any new or existing building structure or site.

CONTRIBUTING. A building contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling, and association, adds to the district's sense of time and place and historical development.

DEMOLITION. Any act or process that destroys in part or in whole a building or structure. (See also "Demolition by Neglect" as defined later in this chapter.)

DEVELOPMENT. See definition in Chapter 150.

HISTORIC DISTRICT. A geographically definable area meeting the qualifications of this chapter.

HISTORIC LANDMARK or LANDMARK SITE. A building, structure, object, or other feature, or site, or a site listed in the National Register of Historic Places or listed in the City of Fernandina Beach's inventory of historical sites, deemed to have significance as outlined in this chapter.

NON-CONTRIBUTING. A building not contributing to the historic significance of a district is one which does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling, and association, have been so altered or have so deteriorated that the overall integrity of the property has been irretrievably lost.

ORDINARY MAINTENANCE. Any work which has the purpose of restoring the integrity or value of a building or structure, or restoring the appearance and esthetics value of the building or structure.

PRINCIPAL STRUCTURE. See definition in Chapter 150.

RELOCATION. Any movement of a structure on its site or to another site.

155.02 PURPOSE OF THIS PRESERVATION ORDINANCE.

A. The City Commission of Fernandina Beach finds that this City has played a valuable role in the history and development of the area, state, region, and nation. This contribution is physically demonstrated today through archeological sites, historic landmarks and sites, and through buildings, structures, monuments, and artifacts throughout the city.

B. The City Commission finds that it is the obligation of the City and its residents to:

preserve, protect, promote, and improve these elements for the cultural, educational, and economic benefit, and the general welfare of the citizens of this community, and the public at large, and to safeguard the heritage of this City by preserving and regulating work on its historic landmarks, sites, archeological sites, buildings, structures, monuments, neighborhoods, areas, and districts which reflect the elements of the City's cultural, social, economic, political, and architectural history.

C. The City Commission finds that this ordinance is essential to accomplish this task, and that it will benefit all of the residents and property owners in the City. The Commission also finds that the preservation protection and use of historic landmarks, sites, and property in historic districts, and the regulation of activity in and around these elements, as a matter of public policy, is required, and in the best interest of the public health, safety, welfare, and economic well-being of the community.

The Historic District Council established herein is intended to have City-wide jurisdiction and serve as the City's primary agency responsible for furthering historic preservation within the City of Fernandina Beach.

155.03 THE HISTORIC DISTRICT COUNCIL (HDC)

A. Establishment.

There is hereby established the Historic District Council (HDC) of the City of Fernandina Beach, which shall consist of five (5) active members and two (2) alternates, all of whom shall be appointed by the City Commission.

B. Membership.

1. To the maximum extent available, membership shall consist of professional members from the disciplines of architecture, history, architectural history, and archeology, or other related disciplines. Lay people who have demonstrated special interest, knowledge or have experience in these areas may serve on the HDC in the event there are not enough professionals in the City to fill all positions.

If the professions of architecture, historic preservation, history or archeology cannot be represented the HDC may seek outside expertise in these areas. (See Section 155.03 (E) for consultants.)

2. HDC members must be residents of the City of Fernandina Beach for a period of at least one (1) year prior to their appointments.

3. No more than one (1) active member and one (1) alternate, who do not live in or own an historic landmark or site or property in an historic district may be appointed to the HDC at any given time.

4. Each member shall be appointed for a period of three years, except that at the time of the first appointment, two members shall be appointed for three years, two members shall be appointed for two years, and one member shall be appointed for one year. Thereafter, all appointments shall be for a period of three years.

5. When a vacancy occurs, either by expiration of term, resignation, or termination, a successor shall be appointed by the City Commission to fill the unexpired term. Every effort should be made to fill the term within sixty days of the effective date of the vacancy.

6. In order to be effective, all active HDC members and the alternates should

make every effort to attend all meetings. The HDC shall establish minimum attendance guidelines for its members.

C. Compensation.

The members shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties and as approved by the City Commission.

D. Officers.

1. The HDC shall elect from its active membership a chair, a vice-chair and a secretary, who shall serve for a term of one year, and who shall be eligible for re-election but shall not serve more than two consecutive terms. The chair shall preside over the council and have the right to vote. In the absence or disability of the chair, the vice-chair shall perform the duties of the chair.

E. Staff, Consultants, Equipment, and Other City Agencies.

1. The City of Fernandina Beach shall provide adequate staff to allow the HDC to perform its duties. Staff shall consist of at least a recording secretary and a member of the City's Building and Zoning Department. In the absence of a recording secretary, the secretary shall serve as the recording secretary.

2. With the prior approval of the City Commission and within the limits of funds appropriated generally for the performance of its work, the HDC may obtain the services of qualified persons to direct, advise, and assist the HDC in matters that will require professional consultation. The HDC may also request from the City Manager the equipment, supplies and other material necessary for its effective operation.

3. When the HDC considers National Register nomination proposals and other actions that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the HDC, the HDC shall seek professional expertise in this area before rendering a decision.

4. In accordance with the powers, duties, and responsibilities imposed by the ordinance, the HDC shall have the power and authority to request and receive any appropriate information, cooperation, assistance, or studies from any city departments, council's, agencies, or commissions, and any joint city-county departments, boards, agencies, or commissions.

F. Meetings.

1. The HDC shall meet at least once a month at a regularly scheduled date, time, and location. When mandated by special conditions, additional or special meetings may be called, either by the chair, or by at least two active members of the HDC.

2. Meetings may be cancelled if there is no business to discuss or a quorum cannot be reached.

3. All regular and special meetings of the HDC shall be open to the public.

G. Rules of Procedure.

The HDC shall develop and publish rules and regulations necessary to discharge its responsibilities, including but not limited to providing procedures for the disposition of applications before the Council, so long as the legal rights of applicants, this municipality and the general public are fully protected. Such regulations are subject to approval by the City Commission.

H. Minutes and Annual Report.

1. The HDC shall prepare and keep on file, written minutes from all of its meetings. The minutes shall include, at a minimum, a description of each case, the final decision of the HDC, and the reasons for the decision.

2. The HDC shall prepare and submit to the City Commission, an annual report of all of its activities, cases, decisions, and programs.

3. All documents of the HDC shall be open for public inspection.

I. Conflict of Interests.

Members of the HDC must abstain from voting on any issue that will affect their own property or business interests or the property or business interests of their family members.

J. Duties and Responsibilities.

The HDC shall have the following duty and responsibility to:

1. Identify, study, and recommend sites, structures, buildings, improvements, artifacts, and areas for designation as historic landmarks, sites, or historic districts.

2. Maintain and update the Historic Properties Survey as an inventory of historic landmarks, sites, and properties in historic districts. All inventories shall be compatible with the Florida Master Site File, which exemplifies the format used for statewide comprehensive historic preservation planning, and kept current and regularly provided to the State Historic Preservation Officer for incorporation in the Florida Master Site File.

3. Review and approve or deny

applications for a certificate of appropriateness for construction, alteration, demolition, or removal of, historic landmarks, sites, or properties in historic districts.

4. Review and make recommendations on National Register nominations within its jurisdiction.

5. Make recommendations to the City Commission concerning the assignment of development rights, facade easements, or the imposition of other restrictions.

6. Increase public awareness of the value of historic, architectural, and cultural preservation by developing and participating in public preservation information programs, and by updating such programs and public information documents.

7. Make recommendations to the City Commission concerning the solicitation of grants from federal and state agencies, private groups, and individuals, and the utilization of budgetary appropriations to promote the preservation of historic or architecturally significant landmarks, sites, or properties in historic districts.

8. Promulgate standards for architectural review.

9. Evaluate and comment upon proposals pending before other public agencies affecting the physical development and land use patterns in or around an historic landmark, site, or district.

10. Make recommendations to the City Commission on the purchase of historic landmarks, sites, or properties in historic districts where private preservation is not feasible.

11. Any other functions which may be designated by resolution or motion by the

City Commission.

155.04 DISTRICT BOUNDARIES

See attached district boundaries.

155.05 DESIGNATION OF HISTORIC LANDMARKS, SITES, OR DISTRICTS.

A. Criteria for Designation of Historic Landmarks or Sites.

Any site, structure, building, improvement, or object may be designated as an historic landmark or site, provided it meets the age requirements for inclusion in the National Register of Historic Places, or, if in the opinion of the HDC, it is significant in spite of its failure to meet this age requirement, and it meets one or more of the following requirements:

1. is the location of events that have made an outstanding contribution to and are identified prominently with, or which best represent, some important aspect of the cultural, political, economic, military, or social history of the City, state, region, or nation; or

2. is associated significantly with the lives of outstanding historic individuals or groups of people important in the cultural, political, economic, military, or social history of the City, state, region, or nation; or

3. represents elements of architectural design, landscape design, or craftsmanship which embody distinctive characteristics of a type inherently valuable for study of a period style, method of construction, or use of an indigenous material; or

4. represent the notable work of an

architect, landscape architect, designer, or builder, whose work influenced the development of the City, state, region, or nation; or

5. due to its location, has identified itself as a significant landmark within the City, state, region, or nation; or

6. due to its historical nature, has yielded, or may be likely to yield, information important in pre-history or history; or

7. it qualifies for, or is listed in, the National Register of Historic Places.

B. Criteria for Designation of Historic Districts.

Any region, area, or neighborhood, may be designated as an historic district, provided it meets the age requirements for inclusion as an historic district in the National Register of Historic Places, or, if in the opinion of the HDC, is significant in spite of its failure to meet the age requirement, and it meets one or more of the following requirements:

1. has character as a geographically definable area, possessing a significant concentration of contributing sites, structures, buildings, improvements, or artifacts, which are united by past events or by plan or physical development; or

2. has character as an established or geographically definable neighborhood, united by culture, architectural style, or physical development; or

3. is an area associated with an historic landmark or site and is significant as defined in the criteria above for designation of historic landmarks or sites.

C. Initiating the Designation Process.

Any site, structure, building, improvement, artifact, or area may be recommended for designation as an historic landmark, site, or district, by any resident of the City, any owner of property in the City, any private or public organization in the City, any City board, including the HDC, or the City Commission. Any such recommendation shall be made in application form to the HDC at a regular meeting. After the application is submitted, the HDC shall hear evidence from the applicant attesting to the significance of the subject property and then shall initiate a study to evaluate the qualifications for designation.

D. Public Meetings on the Designation.

1. The HDC shall hold a public meeting to discuss the designation of an historic landmark, site, or district, within sixty days of the initial application for designation. Prior to announcing the public meeting, the HDC shall clearly establish the boundaries for the proposed historic district or landmark and landmark site.

(a). In the case of a recommendation for the designation of an historic district, a notice of public meeting shall be handled in accordance with all regulations required for rezoning as outlined in other sections of Land Development Regulations (LDR's).

(b). In the case of recommendation for the designation of an historic landmark or site, in addition to advertising a public meeting in accordance with the regulations required for rezoning as outlined in other sections of the LDR's, a notice of the proposed designation shall be sent by registered/return receipt mail to the owner of the property proposed for historic landmark or site designation, describing the property proposed and announcing a public meeting by the HDC to consider said designation.

2. The HDC shall also send notice of a proposed designation to all city agencies, having previously requested notification of such proceedings; to the Planning Board; and to other parties customarily informed by the HDC of such proceedings.

3. The HDC shall also cause notice of the proposed designation to be published at least once, thirty days prior to the public meeting, in a newspaper having general circulation in Fernandina Beach. A notice shall be posted in the place where the City Commission meets, and in any locations where City Commission notices are customarily placed for public information.

4. The HDC may solicit expert testimony regarding the historical and architectural importance of the site, building, structure, improvement, artifact, or area, under consideration for designation.

5. The HDC may present testimony or documentary evidence of its own to establish a record regarding the historical and architectural importance of the proposed property.

6. The HDC shall afford to the owner of said property reasonable opportunity to present testimony or documentary evidence regarding the historical and architectural importance of the proposed landmark property.

7. The owner of property proposed for landmark designation shall be afforded the right of representation by counsel and reasonable opportunity to cross examine witnesses presented by others.

8. Any interested party may present testimony or documentary evidence regarding the proposed designation at the public meeting, and may submit to the HDC documentary evidence prior to the hearing.

9. Within (30) thirty days of the conclusion of the public meeting, the HDC shall forward to the City Commission a notice of its finding, and its decision to confirm or deny the proposed designation. The HDC shall prepare a written designation report, with its finding of fact, to accompany its recommendation. The designation report shall include a description of the historic, architectural and/or archeological significance of the property proposed for designation, a review of the testimony at the HDC's public meeting, survey information and other material explaining how the property under consideration meets one or more of the criteria contained in Section 155.05 (A) and or (B). The City Commission shall then hold a public hearing to act on the designation, with notice of the hearing in accordance with all regulations required for rezoning as outlined in other sections of the LDR's.

E. Work During the Designation Process.

1. No applications for a building permit to construct, alter, relocate, or demolish any site, structure, building, improvement, artifact, or area, filed subsequent to the day that an application has been filed or a resolution adopted to consider designation of the said historic landmark, site, or district, shall be approved by the City while proceedings are pending on such designation. However, if one hundred and eighty days have elapsed from the date of submission of an application for designation, and final action on such designation has not been completed, a building permit application may be approved.

2. The provision of the ordinance shall not be applicable to the construction, alteration, or demolition of any structure of other feature on a historic landmark, site, or historic district under the following conditions:

(a) where a permit for the performance of such work was issued prior to the day that an application has been filed or a resolution adopted to initiate the designation of said historic landmark, site or historic district; and

(b) where such permit has not expired or been canceled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code.

F. Fees.

1. The fee for application for designation as an Historic Landmark, Site, or District shall be established by the City Commission.

2. There shall be no fee for application for designation of an historic landmark, site, or district, if such application for designation is initiated by the HDC, or by resolution or intention of the City Commission, or by the Planning Board.

155.06 REVIEW OF WORK ON HISTORIC LANDMARKS, SITES, AND PROPERTIES IN HISTORIC DISTRICTS.

A. Certificate of Appropriateness Required.

A certificate of appropriateness issued by the Building Official after approval by the HDC shall be required before a permit is issued for any of the following work on an historic landmark or site, or any property in an historic district (either contributing or non-contributing):

1. demolition;
2. relocation;

3. new construction of primary or secondary structure(s);

4. exterior alterations affecting the appearance of existing sites, structures, buildings, or objects by addition, reconstruction, alteration, or maintenance (including exterior paint and colors);

5. alteration or addition of any site features, including but not limited to fences, walls, gazebos, walks, drives, parking areas, etc.;

6. removal or substantial trimming of specimen trees; or

7. any modification to a site that may yield archaeological information.

B. Application for a Certificate of Appropriateness.

1. If a person wishes to undertake an exterior alteration, an alteration of an archaeological site, new construction, relocation, or demolition affecting an historic landmark or site, or a property in an historic district, they must apply to the Building Department and the HDC for a certificate of appropriateness. A certificate of appropriateness must be obtained even when a building permit is not required for the proposed work. The Building Department shall advise any applicant if the subject property or work will require a certificate of appropriateness.

2. The applicant shall provide, where applicable: scale drawings of the proposed work; photographs of the existing building, structure, or site, and adjacent properties; and information about the building materials to be used. The HDC may request additional information to be included with the application. An application for a certificate of appropriateness shall not be considered complete until all required data has been submitted. Before an applicant

prepares his application, he/she may bring a preliminary proposal to the HDC for its comments. When an application involves new construction, the applicant may present his conceptual plans for review and comment before the preparation of construction drawings. HDC approval of a preliminary or conceptual plan is a courtesy and such approval is not binding. The applicant must submit a formal application in order to receive official approval.

C. Action on an Application.

1. If the application is for a permit to make exterior alterations, relocations, or to carry out new construction, the HDC shall take action within thirty days of the submission of a completed application, to approve, modify, or disapprove the application, in whole or in part. The HDC may extend action for a period of up to sixty additional days. In the case of a demolition application, the HDC may suspend action on it for a period not to exceed one year.

2. The decision of the HDC shall be in the form of a written order to the Building Department. Any documents, drawings, plans, or specifications submitted for review by the HDC shall be stamped and signed by the Chair, and the same documents shall be submitted to the building department for building permit applications. In cases where the HDC has disapproved the plans, the Building Department shall furnish the applicant with a copy of the Council's written order, including reasons for disapproval, together with a copy of any recommendations the HDC may have for changes necessary to be made before the plans will be reconsidered.

3. Certificates of appropriateness shall be issued for a period of twelve months and are renewable.

D. Compliance with a Certificate of

Appropriateness.

1. All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of the certificate. It shall be the duty of the Building Department to inspect from time to time, any work performed pursuant to the certificate to assure such compliance. In the event work is performed not in accordance with such certificate, the Building Official or his designated representative shall issue a stop work order, and all work shall cease. No person, firm, or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. All work not in compliance may be required to be removed regardless of hardship to the owner.

2. Any change in the scope of work subsequent to the issuance of a certificate of appropriateness shall require a new certificate of appropriateness for the changes. Applications for approval of such changes shall be in compliance with all procedures as outlined in this chapter and may be heard at the next regularly scheduled HDC meeting.

E. Guidelines and Criteria for the HDC to use.

1. The HDC, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling or other modification of any historic landmark or site, or property in an historic district, shall consider, among other things, the purpose of this ordinance; the historical and architectural value and significance of the historic landmark, site, or property in an historic district; the texture, material, and color of the building or structure in question, or its appurtenant fixtures, including signs, and the effect of the proposed work on it; and the

relationship of such features to similar features of the buildings or structures in relation to the street or public way, and to other buildings and structures in its vicinity.

2. The HDC shall not have review authority over alterations to interiors, but it shall study such plans as they relate to the exterior.

3. The HDC shall develop and adopt design review guidelines. These guidelines shall serve as an informational and educational tool for owners of historic landmarks and sites, and properties in historic districts, and shall illustrate, in written and graphic form, the design review criteria, concepts, and ideas by which new construction, alterations, additions, renovations, and other modifications to historic landmarks and sites, and properties in historic districts will be evaluated.

4. The design review guidelines shall be adapted for application to specific districts or individual historic landmarks or sites, to meet the specific needs of each case.

5. As a minimum standard, the HDC shall use the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (latest edition), when writing the design review guidelines, and when reviewing all work on historic landmarks and sites, and properties in historic districts.

6. Criteria for new construction.

(a.) If an application is for new construction on a landmark site, or a property in an historic district, the HDC shall consider the compatibility of the new construction with the existing character of the landmark or the district, but the HDC shall not dictate the architectural style of the new construction. Compatible design shall mean architectural design and construction

that will fit harmoniously into the district or the landmark site. New construction shall be compatible in scale, materials, and quality of construction with adjacent buildings and structures that have been designated.

(b.) The HDC shall also consider the following points in review of an application for new construction:

- (1) Scale: height and width;
- (2) Setbacks;
- (3) Orientation and site coverage;
- (4) Alignment, rhythm, and spacing of buildings;
- (5) Form and detail: link between old and new;
- (6) Maintaining materials within the district or on the landmark site;
- (7) Maintaining quality within the district or on the landmark site;
- (8) Facade proportions and window patterns;
- (9) Entrances and porch projections;
- (10) Roof forms;
- (11) Horizontal, vertical, or non-directional emphasis.

F. Additional Criteria on Relocation Applications.

If an applicant wishes to a) move an historic landmark, building, monument, or structure from its site; or b) move a building

or structure from a historic district; or c) move a building or structure to an historic site; or d) move a building or structure to a property in a historic district, the HDC shall consider:

1. The contribution the building or structure makes to its present settings;
2. Whether there are definite plans for the use of the site once vacated;
3. Whether the building or structure can be moved without significant damage to its physical integrity; and
4. The compatibility of the building or structure to its proposed site and adjacent properties.

These considerations shall be in addition to the points contained in other sections of this chapter.

155.07 APPLICATIONS FOR DEMOLITIONS.

A. General.

1. If an applicant wants to demolish an historic landmark, or a building on an historic site, or a property in an historic district, the applicant must prove that the demolition is necessary. Prior to requesting a permit for demolition, the applicant must be able to prove that he/she has explored alternatives to demolition, including renovation, stabilization, and/or relocation. The HDC will assist the applicant in seeking professional advice on alternatives to demolition; however, it is the owner's responsibility to prove such alternatives are impractical. Plans for future use of the site must be submitted in conjunction with the application for demolition. If new construction is proposed for the site, the applicant must also prove that he/she is capable of starting the project in a

reasonable time should a permit be granted.

B. Preliminary Review.

Prior to submission of an application for demolition, the applicant may request a determination by the HDC as to the historic landmark status of the structure in question, or, if a property in an historic district, if the subject property is contributing or non-contributing to the historic district. If the subject historic landmark or property in an historic district is deemed to be non-contributing to the integrity of the historic district or landmark, then the HDC shall grant the application for demolition.

C. Criteria for Demolition.

When considering an application for demolition, the HDC shall consider the following:

1. Is there economic hardship for the applicant;
2. Will the applicant be denied a reasonable return on his investment;
3. Has the applicant made a good faith effort to pursue alternatives to demolition (see above);
4. Does the historic landmark, site, or property in an historic district, qualify for individual listing on the National Register of Historic Places, or as a state or local historic landmark;
5. Would the loss of the subject property deteriorate the quality and continuity of the historic site, or district, or surrounding neighborhood; or
6. If the property is in an Historic District is it contributing or non-contributing to the district;

7. If the structure has such significant value and individual importance to merit preservation over all other factors.

D. Rulings on Applications for Demolition.

After review of all evidence submitted by the applicant, and an analysis based on the above criteria, the HDC may approve, deny, or modify the application, based on the evidence. The HDC may also suspend action on an application for demolition for a period not to exceed one year from the date of the application to provide time to gather more documentary information and to further consider the application. Due to the irrevocable nature of a decision to approve an application for demolition, the HDC is required to provide extra consideration to such matters.

E. Suspended Applications.

1. In the event action on the application is suspended, the HDC may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this ordinance. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

2. No certificate of appropriateness for a demolition shall be approved by the HDC unless it finds that the applicant has, for a time period of up to one year, made a good faith effort to sell or otherwise transfer ownership of such structure or property at or below fair market value to any public or private person or agency which gives a reasonable assurance of its willingness to preserve and restore such structure and its site.

155.08 MAINTENANCE OF HISTORIC LANDMARKS and SITES, and PROPERTIES IN HISTORIC DISTRICTS.

A. Ordinary Maintenance and Repairs.

1. The provisions of this section shall be in addition to all other state, county, or city laws and regulations requiring that buildings, structures, and sites be kept in good repair.

2. All historic landmarks and sites, and property in historic districts of the City shall be preserved against decay and deterioration by the owner or any other person or persons who has the legal custody and control of them. The owner or other person having legal custody and control shall repair such building if it is found to have any of the following defects:

(a). those which have parts which are in danger of falling or collapsing and may cause injury to members of the public;

(b). deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows, doors, deteriorated roofing, etc.;

(c). any fault or defect in the building which renders the same structurally unsafe or not properly watertight.

3. A certificate of appropriateness is not required for work for which a building permit is not required and where the purpose and effect of such work is to correct deterioration, decay, or damage to a structure or any part of it, and will restore it to the same, as nearly as practicable to its condition prior to the deterioration, decay, or damage. Only repairs that will not change the exterior appearance or composition of the building materials shall

be exempted.

B. HDC/Owner Consultation.

If an historic landmark or site, or a property in an historic district is determined to be in a state of disrepair (by the City's Building Department, or the HDC), or is considered in danger of falling victim to demolition by neglect, the HDC shall send notice to the owner and require his/her appearance at a regular meeting. At this meeting, the HDC shall outline the repair deficiencies, and shall advise the owner of a possible course of action for repairs, so that the subject property shall be preserved in accordance with the purposes of this chapter. Properties shall be identified through citizen complaints, observation and reporting by the Building Department, or by observation of a member of the HDC.

C. Demolition by Neglect.

The purpose of this section is to prevent a person from forcing or allowing the demolition of his building or structure by neglecting it, and permitting damage to it by weather, vandalism, or natural causes. The owner and the tenant of an historic landmark or site, or a property in an historic district, shall keep in good repair:

1. all of the exterior portions of such buildings or structures; and

2. all interior portions which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.

155.09 ENFORCEMENT, PENALTIES, and APPEALS.

A. Enforcement.

1. The Building Department shall

promptly stop any work attempted to be done without or contrary to a permit issued under this article.

2. Any sign or exterior illumination of walls, exterior roofs, or appurtenances of building displayed contrary to the provision of this article shall be removed.

3. If the owner, or other person having legal custody of the structure or building fails to correct the defects as outlined in this section of the City Codes, after knowledge of the existence of such defects has been brought to their attention, the owner or legal custodian shall be found in violation of this ordinance, and shall be subject to punishment as provided in section 115.99 of the City of Fernandina Beach, Code of Ordinances.

B. Penalties.

1. Any person violating any provision of this ordinance shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued, or permitted to continue, and each offense shall be punishable by a fine of not more than \$500.

2. Any person who demolishes, alters, or constructs a building or structure in violation of ordinances, shall be required to restore the building or structure and its site to its appearance prior to the violation. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

C. Appeals.

1. Any person jointly or severally aggrieved by any decision of the HDC may present to the City Commission a petition, duly verified, setting forth that the decision

City of Fernandina Beach

OFFICE OF
CITY CLERK

Mailing Address:
Post Office Box 668
Fernandina Beach, FL 32035-0668
Street Address:
204 Ash Street
Fernandina Beach, FL 32034
904/277-7305
Suncom 904/848-7305
FAX 904/277-7308

MEMORANDUM

TO: HONORABLE ANTHONY LEGGIO, CITY ATTORNEY
FROM: *Mary Mercer*
MARY MERCER, DEPUTY CLERK
DATE: MARCH 27, 1995
SUBJECT: RECORDING OF RESOLUTION NUMBER 94-43

As per our conversation, attached is Resolution Number 94-43 and Section 150.81, District Boundaries which we plan on having recorded. Please review and provide your comments as soon as possible.

MM

cc: Larry D. Myers, City Manager

City of Fernandina Beach

TAB L

OFFICE OF
CITY CLERK

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MEMORANDUM

TO: HONORABLE MAYOR, CITY COMMISSION, CITY ATTORNEY, AND CITY
MANAGER

FROM: MARY MERCER, DEPUTY CLERK *mm*

DATE: MARCH 31, 1995

RE: TAB "L" OF 4/4/95 AGENDA BOOK

Please find the attached Section 155 of the Land Development Regulations (LDR) for your review and inclusion in the 4/4/95 agenda book under TAB "L." This section of the LDR was provided to me on Friday, March 31, 1995, by the Building Department, and contains changes made by the Planning Advisory Board and Historic District Council.

Thank you.

lb

FINAL DRAFT

CHAPTER 155: HISTORIC PRESERVATION

(Was Sections 150.81 - 150.83)

SECTIONS

- 155.01 Definitions
- 155.02 Purpose of This Preservation Ordinance
- 155.03 The Historic District Council
- 155.04 District Boundaries
- 155.05 Designation of Historic Landmarks, Sites, & Districts
- 155.06 Review of Work on Historic Landmarks, Sites, & Property in Historic Districts
- 155.07 Applications for Demolition
- 155.08 Maintenance of Historic Landmarks, Sites, & Properties in Historic Districts
- 155.09 Enforcement, Penalties, & Appeals

155.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. See definition in Chapter 150.

ACCESSORY BUILDING. See definition in Chapter 150.

ALTERATION. Alteration shall be deemed to be any change to the exterior of the property, including the replacement of existing building materials.

CERTIFICATE OF APPROPRIATENESS.

A certificate issued by the Building Department after review, and written authorization of the Historic District Council that indicates the HDC approval of plans for erection, alteration, addition, repair, construction, removal, or demolition, of an historic landmark, site, or property in the Historic District.

CONSTRUCT or CONSTRUCTION. The act of erection, alteration, addition, repair, removal, or demolition of any new or existing building structure or site.

CONTRIBUTING. A building contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling, and association, adds to the district's sense of time and place and historical development.

DEMOLITION. Any act or process that destroys in part or in whole a building or structure. (See also "Demolition by Neglect" as defined later in this chapter.)

DEVELOPMENT. See definition in Chapter 150.

HISTORIC DISTRICT. A geographically definable area meeting the qualifications of this chapter.

FINAL DRAFT

CHAPTER 155: HISTORIC PRESERVATION

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155.01 DEFINITIONS

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ALTERATION. Alteration shall be deemed to be any change to the exterior of the property, including the replacement of existing building materials.

CERTIFICATE OF APPROPRIATENESS.

A certificate issued by the Building Department after review, and written authorization of the Historic District Council that indicates the HDC approval of plans for erection, alteration, addition, repair, construction, removal, or demolition, of an historic landmark, site, or property in the Historic District.

CONSTRUCT or CONSTRUCTION. The act of erection, alteration, addition, repair, removal, or demolition of any new or existing building structure or site.

CONTRIBUTING. A building contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling, and association, adds to the district's sense of time and place and historical development.

DEMOLITION. Any act or process that destroys in part or in whole a building or structure. (See also "Demolition by Neglect" as defined later in this chapter.)

DEVELOPMENT. See definition in Chapter 150.

HISTORIC DISTRICT. A geographically definable area meeting the qualifications of this chapter.

HISTORIC LANDMARK or LANDMARK SITE. A building, structure, object, or other feature, or site, or a site listed in the National Register of Historic Places or listed in the City of Fernandina Beach's inventory of historical sites, deemed to have significance as outlined in this chapter.

NON-CONTRIBUTING. A building not contributing to the historic significance of a district is one which does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling, and association, have been so altered or have so deteriorated that the overall integrity of the property has been irretrievably lost.

ORDINARY MAINTENANCE. Any work which has the purpose of restoring the integrity or value of a building or structure, or restoring the appearance and esthetics value of the building or structure.

PRINCIPAL STRUCTURE. See definition in Chapter 150.

RELOCATION. Any movement of a structure on its site or to another site.

155.02 PURPOSE OF THIS PRESERVATION ORDINANCE.

A. The City Commission of Fernandina Beach finds that this City has played a valuable role in the history and development of the area, state, region, and nation. This contribution is physically demonstrated today through archeological sites, historic landmarks and sites, and through buildings, structures, monuments, and artifacts throughout the city.

B. The City Commission finds that it is the obligation of the City and its residents to:

preserve, protect, promote, and improve these elements for the cultural, educational, and economic benefit, and the general welfare of the citizens of this community, and the public at large, and to safeguard the heritage of this City by preserving and regulating work on its historic landmarks, sites, archeological sites, buildings, structures, monuments, neighborhoods, areas, and districts which reflect the elements of the City's cultural, social, economic, political, and architectural history.

C. The City Commission finds that this ordinance is essential to accomplish this task, and that it will benefit all of the residents and property owners in the City. The Commission also finds that the preservation protection and use of historic landmarks, sites, and property in historic districts, and the regulation of activity in and around these elements, as a matter of public policy, is required, and in the best interest of the public health, safety, welfare, and economic well-being of the community.

The Historic District Council established herein is intended to have City-wide jurisdiction and serve as the City's primary agency responsible for furthering historic preservation within the City of Fernandina Beach.

155.03 THE HISTORIC DISTRICT COUNCIL (HDC)

A. Establishment.

There is hereby established the Historic District Council (HDC) of the City of Fernandina Beach, which shall consist of five (5) active members and two (2) alternates, all of whom shall be appointed by the City Commission.

B. Membership.

1. To the maximum extent available, membership shall consist of professional members from the disciplines of architecture, history, architectural history, and archeology, or other related disciplines. Lay people who have demonstrated special interest, knowledge or have experience in these areas may serve on the HDC in the event there are not enough professionals in the City to fill all positions.

If the professions of architecture, historic preservation, history or archeology cannot be represented the HDC may seek outside expertise in these areas. (See Section 155.03 (E) for consultants.)

2. HDC members must be residents of the City of Fernandina Beach for a period of at least one (1) year prior to their appointments.

3. No more than one (1) active member and one (1) alternate, who do not live in or own an historic landmark or site or property in an historic district may be appointed to the HDC at any given time.

4. Each member shall be appointed for a period of three years, except that at the time of the first appointment, two members shall be appointed for three years, two members shall be appointed for two years, and one member shall be appointed for one year. Thereafter, all appointments shall be for a period of three years.

5. When a vacancy occurs, either by expiration of term, resignation, or termination, a successor shall be appointed by the City Commission to fill the unexpired term. Every effort should be made to fill the term within sixty days of the effective date of the vacancy.

6. In order to be effective, all active HDC members and the alternates should

make every effort to attend all meetings. The HDC shall establish minimum attendance guidelines for its members.

C. Compensation.

The members shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties and as approved by the City Commission.

D. Officers.

1. The HDC shall elect from its active membership a chair, a vice-chair and a secretary, who shall serve for a term of one year, and who shall be eligible for re-election but shall not serve more than two consecutive terms. The chair shall preside over the council and have the right to vote. In the absence or disability of the chair, the vice-chair shall perform the duties of the chair.

E. Staff, Consultants, Equipment, and Other City Agencies.

1. The City of Fernandina Beach shall provide adequate staff to allow the HDC to perform its duties. Staff shall consist of at least a recording secretary and a member of the City's Building and Zoning Department. In the absence of a recording secretary, the secretary shall serve as the recording secretary.

2. With the prior approval of the City Commission and within the limits of funds appropriated generally for the performance of its work, the HDC may obtain the services of qualified persons to direct, advise, and assist the HDC in matters that will require professional consultation. The HDC may also request from the City Manager the equipment, supplies and other material necessary for its effective operation.

3. When the HDC considers National Register nomination proposals and other actions that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the HDC, the HDC shall seek professional expertise in this area before rendering a decision.

4. In accordance with the powers, duties, and responsibilities imposed by the ordinance, the HDC shall have the power and authority to request and receive any appropriate information, cooperation, assistance, or studies from any city departments, council's, agencies, or commissions, and any joint city-county departments, boards, agencies, or commissions.

F. Meetings.

1. The HDC shall meet at least once a month at a regularly scheduled date, time, and location. When mandated by special conditions, additional or special meetings may be called, either by the chair, or by at least two active members of the HDC.

2. Meetings may be cancelled if there is no business to discuss or a quorum cannot be reached.

3. All regular and special meetings of the HDC shall be open to the public.

G. Rules of Procedure.

The HDC shall develop and publish rules and regulations necessary to discharge its responsibilities, including but not limited to providing procedures for the disposition of applications before the Council, so long as the legal rights of applicants, this municipality and the general public are fully protected. Such regulations are subject to approval by the City Commission.

H. Minutes and Annual Report.

1. The HDC shall prepare and keep on file, written minutes from all of its meetings. The minutes shall include, at a minimum, a description of each case, the final decision of the HDC, and the reasons for the decision.

2. The HDC shall prepare and submit to the City Commission, an annual report of all of its activities, cases, decisions, and programs.

3. All documents of the HDC shall be open for public inspection.

I. Conflict of Interests.

Members of the HDC must abstain from voting on any issue that will affect their own property or business interests or the property or business interests of their family members.

J. Duties and Responsibilities.

The HDC shall have the following duty and responsibility to:

1. Identify, study, and recommend sites, structures, buildings, improvements, artifacts, and areas for designation as historic landmarks, sites, or historic districts.

2. Maintain and update the Historic Properties Survey as an inventory of historic landmarks, sites, and properties in historic districts. All inventories shall be compatible with the Florida Master Site File, which exemplifies the format used for statewide comprehensive historic preservation planning, and kept current and regularly provided to the State Historic Preservation Officer for incorporation in the Florida Master Site File.

3. Review and approve or deny

applications for a certificate of appropriateness for construction, alteration, demolition, or removal of, historic landmarks, sites, or properties in historic districts.

4. Review and make recommendations on National Register nominations within its jurisdiction.

5. Make recommendations to the City Commission concerning the assignment of development rights, facade easements, or the imposition of other restrictions.

6. Increase public awareness of the value of historic, architectural, and cultural preservation by developing and participating in public preservation information programs, and by updating such programs and public information documents.

7. Make recommendations to the City Commission concerning the solicitation of grants from federal and state agencies, private groups, and individuals, and the utilization of budgetary appropriations to promote the preservation of historic or architecturally significant landmarks, sites, or properties in historic districts.

8. Promulgate standards for architectural review.

9. Evaluate and comment upon proposals pending before other public agencies affecting the physical development and land use patterns in or around an historic landmark, site, or district.

10. Make recommendations to the City Commission on the purchase of historic landmarks, sites, or properties in historic districts where private preservation is not feasible.

11. Any other functions which may be designated by resolution or motion by the

City Commission.

155.04 DISTRICT BOUNDARIES

See attached district boundaries.

155.05 DESIGNATION OF HISTORIC LANDMARKS, SITES, OR DISTRICTS.

A. Criteria for Designation of Historic Landmarks or Sites.

Any site, structure, building, improvement, or object may be designated as an historic landmark or site, provided it meets the age requirements for inclusion in the National Register of Historic Places, or, if in the opinion of the HDC, it is significant in spite of its failure to meet this age requirement, and it meets one or more of the following requirements:

1. is the location of events that have made an outstanding contribution to and are identified prominently with, or which best represent, some important aspect of the cultural, political, economic, military, or social history of the City, state, region, or nation; or

2. is associated significantly with the lives of outstanding historic individuals or groups of people important in the cultural, political, economic, military, or social history of the City, state, region, or nation; or

3. represents elements of architectural design, landscape design, or craftsmanship which embody distinctive characteristics of a type inherently valuable for study of a period style, method of construction, or use of an indigenous material; or

4. represent the notable work of an

architect, landscape architect, designer, or builder, whose work influenced the development of the City, state, region, or nation; or

5. due to its location, has identified itself as a significant landmark within the City, state, region, or nation; or

6. due to its historical nature, has yielded, or may be likely to yield, information important in pre-history or history; or

7. it qualifies for, or is listed in, the National Register of Historic Places.

B. Criteria for Designation of Historic Districts.

Any region, area, or neighborhood, may be designated as an historic district, provided it meets the age requirements for inclusion as an historic district in the National Register of Historic Places, or, if in the opinion of the HDC, is significant in spite of its failure to meet the age requirement, and it meets one or more of the following requirements:

1. has character as a geographically definable area, possessing a significant concentration of contributing sites, structures, buildings, improvements, or artifacts, which are united by past events or by plan or physical development; or

2. has character as an established or geographically definable neighborhood, united by culture, architectural style, or physical development; or

3. is an area associated with an historic landmark or site and is significant as defined in the criteria above for designation of historic landmarks or sites.

C. Initiating the Designation Process.

Any site, structure, building, improvement, artifact, or area may be recommended for designation as an historic landmark, site, or district, by any resident of the City, any owner of property in the City, any private or public organization in the City, any City board, including the HDC, or the City Commission. Any such recommendation shall be made in application form to the HDC at a regular meeting. After the application is submitted, the HDC shall hear evidence from the applicant attesting to the significance of the subject property and then shall initiate a study to evaluate the qualifications for designation.

D. Public Meetings on the Designation.

1. The HDC shall hold a public meeting to discuss the designation of an historic landmark, site, or district, within sixty days of the initial application for designation. Prior to announcing the public meeting, the HDC shall clearly establish the boundaries for the proposed historic district or landmark and landmark site.

(a). In the case of a recommendation for the designation of an historic district, a notice of public meeting shall be handled in accordance with all regulations required for rezoning as outlined in other sections of Land Development Regulations (LDR's).

(b). In the case of recommendation for the designation of an historic landmark or site, in addition to advertising a public meeting in accordance with the regulations required for rezoning as outlined in other sections of the LDR's, a notice of the proposed designation shall be sent by registered/return receipt mail to the owner of the property proposed for historic landmark or site designation, describing the property proposed and announcing a public meeting by the HDC to consider said designation.

2. The HDC shall also send notice of a proposed designation to all city agencies, having previously requested notification of such proceedings; to the Planning Board; and to other parties customarily informed by the HDC of such proceedings.

3. The HDC shall also cause notice of the proposed designation to be published at least once, thirty days prior to the public meeting, in a newspaper having general circulation in Fernandina Beach. A notice shall be posted in the place where the City Commission meets, and in any locations where City Commission notices are customarily placed for public information.

4. The HDC may solicit expert testimony regarding the historical and architectural importance of the site, building, structure, improvement, artifact, or area, under consideration for designation.

5. The HDC may present testimony or documentary evidence of its own to establish a record regarding the historical and architectural importance of the proposed property.

6. The HDC shall afford to the owner of said property reasonable opportunity to present testimony or documentary evidence regarding the historical and architectural importance of the proposed landmark property.

7. The owner of property proposed for landmark designation shall be afforded the right of representation by counsel and reasonable opportunity to cross examine witnesses presented by others.

8. Any interested party may present testimony or documentary evidence regarding the proposed designation at the public meeting, and may submit to the HDC documentary evidence prior to the hearing.

9. Within (30) thirty days of the conclusion of the public meeting, the HDC shall forward to the City Commission a notice of its finding, and its decision to confirm or deny the proposed designation. The HDC shall prepare a written designation report, with its finding of fact, to accompany its recommendation. The designation report shall include a description of the historic, architectural and/or archeological significance of the property proposed for designation, a review of the testimony at the HDC's public meeting, survey information and other material explaining how the property under consideration meets one or more of the criteria contained in Section 155.05 (A) and or (B). The City Commission shall then hold a public hearing to act on the designation, with notice of the hearing in accordance with all regulations required for rezoning as outlined in other sections of the LDR's.

E. Work During the Designation Process.

1. No applications for a building permit to construct, alter, relocate, or demolish any site, structure, building, improvement, artifact, or area, filed subsequent to the day that an application has been filed or a resolution adopted to consider designation of the said historic landmark, site, or district, shall be approved by the City while proceedings are pending on such designation. However, if one hundred and eighty days have elapsed from the date of submission of an application for designation, and final action on such designation has not been completed, a building permit application may be approved.

2. The provision of the ordinance shall not be applicable to the construction, alteration, or demolition of any structure of other feature on a historic landmark, site, or historic district under the following conditions:

2. The HDC shall also send notice of a proposed designation to all city agencies, having previously requested notification of such proceedings; to the Planning Board; and to other parties customarily informed by the HDC of such proceedings.

3. The HDC shall also cause notice of the proposed designation to be published at least once, thirty days prior to the public meeting, in a newspaper having general circulation in Fernandina Beach. A notice shall be posted in the place where the City Commission meets, and in any locations where City Commission notices are customarily placed for public information.

4. The HDC may solicit expert testimony regarding the historical and architectural importance of the site, building, structure, improvement, artifact, or area, under consideration for designation.

5. The HDC may present testimony or documentary evidence of its own to establish a record regarding the historical and architectural importance of the proposed property.

6. The HDC shall afford to the owner of said property reasonable opportunity to present testimony or documentary evidence regarding the historical and architectural importance of the proposed landmark property.

7. The owner of property proposed for landmark designation shall be afforded the right of representation by counsel and reasonable opportunity to cross examine witnesses presented by others.

8. Any interested party may present testimony or documentary evidence regarding the proposed designation at the public meeting, and may submit to the HDC documentary evidence prior to the hearing.

9. Within (30) thirty days of the conclusion of the public meeting, the HDC shall forward to the City Commission a notice of its finding, and its decision to confirm or deny the proposed designation. The HDC shall prepare a written designation report, with its finding of fact, to accompany its recommendation. The designation report shall include a description of the historic, architectural and/or archeological significance of the property proposed for designation, a review of the testimony at the HDC's public meeting, survey information and other material explaining how the property under consideration meets one or more of the criteria contained in Section 155.05 (A) and or (B). The City Commission shall then hold a public hearing to act on the designation, with notice of the hearing in accordance with all regulations required for rezoning as outlined in other sections of the LDR's.

E. Work During the Designation Process.

1. No applications for a building permit to construct, alter, relocate, or demolish any site, structure, building, improvement, artifact, or area, filed subsequent to the day that an application has been filed or a resolution adopted to consider designation of the said historic landmark, site, or district, shall be approved by the City while proceedings are pending on such designation. However, if one hundred and eighty days have elapsed from the date of submission of an application for designation, and final action on such designation has not been completed, a building permit application may be approved.

2. The provision of the ordinance shall not be applicable to the construction, alteration, or demolition of any structure of other feature on a historic landmark, site, or historic district under the following conditions:

(a) where a permit for the performance of such work was issued prior to the day that an application has been filed or a resolution adopted to initiate the designation of said historic landmark, site or historic district; and

(b) where such permit has not expired or been canceled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code.

F. Fees.

1. The fee for application for designation as an Historic Landmark, Site, or District shall be established by the City Commission.

2. There shall be no fee for application for designation of an historic landmark, site, or district, if such application for designation is initiated by the HDC, or by resolution or intention of the City Commission, or by the Planning Board.

155.06 REVIEW OF WORK ON HISTORIC LANDMARKS, SITES, AND PROPERTIES IN HISTORIC DISTRICTS.

A. Certificate of Appropriateness Required.

A certificate of appropriateness issued by the Building Official after approval by the HDC shall be required before a permit is issued for any of the following work on an historic landmark or site, or any property in an historic district (either contributing or non-contributing):

1. demolition;
2. relocation;

3. new construction of primary or secondary structure(s);

4. exterior alterations affecting the appearance of existing sites, structures, buildings, or objects by addition, reconstruction, alteration, or maintenance (including exterior paint and colors);

5. alteration or addition of any site features, including but not limited to fences, walls, gazebos, walks, drives, parking areas, etc.;

6. removal or substantial trimming of specimen trees; or

7. any modification to a site that may yield archaeological information.

B. Application for a Certificate of Appropriateness.

1. If a person wishes to undertake an exterior alteration, an alteration of an archaeological site, new construction, relocation, or demolition affecting an historic landmark or site, or a property in an historic district, they must apply to the Building Department and the HDC for a certificate of appropriateness. A certificate of appropriateness must be obtained even when a building permit is not required for the proposed work. The Building Department shall advise any applicant if the subject property or work will require a certificate of appropriateness.

2. The applicant shall provide, where applicable: scale drawings of the proposed work; photographs of the existing building, structure, or site, and adjacent properties; and information about the building materials to be used. The HDC may request additional information to be included with the application. An application for a certificate of appropriateness shall not be considered complete until all required data has been submitted. Before an applicant

prepares his application, he/she may bring a preliminary proposal to the HDC for its comments. When an application involves new construction, the applicant may present his conceptual plans for review and comment before the preparation of construction drawings. HDC approval of a preliminary or conceptual plan is a courtesy and such approval is not binding. The applicant must submit a formal application in order to receive official approval.

C. Action on an Application.

1. If the application is for a permit to make exterior alterations, relocations, or to carry out new construction, the HDC shall take action within thirty days of the submission of a completed application, to approve, modify, or disapprove the application, in whole or in part. The HDC may extend action for a period of up to sixty additional days. In the case of a demolition application, the HDC may suspend action on it for a period not to exceed one year.

2. The decision of the HDC shall be in the form of a written order to the Building Department. Any documents, drawings, plans, or specifications submitted for review by the HDC shall be stamped and signed by the Chair, and the same documents shall be submitted to the building department for building permit applications. In cases where the HDC has disapproved the plans, the Building Department shall furnish the applicant with a copy of the Council's written order, including reasons for disapproval, together with a copy of any recommendations the HDC may have for changes necessary to be made before the plans will be reconsidered.

3. Certificates of appropriateness shall be issued for a period of twelve months and are renewable.

D. Compliance with a Certificate of

Appropriateness.

1. All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of the certificate. It shall be the duty of the Building Department to inspect from time to time, any work performed pursuant to the certificate to assure such compliance. In the event work is performed not in accordance with such certificate, the Building Official or his designated representative shall issue a stop work order, and all work shall cease. No person, firm, or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. All work not in compliance may be required to be removed regardless of hardship to the owner.

2. Any change in the scope of work subsequent to the issuance of a certificate of appropriateness shall require a new certificate of appropriateness for the changes. Applications for approval of such changes shall be in compliance with all procedures as outlined in this chapter and may be heard at the next regularly scheduled HDC meeting.

E. Guidelines and Criteria for the HDC to use.

1. The HDC, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling or other modification of any historic landmark or site, or property in an historic district, shall consider, among other things, the purpose of this ordinance; the historical and architectural value and significance of the historic landmark, site, or property in an historic district; the texture, material, and color of the building or structure in question, or its appurtenant fixtures, including signs, and the effect of the proposed work on it; and the

relationship of such features to similar features of the buildings or structures in relation to the street or public way, and to other buildings and structures in its vicinity.

2. The HDC shall not have review authority over alterations to interiors, but it shall study such plans as they relate to the exterior.

3. The HDC shall develop and adopt design review guidelines. These guidelines shall serve as an informational and educational tool for owners of historic landmarks and sites, and properties in historic districts, and shall illustrate, in written and graphic form, the design review criteria, concepts, and ideas by which new construction, alterations, additions, renovations, and other modifications to historic landmarks and sites, and properties in historic districts will be evaluated.

4. The design review guidelines shall be adapted for application to specific districts or individual historic landmarks or sites, to meet the specific needs of each case.

5. As a minimum standard, the HDC shall use the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (latest edition), when writing the design review guidelines, and when reviewing all work on historic landmarks and sites, and properties in historic districts.

6. Criteria for new construction.

(a.) If an application is for new construction on a landmark site, or a property in an historic district, the HDC shall consider the compatibility of the new construction with the existing character of the landmark or the district, but the HDC shall not dictate the architectural style of the new construction. Compatible design shall mean architectural design and construction

that will fit harmoniously into the district or the landmark site. New construction shall be compatible in scale, materials, and quality of construction with adjacent buildings and structures that have been designated.

(b.) The HDC shall also consider the following points in review of an application for new construction:

- (1) Scale: height and width;
- (2) Setbacks;
- (3) Orientation and site coverage;
- (4) Alignment, rhythm, and spacing of buildings;
- (5) Form and detail: link between old and new;
- (6) Maintaining materials within the district or on the landmark site;
- (7) Maintaining quality within the district or on the landmark site;
- (8) Facade proportions and window patterns;
- (9) Entrances and porch projections;
- (10) Roof forms;
- (11) Horizontal, vertical, or non-directional emphasis.

F. Additional Criteria on Relocation Applications.

If an applicant wishes to a) move an historic landmark, building, monument, or structure from its site; or b) move a building

or structure from a historic district; or c) move a building or structure to an historic site; or d) move a building or structure to a property in a historic district, the HDC shall consider:

1. The contribution the building or structure makes to its present settings;
2. Whether there are definite plans for the use of the site once vacated;
3. Whether the building or structure can be moved without significant damage to its physical integrity; and
4. The compatibility of the building or structure to its proposed site and adjacent properties.

These considerations shall be in addition to the points contained in other sections of this chapter.

155.07 APPLICATIONS FOR DEMOLITIONS.

A. General.

1. If an applicant wants to demolish an historic landmark, or a building on an historic site, or a property in an historic district, the applicant must prove that the demolition is necessary. Prior to requesting a permit for demolition, the applicant must be able to prove that he/she has explored alternatives to demolition, including renovation, stabilization, and/or relocation. The HDC will assist the applicant in seeking professional advice on alternatives to demolition; however, it is the owner's responsibility to prove such alternatives are impractical. Plans for future use of the site must be submitted in conjunction with the application for demolition. If new construction is proposed for the site, the applicant must also prove that he/she is capable of starting the project in a

reasonable time should a permit be granted.

B. Preliminary Review.

Prior to submission of an application for demolition, the applicant may request a determination by the HDC as to the historic landmark status of the structure in question, or, if a property in an historic district, if the subject property is contributing or non-contributing to the historic district. If the subject historic landmark or property in an historic district is deemed to be non-contributing to the integrity of the historic district or landmark, then the HDC shall grant the application for demolition.

C. Criteria for Demolition.

When considering an application for demolition, the HDC shall consider the following:

1. Is there economic hardship for the applicant;
2. Will the applicant be denied a reasonable return on his investment;
3. Has the applicant made a good faith effort to pursue alternatives to demolition (see above);
4. Does the historic landmark, site, or property in an historic district, qualify for individual listing on the National Register of Historic Places, or as a state or local historic landmark;
5. Would the loss of the subject property deteriorate the quality and continuity of the historic site, or district, or surrounding neighborhood; or
6. If the property is in an Historic District is it contributing or non-contributing to the district;

7. If the structure has such significant value and individual importance to merit preservation over all other factors.

D. Rulings on Applications for Demolition.

After review of all evidence submitted by the applicant, and an analysis based on the above criteria, the HDC may approve, deny, or modify the application, based on the evidence. The HDC may also suspend action on an application for demolition for a period not to exceed one year from the date of the application to provide time to gather more documentary information and to further consider the application. Due to the irrevocable nature of a decision to approve an application for demolition, the HDC is required to provide extra consideration to such matters.

E. Suspended Applications.

1. In the event action on the application is suspended, the HDC may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this ordinance. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

2. No certificate of appropriateness for a demolition shall be approved by the HDC unless it finds that the applicant has, for a time period of up to one year, made a good faith effort to sell or otherwise transfer ownership of such structure or property at or below fair market value to any public or private person or agency which gives a reasonable assurance of its willingness to preserve and restore such structure and its site.

155.08 MAINTENANCE OF HISTORIC LANDMARKS and SITES, and PROPERTIES IN HISTORIC DISTRICTS.

A. Ordinary Maintenance and Repairs.

1. The provisions of this section shall be in addition to all other state, county, or city laws and regulations requiring that buildings, structures, and sites be kept in good repair.

2. All historic landmarks and sites, and property in historic districts of the City shall be preserved against decay and deterioration by the owner or any other person or persons who has the legal custody and control of them. The owner or other person having legal custody and control shall repair such building if it is found to have any of the following defects:

(a). those which have parts which are in danger of falling or collapsing and may cause injury to members of the public;

(b). deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows, doors, deteriorated roofing, etc.;

(c). any fault or defect in the building which renders the same structurally unsafe or not properly watertight.

3. A certificate of appropriateness is not required for work for which a building permit is not required and where the purpose and effect of such work is to correct deterioration, decay, or damage to a structure or any part of it, and will restore it to the same, as nearly as practicable to its condition prior to the deterioration, decay, or damage. Only repairs that will not change the exterior appearance or composition of the building materials shall

be exempted.

B. HDC/Owner Consultation.

If an historic landmark or site, or a property in an historic district is determined to be in a state of disrepair (by the City's Building Department, or the HDC), or is considered in danger of falling victim to demolition by neglect, the HDC shall send notice to the owner and require his/her appearance at a regular meeting. At this meeting, the HDC shall outline the repair deficiencies, and shall advise the owner of a possible course of action for repairs, so that the subject property shall be preserved in accordance with the purposes of this chapter. Properties shall be identified through citizen complaints, observation and reporting by the Building Department, or by observation of a member of the HDC.

C. Demolition by Neglect.

The purpose of this section is to prevent a person from forcing or allowing the demolition of his building or structure by neglecting it, and permitting damage to it by weather, vandalism, or natural causes. The owner and the tenant of an historic landmark or site, or a property in an historic district, shall keep in good repair:

1. all of the exterior portions of such buildings or structures; and

2. all interior portions which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.

155.09 ENFORCEMENT, PENALTIES, and APPEALS.

A. Enforcement.

1. The Building Department shall

promptly stop any work attempted to be done without or contrary to a permit issued under this article.

2. Any sign or exterior illumination of walls, exterior roofs, or appurtenances of building displayed contrary to the provision of this article shall be removed.

3. If the owner, or other person having legal custody of the structure or building fails to correct the defects as outlined in this section of the City Codes, after knowledge of the existence of such defects has been brought to their attention, the owner or legal custodian shall be found in violation of this ordinance, and shall be subject to punishment as provided in section 115.99 of the City of Fernandina Beach, Code of Ordinances.

B. Penalties.

1. Any person violating any provision of this ordinance shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued, or permitted to continue, and each offense shall be punishable by a fine of not more than \$500.

2. Any person who demolishes, alters, or constructs a building or structure in violation of ordinances, shall be required to restore the building or structure and its site to its appearance prior to the violation. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

C. Appeals.

1. Any person jointly or severally aggrieved by any decision of the HDC may present to the City Commission a petition, duly verified, setting forth that the decision

be exempted.

B. HDC/Owner Consultation.

If an historic landmark or site, or a property in an historic district is determined to be in a state of disrepair (by the City's Building Department, or the HDC), or is considered in danger of falling victim to demolition by neglect, the HDC shall send notice to the owner and require his/her appearance at a regular meeting. At this meeting, the HDC shall outline the repair deficiencies, and shall advise the owner of a possible course of action for repairs, so that the subject property shall be preserved in accordance with the purposes of this chapter. Properties shall be identified through citizen complaints, observation and reporting by the Building Department, or by observation of a member of the HDC.

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1. all of the exterior portions of such buildings or structures; and
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C. Appeals.

1. Any person jointly or severally aggrieved by any decision of the HDC may present to the City Commission a petition, duly verified, setting forth that the decision

Page 4 - Obstruction Height Zones
Page 7 - Airport Noise Zones, Boundaries
Page 8 - Legal
Page 9 - Public Safety and Welfare
Page 10 - Aircraft Bird Strike Hazard

A motion was made by Commissioner Roland, seconded by Commissioner Smith, "that we approve the recommended changes on page 43 of the recommendations and send the model ordinance to the Airport Advisory Committee [Commission] for inclusion in the third reading, pertinent technical specs from that model." Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Chapter 151: After considerable discussion, a motion was made by Commissioner Smith, seconded by Vice Mayor Rogers, "that pages 41 and 42 [of the agenda packet] from the City Manager's recommendations be approved with the exception of 151.41, 151.46 wherein we go back to the recommendation given at the last meeting [to remove Paragraph 1 of 151.46, and to remove the words "and application" and insert the word "for" in Section 151.41]."

A motion to amend was made by Commissioner Sapp, seconded by Vice Mayor Rogers, "that Section 151.03(g) relating to [City Commissioners sitting on the Planning Advisory Board as] ex-officio members be eliminated." Vote upon passage of the motion to amend was taken by ayes and nays and was as follows:

Vice Mayor Rogers	Aye
Commissioner Roland	Aye
Commissioner Smith	Nay
Commissioner Sapp	Aye
Mayor Albert	Aye

Motion carried.

Vote upon passage of the motion to amend, as amended, was taken by ayes and nays and was as follows:

Commissioner Roland	Aye
Commissioner Smith	Aye
Commissioner Sapp	Nay
Vice Mayor Rogers	Aye
Mayor Albert	Nay

Motion carried.

Vote upon passage of the main motion [to approve Ordinance #95-19], as amended, was taken by ayes and nays and was as follows:

Commissioner Smith	Aye
Commissioner Sapp	Nay
Vice Mayor Rogers	Aye
Commissioner Roland	Aye
Mayor Albert	Aye

Motion carried.

ORDINANCE #95-5 - PORT ELEMENT: A court reporter was present to record the discussion of this item. A motion was made by Commissioner Roland, seconded by Vice Mayor Rogers, "that we open the public hearing." Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Dorothy Bernreuter, Old Town resident, spoke in favor of the ordinance. Nick Deonas, Ocean Highway & Port Authority (OHPA) Commissioner, offered to answer any questions by the Commission, and Rudy Marchese, Northeast Florida Regional Planning Council (NFRPC), made several comments regarding the proposed ordinance. Mike Williams, 221 North 3rd Street and Pete Drum, 227 North 3rd Street spoke in

opposition to the ordinance. Mr. Williams also provided several documents to the City Manager, and made comments regarding Florida Administrative Code (FAC) sections 9J5.009 and 9J11.011, and Florida Statutes 163.3184(15)(2). He suggested that the Port Element did not meet the requirements of FAC 9J5, and also recommended that the words "Master Plan" be deleted from the 4th line of the second paragraph of Policy 2.1.3, or change the second paragraph to read "the approved Master Plan and the approved Development Order," and that the third paragraph of Ordinance #95-5 be deleted, and that the recommendation originally put forth by the City Attorney as supplied by the Northeast Florida Regional Planning Council stay in place in Policy 2.1.4 on Page 50 requiring the Port to maintain the level of service standard. John Glenn, 214 North 17th Street, addressed the Commission regarding Resolution #95-8 regarding the administering of oaths at a public hearing. A motion was made by Commissioner Roland, seconded by Vice Mayor Rogers, "that we close the public hearing." Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Commissioner Roland, seconded by Vice Mayor Rogers, "for the adoption of [Ordinance No.] 95-5."

A motion to amend was made by Commissioner Sapp, seconded by Commissioner Roland, "to incorporate Mike Williams' desire to strike the term 'Master Plan' and should read 'the notice of proposed changes to the Development Order of the Port of Fernandina DRI to revise the approved Development Order prior to the development of expansion area,' and on Page 76 [of the agenda packet], which is Ordinance #95-5 itself, the amendment would strike the third paragraph, and in the sixth paragraph under Section 2, strike 'an additional element entitled.'" Vote upon passage of the motion to amend was taken by ayes and nays and was as follows:

Commissioner Roland	Aye
Commissioner Smith	Aye
Commissioner Sapp	Aye
Vice Mayor Rogers	Nay
Mayor Albert	Aye

Motion carried.

Vote upon passage of the main motion, as amended, was taken by ayes and nays and was as follows:

Commissioner Smith	Aye
Commissioner Sapp	Aye
Vice Mayor Rogers	Nay
Commissioner Roland	Aye
Mayor Albert	Aye

Motion carried. Commissioner Smith recommended that City Attorney Leggio confer with Mike Williams' legal counsel, the firm of Buff, Lamb, Green and McCrae, to discuss Mr. Williams' concerns. There was a brief recess at that time.

CONTINUED DISCUSSION OF ORDINANCE #95-5: A motion was made by Commissioner Roland, seconded by Vice Mayor Rogers, "to reconsider [Ordinance No.] 95-5 as amended." Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Sapp	Nay
Vice Mayor Rogers	Aye
Commissioner Roland	Aye
Commissioner Smith	Nay
Mayor Albert	Aye

Motion carried.

FLORIDA

LAWTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

BEN G. WATTS
SECRETARY

District II
Jacksonville Urban Office
P.O. Box 6669
Jacksonville, FL 32236

June 6, 1995

RECEIVED

JUN 12 1995

Mr. James L. Quinn, Chief
Bureau of Local Planning
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

④
34
BUREAU OF STATE
PLANNING
6/13/95

RE: Plan Amendment - Review & Comments
LOCAL GOVERNMENT: City of Fernandina Beach (Nassau County)
AMENDMENT: DCA Ref. #95-1 (Port of Fernandina -
Port Facilities Element)

Dear Mr. Quinn:

The Department has reviewed the proposed Port Facilities Element and Port Master Plan (Amendment #95-1) for the Port of Fernandina, in accordance with the requirements of Chapter 163 Florida Statutes and Chapters 9J-5 and 9J-11, F.A.C. The proposed Port Facilities Element includes background information, trends, analysis of future needs and a set of Goals, Objectives and Policies. The Department raises no objections to the proposed Port Element. However, based on our review we offer the following comments for your consideration:

1) Policy 2.1.4 and Policy 3.1.1. should be revised to address the following issues: Policy 2.1.4 should reference adherence to LOS standards, and port expansion should be contingent with availability of facility capacities. In addition, FDOT is not responsible for toxic spills at the Port facility site; therefore, Policy 3.1.1. should be revised to clarify that the US Coast Guard and its umbrella organization, the US Department of Transportation are the appropriate parties responsible for such activities.

2) The proposed Element provides neither existing nor projected Level-Of-Service analysis for SR A1A/SR 200 and any other roadway that may be impacted from the proposed Port's expansion.

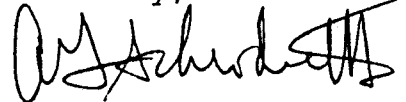
In an effort to improve access conditions or prevent degradation of access to the Port of Fernandina, the Port Authority has requested that the Department conduct a transportation study. The study is currently programmed in FDOT's 5-Year Work Program.



Mr. Jim Quinn
June 6, 1995
Page Two

We appreciate the opportunity to review the proposed Element. If you have any questions regarding our comments, please contact Ms. Lea Gabbay at (904) 381-8606.

Sincerely,

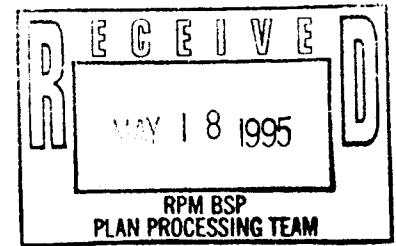
A handwritten signature in dark ink, appearing to read 'Aage G. Schroder, III', with a stylized flourish at the end.

Aage G. Schroder, III, P.E.
District Director of
Planning and Programs

cc: Bob Romig (Policy Planning-FDOT)
James Dees (FDOT)
James Stansbury (DCA)



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State



Mr. Ray Eubanks
Dept. of Comm. Affrs.
Bureau of Local Planning
2740 Centerview Dr.
Tallahassee, FL 32399

May 12, 1995

Re: Historic Preservation Review of the City of Fernandina Beach
(95-1) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the document cited above to decide if historic resources have been given sufficient consideration in the request to amend Fernandina Beach's Comprehensive Plan.

Based on our review, the proposed amendment to add a Port Element to the existing plan should have no adverse effects on historic resources in Fernandina Beach. The city discusses historic resources on pages 29-31 of the Port Facilities Element and Port Master Plan. On page 29, the city states: The Port of Fernandina is located adjacent to a portion of the City's Historic District. Just as the management of the Port Facility has shown concern for the historic properties of the Port site, the Port continues its commitment regarding the potential visual impact that Port operations may have on properties adjacent to the Port facility. Set-back buffers and planted visual screens are incorporated into the site in order to ensure adequate separation of industrial and residential land uses. With regard to archaeological sites, the city states: The Florida Department of State, Division of Historical Resources has determined that there are no archaeological sites on land occupied by the Port of Fernandina. An area of "Morris Bluff" or "Yellow Bluff" does have some potential for container (containing?) artifacts; however the majority of the site has been disturbed due to removal of buildings that previously occupied the site and to the prior construction of those buildings. Also, local dumping had occurred

REGION 4-JH
5-18-95

Page Two
Mr. Ray Eubanks
May 12, 1995

on the slope of the bluff in the recent past in order to stabilize erosion. A small area of Yellow Bluff has been surfaced over to construct a parking lot. This area will be available in the future as a relatively undisturbed site for archaeological exploration. With these thoughts in mind, the city seems to have a good handle on historic resources in the vicinity of the port.

In sum, it is our opinion that the city's amended comprehensive plan meets the State of Florida's requirements as promulgated in sections 163.3177 and 163.3178, F.S., and Chapter 9J-5, F.A.C., regarding the identification of known historical resources within its specified area of jurisdiction, and for the establishment of policies, goals and objectives for addressing historical and potentially significant historical resources in Fernandina Beach.

If you have any questions regarding our comments, please feel free to contact Michael Wisenbaker or Laura Kammerer of the Division's Compliance Review staff at (904) 487-2333.

Sincerely,

 *George W. Percy*
George W. Percy, Director
Div. of Historical Resources



Henry Dean, Executive Director
 John R. Wehle, Assistant Executive Director
 Charles T. Myers III, Deputy Assistant Executive Director

POST OFFICE BOX 1429

PALATKA, FLORIDA 32178-1429

TELEPHONE 904/329-4500

SUNCOM 904/860-4500

TDD 904/329-4450

TDD SUNCOM 860-4450

FAX (EXECUTIVE/LEGAL) 329-4125

(PERMITTING) 329-4315

(ADMINISTRATION/FINANCE) 329-4508

FIELD STATION

618 E. South Street
 Orlando, Florida 32801
 407/887-4300
 TDD 407/897-5960

7775 Baymeadows Way
 Suite 102
 Jacksonville, Florida 32256
 904/730-6270
 TDD 904/730-7900

PERMITTING:
 305 East Drive
 Melbourne, Florida 32904
 407/984-4940
 TDD 407/722-5368

OPERATIONS:
 2133 N. Wickham Road
 Melbourne, Florida 32935-8109
 407/254-1782
 TDD 407/253-1203

June 6, 1995

Mr. Ray Eubanks
 Department of Community Affairs
 Bureau of Local Planning
 2740 Centerview Drive
 Tallahassee, FL 32399-2100

RECEIVED

JUN 12 1995

BUREAU OF STATE
 PLANNING

Dear Mr. Eubanks:

In reference to the Fernandina Beach Proposed Comprehensive Plan Amendment ORC Review DCA #95-1, the staff of the St. Johns River Water Management District have no comments and have found this amendment consistent with District goals to protect water resources.

Planning reviews serve to direct development at the earliest opportunity possible to meet the Districts goals and policies presented in the District Water Management Plan (DWMP). This letter does not constitute or substitute for a permit review. Permit reviews require more specific information.

If you have any questions, please call Kraig McLane, Intergovernmental Coordinator, at (904) 448-7904 or SunCom 880-7904.

Sincerely,

Margaret Spontak, Director
 Division of Policy and Planning

MS:ch

c: Kraig McLane

Patricia T. Harden, CHAIRMAN
 SANFORD

William Segal, VICE CHAIRMAN
 MAITLAND

Dan Roach, TREASURER
 FERNANDINA BEACH

Otis Mason, SECRETARY
 ST. AUGUSTINE

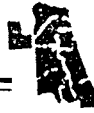
Kathy Chinoy
 JACKSONVILLE

Griffin A. Greene
 VERO BEACH

James H. Williams
 OCALA

Reid Hughes
 DAYTONA BEACH

James T. Swann
 COCOA



Northeast Florida Regional Planning Council

Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

9143 Phillips Highway, Suite 350, Jacksonville, Florida 32256

(904)363-6350 FAX (904) 363-6356

Suncom 874-6350 Suncom FAX 874-6356

MEMORANDUM

RECEIVED

MAY 10 1995

Date: May 3, 1995

To: Northeast Florida Regional Planning Council

**BUREAU OF STATE
PLANNING**

Thru: Tom Branan, Chairman
NEFRPC Comprehensive and Project Planning Committee

④ JS

From: Rudy Marchese, AICP, Regional Planner

5-11-95

Subject: Preliminary Staff Review of the City of Fernandina Beach Transmitted Amendment 95-1 to the City's Comprehensive Plan

On April 29, 1995, the Northeast Florida Regional Planning Council (NEFRPC) received the City of Fernandina Beach Transmitted Amendment 95-1 for review. Pursuant to the provisions of the local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, F.S., and the DCA/NEFRPC Contract, the NEFRPC staff has reviewed the transmitted amendment for consistency with the NEF Comprehensive Regional Policy Plan (NEFCRPP), Chapters 163 and 187, F.S., and Chapter 9J-5, Florida Administrative Code. The primary focus of the staff review was to determine consistency of the transmitted amendment with the NEFCRPP.

Review Criteria

Section 9J-5.021(1) requires that each local government Comprehensive Plan amendment shall be consistent with the applicable comprehensive regional policy plan. A local plan amendment shall be consistent with the applicable regional policy plan, if the local plan is compatible with and furthers the intent of such regional plan.

Amendment Summary

Transmitted Amendment 95-1 addresses the eventual adoption of a Port Element as part of the City's Comprehensive Plan. The Port Element is an "Optional Element" for the City of Fernandina Beach.

The transmitted Port Element provides background data, current conditions, a projection of future need and Goals, Objectives and Policy to guide future port activities. Data provided in the Port Element appears to be consistent with elements of the City's already adopted plan. The proposed Goals,

NEFRPC

May 3, 1995

Page 2

Objectives, and Policies are consistent with Goals, Objectives, and Policies which are presented in the city's adopted plan and with the Goals and Policies of the NEFCRPP.

Staff Recommendation

Since the City of Fernandina Beach has requested that DCA conduct a formal review of this Element and provide an Objections, Recommendations, and Comments (ORC) report, staff has conducted a review of the document to determine consistency with the Goals and Policies of the NEFCRPP.

Staff recommends that the Comprehensive Planning Committee and Council find the transmitted Port Element to be consistent with the NEFCRPP.

RM:fc

Enclosure

FLORIDA

LAWTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

BEN G. WATTS
SECRETARY

District II
Jacksonville Urban Office
P.O. Box 6669
Jacksonville, FL 32236

June 6, 1995

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JUN 12 1995

**BUREAU OF STATE
PLANNING**

Mr. James L. Quinn, Chief
Bureau of Local Planning
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

RE: Plan Amendment - Review & Comments
LOCAL GOVERNMENT: City of Fernandina Beach (Nassau County)
AMENDMENT: DCA Ref. #95-1 (Port of Fernandina -
Port Facilities Element)

Dear Mr. Quinn:

The Department has reviewed the proposed Port Facilities Element and Port Master Plan (Amendment #95-1) for the Port of Fernandina, in accordance with the requirements of Chapter 163 Florida Statutes and Chapters 9J-5 and 9J-11, F.A.C. The proposed Port Facilities Element includes background information, trends, analysis of future needs and a set of Goals, Objectives and Policies. The Department raises no objections to the proposed Port Element. However, based on our review we offer the following comments for your consideration:

1) Policy 2.1.4 and Policy 3.1.1. should be revised to address the following issues: Policy 2.1.4 should reference adherence to LOS standards, and port expansion should be contingent with availability of facility capacities. In addition, FDOT is not responsible for toxic spills at the Port facility site; therefore, Policy 3.1.1. should be revised to clarify that the US Coast Guard and its umbrella organization, the US Department of Transportation are the appropriate parties responsible for such activities.

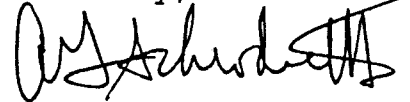
2) The proposed Element provides neither existing nor projected Level-Of-Service analysis for SR A1A/SR 200 and any other roadway that may be impacted from the proposed Port's expansion.

In an effort to improve access conditions or prevent degradation of access to the Port of Fernandina, the Port Authority has requested that the Department conduct a transportation study. The study is currently programmed in FDOT's 5-Year Work Program.

Mr. Jim Quinn
June 6, 1995
Page Two

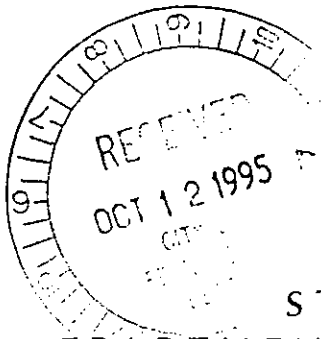
We appreciate the opportunity to review the proposed Element. If you have any questions regarding our comments, please contact Ms. Lea Gabbay at (904) 381-8606.

Sincerely,

A handwritten signature in black ink, appearing to read "Aage G. Schroder, III". The signature is stylized with a large initial "A" and a long horizontal stroke extending to the right.

Aage G. Schroder, III, P.E.
District Director of
Planning and Programs

cc: Bob Romig (Policy Planning-FDOT)
James Dees (FDOT)
James Stansbury (DCA)



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

October 10, 1995

LINDA LOOMIS SHELLEY
Secretary

The Honorable Charles L. Albert, Jr.
Mayor, City of Fernandina Beach
Post Office Box 668
Fernandina Beach, Florida 32035-0668

Dear Mayor Albert:

The Department has completed its review of the adopted Comprehensive Plan Amendment (Ordinance No. 95-5; DCA No. 95-1) for the City of Fernandina Beach as adopted on August 15, 1995 and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes, for compliance, as defined in Subsection 163.3184(1)(b). The Department is issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent has been sent to the News Leader for publication on October 11, 1995.

Please note that a copy of the adopted City of Fernandina Beach Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Fernandina Beach, City Hall, 204 Ash Street, Fernandina Beach, Florida 32034.

If you have any questions, please contact Deanna Ible, Planner II, or John Healey, Community Program Administrator, at (904) 487-4545.

Sincerely,

Charles Gauthier, AICP
Growth Management Administrator
Bureau of Local Planning

CG/dij

Enclosure: Notice of Intent

cc: Mr. Zachary Zeal, City Manager
Mr. Brian D. Teeple, Executive Director, Northeast Florida
Regional Planning Council

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

SOUTH FLORIDA RECOVERY OFFICE
P.O. Box 4022
8600 N.W. 36th Street
Miami, Florida 33159-4022

GREEN SWAMP AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
155 East Summerlin
Bartow, Florida 33830-4641

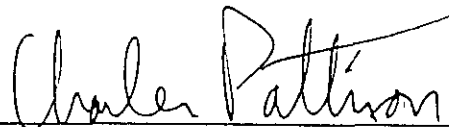
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
CITY OF FERNANDINA BEACH
COMPREHENSIVE PLAN AMENDMENT IN COMPLIANCE
DOCKET NO. 95-1-NOI-4503-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Fernandina Beach, adopted by Ordinance No. 95-5 on August 15, 1995, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Fernandina Beach Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Fernandina Beach, City Hall, 204 Ash Street, Fernandina Beach, Florida 32034.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the Fernandina Beach Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Rule 9J-11.012(7), F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Section 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least five (5) days before the final hearing and must include all of the information and contents described in Rule 60Q-2.010, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Section 120.57, F.S., or to participate in the administrative hearing.



Charles G. Pattison, Director
Department of Community Affairs
Division of Resource Planning
and Management
2740 Centerview Drive
Tallahassee, Florida 32399-2100

Chapter 163, F.S., and Rule 9J-5, F.A.C. the concurrency management system shall require that the City of Fernandina Beach not issue any development order or permit for development unless the applicant provides narrative and graphic information demonstrating to the City's satisfaction that public facilities required by the subject development shall be in place concurrent with the impacts of development. Furthermore, the applicant shall assure the City that the subject development shall not reduce the level of service (LOS) associated with public facilities serving the development below the adopted LOS standards. Public facilities for the purpose of concurrency shall mean facilities related to traffic, drainage, solid waste, potable water, wastewater, and parks and recreation. Appendix A: Concurrency Management System is hereby incorporated by reference into the Comprehensive Plan. In addition, the City shall, upon plan adoption, implement a tracking system for concurrency management. The purpose of the tracking system is to maintain a record of the current available capacity of each facility.

Policy 8.06.03. The City shall coordinate with the County to reduce the amount of waste requiring disposal through the development of cost-effective measures, including an increased reliance on recycling programs to the extent that the recycling rate is consistent with the requirements of the Florida State Solid Waste Management Act.

Policy 8.06.04. Expand Markets for Recycled Products. The City shall promote new and expanded markets for products and materials created from recycled wastes through cooperative State and Federal efforts, City purchasing policies, and by encouraging the purchase of such products by City vendors.

Policy 8.06.05. The City shall assist the St. Johns River Water Management District in managing water quality by developing methods for eliminating the discharge of inadequately treated wastewater and stormwater into water of the State by January, 2002. The City shall require all new discharge to waters of the State to be consistent with state standards as stated in Ch. 62, F.A.C.

SECTION 62. That the GOALS, OBJECTIVES AND POLICIES for the PORT FACILITIES ELEMENT, GOAL 9.01, OBJECTIVE 9.01 and Policies 9.01.01, 9.01.02, 9.01.03, GOAL 9.02, OBJECTIVE 9.02, and Policies 9.02.01, 9.02.02, 9.02.03, 9.02.04, and 9.02.05 of the Comprehensive Land Use Plan of the City of Fernandina Beach, as adopted by Ordinance No. 90-19 and amended by Ordinances No. 93-9, 94-11, 94-36 and 95-5, are hereby amended to read, as follows:

**GOALS, OBJECTIVES AND POLICIES
for the
PORT FACILITIES ELEMENT
Fernandina Beach**

~~GOAL 9.01. ECONOMIC DEVELOPMENT~~

**~~STIMULATE ECONOMIC DEVELOPMENT OF THE CITY OF FERNANDINA BEACH
AND NASSAU COUNTY~~**

~~OBJECTIVE 9.01~~

~~The Ocean Highway and Port Authority shall continue to plan for and maintain facilities to met the long-term useful life of the port facility.~~

~~**Policy 9.01.01.** The Ocean Highway and Port Authority shall utilize all available resources of funding to finance port improvements.~~

~~**Policy 9.01.02.** The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the port facility access shipping channel and turning basin as port development continues.~~

~~**Policy 9.01.03.** The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.~~

~~**GOAL 9.02. OPERATION AND EXPANSION**~~

~~**OPERATION AND EXPANSION OF THE PORT FACILITY SHALL BE COORDINATED WITH THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY GOVERNMENTS.**~~

~~**OBJECTIVE 9.02**~~

~~The Port Authority shall coordinate with county and city commissions to ensure that port development meets city and county requirements for "concurrency."~~

~~**Policy 9.02.01.** The Port Authority shall abide by the goals, objectives and policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation and expansion of the port facility.~~

~~**Policy 9.02.02.** The Port Authority will supply pertinent information to the city prior to the initiation of new port development or substantial redevelopment of existing port facilities.~~

~~**Policy 9.02.03.** Prior to any future expansion of the city's port facilities, all plans or proposals for expansion shall be reviewed by the city. The review shall be conducted so as to ensure that the expansion is needed to ensure the continued growth and economic well-being of the facility and that no feasible alternative to expansion exists. Upon approval by the city of any plan to expand the port facility, the city shall submit a notice of proposed change to the development order of the Port of Fernandina DRI to revise the approved development order prior to the development of the expansion area as part of the port facility.~~

~~**Policy 9.02.04.** Expansion of port facilities shall be concurrent with expansions or improvements to the roadway system where impacted by port operations. Port expansion shall be contingent upon the proposed expansion activity not significantly altering the LOS standard of the traffic system impacted by the expansion.~~

~~**Policy 9.02.05.** The port authority shall not commence construction on any port expansion program until all required permits and leases are secured.~~

~~**The "Port Facilities Element and Port Master Plan" a prepared by the Ocean Highway and Port Authority, "Final Plan," dated October 1, 1999, a copy being attached hereto and by this reference incorporated herein, is hereby adopted as the Port Facilities Element of the City of Fernandina Beach Comprehensive Plan.**~~

SECTION 63. **REPEALER.** All ordinances, or parts thereof, made in conflict with this Ordinance are hereby repealed.

SECTION 64. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases

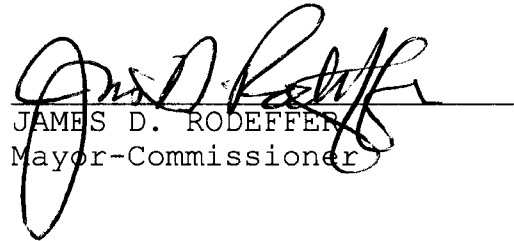
under application shall not be affected thereby.

SECTION 65. **EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final reading, public hearing and final adoption.

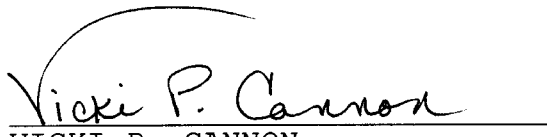
PASSED upon first reading at a regular meeting of the City Commission of the City of Fernandina Beach held in the City of Fernandina Beach, Florida, on the 15th day of February, 2000.

ADOPTED by the City Commission, with a quorum present and voting, on second and final reading at a regular meeting of the City Commission of the City of Fernandina Beach, on the 17th day of October, 2000.

CITY OF FERNANDINA BEACH


JAMES D. RODEFFER
Mayor-Commissioner

ATTEST:


VICKI P. CANNON
City Clerk

Date of Publication: January 19, 2000
Date of First Reading: February 1 and 15, 2000
Date of Publication:
Date of Public Hearing
and Second Reading: October 17, 2000
Date of Adoption: October 17, 2000

Rev. 10/24/00TH&MM

ORDINANCE NO. 2003-10

AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF FERNANDINA BEACH AS REQUIRED BY CHAPTER 163, FLORIDA STATUTES, BY AMENDING THE PORT FACILITIES ELEMENT AND PORT MASTER PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach adopted a Comprehensive Plan in 1985 pursuant to Florida Statutes and the Local Government Comprehensive Planning and Land Development Act; and

WHEREAS, by means of Resolution Number 97-157 the City of Fernandina Beach adopted an Evaluation and Appraisal Report (EAR) for updating the Comprehensive Plan, as amended by Ordinance 99-49, in accordance with Chapter 163, F.S., and other laws of the State of Florida; and

WHEREAS, the adopted Evaluation and Appraisal Report identified the need to make certain Comprehensive Plan Amendments; and

WHEREAS, Florida Statute 311.12, Seaport Securities Standards required the Port of Fernandina to address issues relating to security in area of access control, infrastructure, and personnel; and

WHEREAS, the Ocean Highway and Port Authority has amended their "Port Facility Element and Port Master Plan," which is substantially compliant with Florida Statute 311.12. Part II, "Proposed Port Facilities Analysis" was amended by adding Subpart E, Securities Initiatives; and

WHEREAS, the Ocean Highway has approved and adopted their revised "Port Facilities Element and Port Master Plan" as prepared by the Ocean Highway and Port Authority, "Final Plan," on April 15, 2002.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA:

SECTION 1. That the Port Facilities Element, GOALS 9.01., 9.02. RESERVED of the Comprehensive Land Use Plan of the City of Fernandina Beach, as adopted by Ordinance No. 90-19 and amended by Ordinances No. 93-9, 94-11, 94-36, 95-5, and 99-49 is hereby amended to read as follows:

The "Port Facilities Element and Port Master Plan" as prepared by the Ocean Highway and Port Authority, "Final Plan," dated ~~October 1, 1999~~, April 15, 2002, a copy being attached hereto and by this reference incorporated herein is hereby adopted as the Port Facilities Element of the City of Fernandina Beach Comprehensive Plan.

SECTION 2. **REPEALER.** All ordinances, or parts thereof, made in conflict with this Ordinance are hereby repealed.

SECTION 3. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. **EFFECTIVE DATE.** The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

PASSED upon first reading at a regular meeting of the City Commission of the City of Fernandina Beach held in the City of Fernandina Beach, Florida, on the 18th day of March, 2003.

ADOPTED by the City Commission, with a quorum present and voting, on second and final reading at a regular meeting of the City Commission of the City of Fernandina Beach, on the 1st day of July, 2003.

CITY OF FERNANDINA BEACH



JOE GERRITY
Commissioner-Mayor

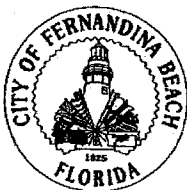
ATTEST:



Cassandra P. Mitchell
City Clerk

Date of Publication:	March 5, 2003
Date of First Reading:	March 18, 2003
Date of Publication:	June 18, 2003
Date of Public Hearing and Second Reading:	July 1, 2003
Date of Adoption:	July 1, 2003

rec'd returned call
regarding the address
for OPHA. Mailed
copy of Ord # 2003-10



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: **ORDINANCE 2003-10 , CPA 2003-01: CITY OF FERNANDINA
BEACH COMPREHENSIVE PLAN AMENDMENT**

DEPARTMENT: COMMUNITY DEVELOPMENT DEPARTMENT

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: The City of Fernandina Beach initiated application CPA 2003-01: CITY OF FERNANDINA BEACH COMPREHENSIVE PLAN amending the "Port Facilities Element and Port Master Plan" of the Comprehensive Plan, Goals 9.01 and 9.02. The Planning Advisory Board reviewed the proposed Comprehensive Plan Amendment at their February 12, 2003 regular meeting and forwarded a favorable recommendation to the City Commission. The City Commission at their March 18, 2003 meeting approved the draft Ordinance 2003-10 to be transmitted to the Florida Department of Community Affairs for their reviewed and comment. On April 16, 2003, the Department of Community Affairs requested deleting the words "as may be amended" from Section 1, Paragraph 2 in proposed Ordinance 2003-10. Henceforth, on May 5, 2003 the Florida Department of Community Affairs notified the City that "the proposed amendment will not be reviewed and the Objections, Recommendations, and Comment report will be waived." DCA also recommended changing the language in the Ordinance in regard to the effective date of the adopted amendment. Said change has been made in the attached ordinance. The City Commission will review this item at their July 01, 2003 meeting.

RECOMMENDED ACTION: Approve Ordinance 2003-10

DEPARTMENT HEAD Submitted by Robert E. Jarzen, AICP Date: 05/26/2003
Requested Agenda Date: 07/01/2003

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☒ N/A Date 4/14
CITY ATTORNEY Approved for Form and Correctness Date: 6/5/03
CITY MANAGER Approved Agenda Item for [Signature] Date: 7/1/03

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☒ CA ☒ CC ☐ CM ☒ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD



EXHIBIT 1 - Page 1 of 2

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

COLLEEN CASTILLE
Secretary

May 5, 2003

MAY 07 2003

The Honorable Joseph Gerrity
Mayor, City of Fernandina Beach
P.O. Box 668
Fernandina Beach, Florida 32035

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

Dear Mayor Gerrity:

The Department has conducted a preliminary review of the City of Fernandina Beach proposed comprehensive plan amendment received on March 28, 2003, DCA Reference No. 03-PTF1.

The Department has determined that the proposed plan amendment need not be formally reviewed for consistency with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code. In addition, the Department has not received any recommendation for review from the Northeast Florida Regional Planning Council or any affected person regarding the proposed amendment.

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report will be waived. The local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

Also, pursuant to Chapter 163.3189(2)(a), F.S., the Department recommends that the City include the following language in the adoption ordinance regarding the effective date of the adopted amendment (if the local government plan has been determined to be In-Compliance): "The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S."

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY
DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Joseph Gerrity
May 5, 2003
Page Two

Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of notice pursuant to Chapter 163.3184(9), F. S.

Please be advised that the Florida Legislature amended Section 163.3184(8)©, Florida Statutes, requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

This letter should be made available for public inspection. If you have any questions, please contact Gerald Goosby, Planner or me at 850/922-1814.

Sincerely,



Charles Gauthier, AICP
Chief, Comprehensive Planning

CG/gg

cc: Robert E. Jarzen, AICP, Community Development Director, City of Fernandina Beach
Ed Lehman, Director of Growth Management, Northeast Regional Planning Council



COPY

City of Fernandina Beach

COMMUNITY DEVELOPMENT DEPARTMENT

April 16, 2003

Gerald Goosby
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Proposed Comprehensive Plan Amendments
DCA# Fernandina Beach 03-PTF1

Dear Mr. Goosby:

As per our phone conversation today, please be advised that in response to your preliminary review of the above-cited proposed comprehensive plan amendments, that the City could agree to amending the proposed Ordinance 2003-10, Section 1, Paragraph 2 by deleting the words "as may be amended". As discussed, this would assure that all future amendments to the "Port Facilities Element and Port Master Plan" would require a comprehensive plan amendment subject to review and approval by the Department of Community Affairs.

If you have any additional questions concerning the proposed comprehensive plan amendments, please let me know.

Very truly yours,

Robert E. Jarzen, AICP
Community Development Director

cc: Robert T. Mearns, City Manager
Debra A. Braga, City Attorney



Nassau County Planning & Zoning Department
213 Nassau Place
Yulee, Florida 32097

Jay R. Marles, AICP
Planning Director

EXHIBIT 3 - Page 1 of 1

RECEIVED

APR 22 2003

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

April 16, 2003

D. Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Jarzen,

DCA Amendment # Fernandina Beach 03-PTF 1

We have reviewed the City of Fernandina Beach Comprehensive Plan document amending the "Port Facilities Element and Port Master Plan."

We have no comment.

Best wishes,

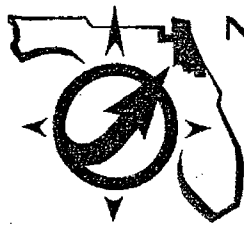
Jay Marles, AICP
Planning Director

Cc: Robert E. Jarzen, AICP
Community Development Director
City of Fernandina Beach
P.O. Box 668
204 Ash Street
Fernandina Beach, FL 32035-0668

FERNANDINA
(904) 491-3606
FAX (904) 491-3611

TOLL FREE
1-800-264-2065
1 800-948-3364

HILLIARD
(904) 845-3610
FAX (904) 845-1230



**Northeast
Florida
Regional
Planning
Council**

EXHIBIT 4 - Page 1 of 1

Bringing Communities Together

Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

RECEIVED

APR 16 2003

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

April 15, 2003

Mr. D. Ray Eubanks, Planning Manager
Bureau of Local Planning - Processing Team
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: Comprehensive Plan Amendment Review - Fernandina Beach 03-PTF 1

Dear Mr. Eubanks:

Staff has reviewed the above referenced amendment to the Port Facilities Element of the Fernandina Beach Comprehensive Plan. Due to the statutory time frames, staff was unable to present the review to the Regional Planning Council Board. However, pursuant to NEFRPC policy, staff's review of this amendment was presented to the NEFRPC Comprehensive Planning Committee Chairman. As determined by the Chairman and consistent with NEFRPC policy, staff's review represents the final NEFRPC review.

The City is amending the Port Facilities Element to reference adoption of the Element as revised on April 15, 2002. Staff has no comments or concerns with this proposed amendment. If you have any questions concerning this review, please contact me.

Sincerely,

Edward Lehman
Director of Growth Management

cc: Mr. Mike McDaniel
Mr. Robert Jarzen



St. John

Water Management District

EXHIBIT 5 - Page 1 of 1

Kirby B. Green III, Executive Director • John R. Wehle, Assistant Executive Director

Post Office Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500

April 14, 2003

RECEIVED

APR 24 2002

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

D. Ray Eubanks, Community Program Administrator
Plan Review and DRI Processing Team
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-210

Subject: City of Fernandina Beach Proposed Comprehensive Plan Amendment
DCA Amendment 03-PTF1

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendments, and have no recommendations or comments.

We appreciate the opportunity to provide comments. If you have any questions or need additional information, please contact District Policy Analyst Geoffrey Sample at (386) 329-4436/Suncom 860-4436 or gsample@sjrwmd.com.

Sincerely,

Linda Burnette, Director
Office of Communications and Governmental Affairs

LB/GCS

xc: Robert E. Jarzen, City of Fernandina Beach
Brian Teeple, NEFRPC
Lindy McDowell, FDEP
Melinda Granlund, SJRWMD
Jeff Cole, SJRWMD
Geoffrey Sample, SJRWMD

GOVERNING BOARD

Duane Ottenstroer, CHAIRMAN JACKSONVILLE	Ometrias D. Long, VICE CHAIRMAN APOPKA	R. Clay Albright, SECRETARY EAST LAKE WEIR	David G. Graham, TREASURER JACKSONVILLE
W. Michael Branch FERNANDINA BEACH	John Sowinski ORLANDO	William Kerr MELBOURNE BEACH	Ann T. Moore BUNNELL
			Catherine A. Walker ALTAMONTE SPRINGS

NEWS LEADER

Published Weekly

 511 Ash Street/P.O. Box 766 (904) 261-3696
 Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared **Robert O. Fiege** who on oath says that he is the Production Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

CITY OF FERNANDINA BEACH Notice of Public Hearing CPA 2003-01: City of Fernandina Beach

was published in said newspaper in the issues of
01-29-2003

ref. No. 2421

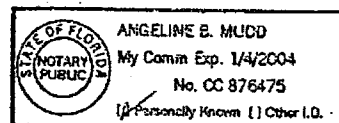
Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Robert O. Fiege

Sworn to and subscribed before me
 this 29th day of January, A.D. 2003.

Angeline B. Mudd
 Angeline B. Mudd, Notary Public

TYPE OF IDENTIFICATION
 Personally Known *cm*



CITY OF FERNANDINA BEACH
 NOTICE OF PUBLIC HEARING
 NOTICE IS HEREBY GIVEN
 that the Planning Advisory
 Board of the City of
 Fernandina Beach, Florida, will
 hold a public hearing on
 Wednesday, February 12, 2003
 at 6:00 PM in the City
 Commission Chambers, 204
 Ash Street, Fernandina Beach,
 Florida to review application
 CPA 2003-01: CITY OF FER-
 NANDINA BEACH to amend
 the Comprehensive Plan,
 Goals 9.01 and 9.02 RESERVED
 as follows:

The "Port Facilities Element
 and Port Master Plan" as pre-
 pared by the Ocean Highway
 and Port Authority, "Final Plan,"
 dated April 15, 2002, as may
 be amended, dated
 October 1, 2002, a copy being
 attached hereto and by this
 reference incorporated here-
 in, is hereby adopted as the
 Port Facilities Element of the
 City of Fernandina Beach
 Comprehensive Plan.

The revised "Port Facilities
 Element and Port Master
 Plan" adds (1) Section E,
 Security Initiatives, which iden-
 tifies and sets priorities for
 security projects and (2) adds
 the security projects to their
 Six-Year Capital Improvement
 Program.

A copy of the application
 and information on applica-
 tion CPA 2003-01: CITY OF FER-
 NANDINA BEACH may be
 inspected in the office of the
 City Clerk and Community
 Development Department,
 City Hall, 204 Ash Street,
 between the hours of 8:30 AM
 - 5 PM, Monday through
 Friday. The application will be
 considered in a quasi-judicial
 proceeding. Copies of the
 quasi-judicial procedures are
 available at the Office of the
 City Clerk and Community
 Development Department
 and will be available at the
 meeting. For information on
 the application, please con-
 tact the Community
 Development Department at
 277-7325.

Interested parties may
 appear at said hearing and
 be heard as to the advisabil-
 ity of any action, which may
 be considered. Any persons
 with disabilities requiring
 accommodations in order to
 participate in this program or
 activity should contact 277-
 7305, TDD 277-7399, (TDD num-
 ber for all City offices) or
 through the Florida Relay
 Service at 1-800-955-8771 at
 least 24 hours in advance to
 request such accommoda-
 tion.

IF ANY PERSON DECIDES
 TO APPEAL ANY DECISION
 MADE BY THE BOARD/COM-
 MISSION WITH RESPECT TO
 ANY MATTER CONSIDERED AT
 SUCH HEARING, S/HE WILL
 NEED TO ENSURE THAT A VER-
 BATIM RECORD OF THE PRO-
 CEEDINGS IS MADE, WHICH
 RECORD INCLUDES THE TESTI-
 MONY AND EVIDENCE UPON
 WHICH THE APPEAL IS TO BE
 BASED.

11-01-29-2003
 2421



City of Fernandina Beach

COMMUNITY DEVELOPMENT DEPARTMENT

February 4, 2003

Members of the City of Fernandina Beach Local Planning Agency
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034-4230

RE: CPA 2003-01: CITY OF FERNANDINA BEACH

Dear Members of the City of Fernandina Beach Local Planning Agency:

The Community Development Department Staff has reviewed the application of the above-mentioned application for the comprehensive plan amendment and has the following comments:

The Fernandina Beach Comprehensive Plan includes a Port Facilities Element as adopted by Ordinance No. 95-5 on August 15, 1995. The Port Facilities Element included three goals: GOAL 9.01. ECONOMIC DEVELOPMENT, GOAL 9.02. OPERATION AND EXPANSION, and GOAL 9.03. MAINTENANCE OF UNIQUE CHARACTER OF CITY. These three (3) goals included three (3) objectives and thirteen (13) policies.

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EXHIBIT 7 - Page 2 of 2

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Very truly yours,



Robert E. Jarzen, AICP
Community Development Director

**PORT FACILITIES ELEMENT
AND
PORT MASTER PLAN**

**City of Fernandina Beach
Comprehensive Plan**

**Prepared by the Ocean Highway and Port Authority
501 North 3rd Street
Fernandina Beach, Florida 32034**

Final Plan

**April 15, 2002
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The Port of Fernandina is required to address issues relating to security in areas of access control, infrastructure and personnel. The Ocean Highway and Port Authority has developed a security plan which has been approved and accepted as substantially compliant with Florida Statute 311.12, by the Florida Department of Law Enforcement and the Office of Drug Control in the Executive Office of the Governor. Within this Security Plan, the following security projects have been identified as essential to bring the Port into compliance with 311.12. These security related projects have been added to the Port of Fernandina's Capital Improvement Program.

Security Projects

Priority

- 1 Relocate Gate House/ Guard House / Close Gate. The Port of Fernandina will maintain compliance with Florida Seaport Security Standards as it relates to access control. In order to eliminate one gate, the remaining gate will be redesigned and equipped with a larger gate house and guard house and will provide a new entrance area into the port.
- 2 Closed Circuit Television. The Port of Fernandina's Security Plan will maintain control and monitor restricted areas to meet minimum standards of the Florida Seaport Security Standards by use of a Closed Circuit Television System. Closed circuit television system with cameras and dedicated cable to monitor the warehouse complex, cargo handling gate during non-working hours, and other areas as may be designated or added to the Port's Security Plan at a later date.
- 3 Upgrade Fencing. The Port of Fernandina will maintain compliance with the Florida seaport security standards for fencing. Currently, it will consist of replacing and upgrading fencing from six foot (three wire) to eight foot (three wire) fencing with one foot in-ground fencing. Eight foot nine gage fencing to replace all existing 6 foot fencing. All fencing to have new post sleeves and three strands of barbed wire at 45 degree angle, 3" schedule 40 terminal posts, 5/8" schedule 40 posts, fence to be buried one foot in ground where needed.
- 3 Upgrade Lighting. The Port of Fernandina will maintain compliance with the Florida Seaport Security standards for lighting. Currently it will consist of replacing five medium mast light poles with six high mast light poles and upgrade fixtures. Six high mast light poles 80 ft. Tall, 4 - 1000 watt flood lighters per pole, concrete pole bases, conduit to existing electrical power.
- 4 Designated Visitors Parking. The Port of Fernandina will maintain compliance with the Florida Seaport Security Plan to provide designated parking for employees and visitors. Land which may become available in City of Fernandina Block 17 and/or Block 3 have been identified as potential possibilities. The Port of Fernandina may consider other alternative land acquisitions which may become available in the future.

Port of Fernandina (OHPA)
Six-Year
Capital Improvement Program

Map Key	Project Identification	2002	2003	2004	2005	2006	2007	TOTAL
1	Land Acquisition		\$ 200,000	\$ 300,000	\$ 200,000			\$ 700,000
2	Security Projects							
	-Visitor Parking Expansion		\$ 130,000					\$ 130,000
	-Fencing		\$ 85,000					\$ 85,000
	-Lighting		\$ 75,000					\$ 75,000
	-CCTV System		\$ 45,000					\$ 45,000
	-Gate House		\$ 41,000					\$ 41,000
3	Intermodal Yard - 1,000 Feet Siding and RTG Crane				\$ 1,200,000			\$ 1,200,000
4	Lumber Shed		\$ 225,000					\$ 225,000
5	Cruise Berth					\$ 2,000,000		\$ 2,000,000
6	Warehouse #3 Expansion			\$ 400,000	\$ 550,000			\$ 950,000
7	Equipment					\$ 1,000,000	\$ 750,000	\$ 1,750,000
8	Expansion of Container Receiving Station	\$ 250,000						\$ 250,000
9	Off-Port Access Improvements	\$ 400,000						\$ 400,000
10	Pier Rehabilitation		\$ 450,000	\$ 200,000				\$ 650,000
11	Pavement Repair in Container Yard		\$ 65,000	\$ 125,000	\$ 100,000	\$ 100,000		\$ 390,000
	TOTAL	\$ 650,000	\$ 1,316,000	\$ 1,025,000	\$ 2,050,000	\$ 3,100,000	\$ 750,000	\$ 8,891,000



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: **ORDINANCE 2003-10 , CPA 2003-01: CITY OF FERNANDINA
BEACH COMPREHENSIVE PLAN AMENDMENT**

DEPARTMENT: COMMUNITY DEVELOPMENT DEPARTMENT

ATTACHMENTS: X Ordinance Resolution
 Support Documents Other

SUMMARY: The City of Fernandina Beach initiated application CPA 2003-01: CITY OF FERNANDINA BEACH COMPREHENSIVE PLAN amending the "Port Facilities Element and Port Master Plan" of the Comprehensive Plan, Goals 9.01 and 9.02. This item is to be presented to the City Commission for review at their March 4, 2003 meeting. If approved by the City Commission, the draft ordinance must be transmitted to the Florida Department of Community Affairs for their review and approval, prior to final adoption by the City Commission.

RECOMMENDED ACTION: Approve Ordinance 2003-10 at first reading and transmittal public hearing.

DEPARTMENT HEAD Submitted Robert E. Jarzen, AICP Date: 02/14/2003
Requested Agenda Date: 03/18/2003

FINANCE DEPARTMENT Budgeted Yes No N/A Date
CITY ATTORNEY Approved for Form and Correctness Date: 3/12/03
CITY MANAGER Approved Agenda Item for Date: 3/18/03

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Tabled To Time Certain
 Other

DISTRIBUTION: CA CC CM CDD FIN FD GC HR MD PD PRD

CITY OF FERNANDINA BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Advisory Board of the City of Fernandina Beach, Florida, will hold a public hearing on Wednesday, February 12, 2003 at 6:00 PM in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida to review application **CPA 2003-01: CITY OF FERNANDINA BEACH** to amend the Comprehensive Plan, Goals 9.01 and 9.02 RESERVED as follows:

The "Port Facilities Element and Port Master Plan" as prepared by the Ocean Highway and Port Authority, "Final Plan," dated April 15, 2002, as may be amended, ~~dated October 1, 1999,~~ a copy being attached hereto and by this reference incorporated herein, is hereby adopted as the Port Facilities Element of the City of Fernandina Beach Comprehensive Plan.

The revised "Port Facilities Element and Port Master Plan" adds (1) Section E, Security Initiatives, which identifies and sets priorities for security projects and (2) adds the security projects to their Six-Year Capital Improvement Program.

A copy of the application and information on application **CPA 2003-01: CITY OF FERNANDINA BEACH** may be inspected in the office of the City Clerk and Community Development Department, City Hall, 204 Ash Street, between the hours of 8:30 AM - 5 PM, Monday through Friday. The application will be considered in a quasi-judicial proceeding. Copies of the quasi-judicial procedures are available at the Office of the City Clerk and Community Development Department and will be available at the meeting. For information on the application, please contact the Community Development Department at 277-7325.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TDD 277-7399, (TDD number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Note to News Leader:

Please run in the Legal section
Please run in the January 29, 2003 issue
Please call 277-7325 with any questions
Please send bill for publication to:
City Clerk's office
Attn.: Cassandra Mitchell
Please send proof of publication to:
Community Development Department
Attn.: Anita Louise Vosmus-Ross

Delivered on: January 24, 2003

Delivered by: A. Rod

Accepted by: AM Time: 11:07

NEWS LEADER

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

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11 01-29-2003
2421

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared **Robert O. Fiege**

who on oath says that he is the Production Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

CITY OF FERNANDINA BEACH Notice of Public Hearing CPA 2003-01: City of Fernandina Beach

was published in said newspaper in the issues of **01-29-2003**

ref. No. 2421

Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

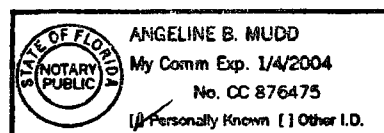
Robert O. Fiege

Sworn to and subscribed before me
this 29th day of January, A.D. 2003.

Angeline B. Mudd
Angeline B. Mudd, Notary Public

TYPE OF IDENTIFICATION

Personally Known *am*





City of Fernandina Beach

COMMUNITY DEVELOPMENT DEPARTMENT

February 4, 2003

Members of the City of Fernandina Beach Local Planning Agency
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034-4230

RE: CPA 2003-01: CITY OF FERNANDINA BEACH

Dear Members of the City of Fernandina Beach Local Planning Agency:

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Very truly yours,



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Community Development Director

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PORT MASTER PLAN**

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E. SECURITY INITIATIVES

The Port of Fernandina is required to address issues relating to security in areas of access control, infrastructure and personnel. The Ocean Highway and Port Authority has developed a security plan which has been approved and accepted as substantially compliant with Florida Statute 311.12, by the Florida Department of Law Enforcement and the Office of Drug Control in the Executive Office of the Governor. Within this Security Plan, the following security projects have been identified as essential to bring the Port into compliance with 311.12. These security related projects have been added to the Port of Fernandina's Capital Improvement Program.

Security Projects

Priority

- 1 Relocate Gate House/ Guard House / Close Gate. The Port of Fernandina will maintain compliance with Florida Seaport Security Standards as it relates to access control. In order to eliminate one gate, the remaining gate will be redesigned and equipped with a larger gate house and guard house and will provide a new entrance area into the port.
- 2 Closed Circuit Television. The Port of Fernandina's Security Plan will maintain control and monitor restricted areas to meet minimum standards of the Florida Seaport Security Standards by use of a Closed Circuit Television System. Closed circuit television system with cameras and dedicated cable to monitor the warehouse complex, cargo handling gate during non-working hours, and other areas as may be designated or added to the Port's Security Plan at a later date.
- 3 Upgrade Fencing. The Port of Fernandina will maintain compliance with the Florida seaport security standards for fencing. Currently, it will consist of replacing and upgrading fencing from six foot (three wire) to eight foot (three wire) fencing with one foot in-ground fencing. Eight foot nine gage fencing to replace all existing 6 foot fencing. All fencing to have new post sleeves and three strands of barbed wire at 45 degree angle, 3" schedule 40 terminal posts, 5/8" schedule 40 posts, fence to be buried one foot in ground where needed.
- 3 Upgrade Lighting. The Port of Fernandina will maintain compliance with the Florida Seaport Security standards for lighting. Currently it will consist of replacing five medium mast light poles with six high mast light poles and upgrade fixtures. Six high mast light poles 80 ft. Tall, 4 - 1000 watt flood lighters per pole, concrete pole bases, conduit to existing electrical power.
- 4 Designated Visitors Parking. The Port of Fernandina will maintain compliance with the Florida Seaport Security Plan to provide designated parking for employees and visitors. Land which may become available in City of Fernandina Block 17 and/or Block 3 have been identified as potential possibilities. The Port of Fernandina may consider other alternative land acquisitions which may become available in the future.

**Port of Fernandina (OHPA)
Six-Year
Capital Improvement Program**

Map Key	Project Identification	2002	2003	2004	2005	2006	2007	TOTAL
1	Land Acquisition		\$ 200,000	\$ 300,000	\$ 200,000			\$ 700,000
2	Security Projects							
	-Visitor Parking Expansion		\$ 130,000					\$ 130,000
	-Fencing		\$ 85,000					\$ 85,000
	-Lighting		\$ 75,000					\$ 75,000
	-CCTV System		\$ 45,000					\$ 45,000
	-Gate House		\$ 41,000					\$ 41,000
3	Intermodal Yard - 1,000 Feet Siding and RTG Crane				\$ 1,200,000			\$ 1,200,000
4	Lumber Shed		\$ 225,000					\$ 225,000
5	Cruise Berth					\$ 2,000,000		\$ 2,000,000
6	Warehouse #3 Expansion			\$ 400,000	\$ 550,000			\$ 950,000
7	Equipment					\$ 1,000,000	\$ 750,000	\$ 1,750,000
8	Expansion of Container Receiving Station	\$ 250,000						\$ 250,000
9	Off-Port Access Improvements	\$ 400,000						\$ 400,000
10	Pier Rehabilitation		\$ 450,000	\$ 200,000				\$ 650,000
11	Pavement Repair in Container Yard		\$ 65,000	\$ 125,000	\$ 100,000	\$ 100,000		\$ 390,000
	TOTAL	\$ 650,000	\$ 1,316,000	\$ 1,025,000	\$ 2,050,000	\$ 3,100,000	\$ 750,000	\$ 8,891,000

PLANNING ADVISORY BOARD
REGULAR MEETING
AND
LOCAL PLANNING AGENCY
SPECIAL MEETING
FEBRUARY 12, 2003
6:00 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32035

- I. Call to Order
- II. Roll Call / Determination of a Quorum
- III. Consideration of the Minutes of the January 8, 2003 Planning Advisory Board Meeting
- IV. Old Business:
- V. New Business:

A. Local Planning Agency:

CPA 2003-01: CITY OF FERNANDINA BEACH Transmittal Public Hearing for a Comprehensive Plan Amendment of the Port Facilities Element by incorporating the revised "Port Facilities Element and Master Plan" dated April 15, 2002, as prepared by the Ocean Highway and Port Authority.

B. Planning Advisory Board:

1. **LU 2002-04: JOYCE A. WATTERS/DAVID E. COOK (RON V. FLICK, AGENT)** requests a Future Land Use Map amendment changing the classification from Industrial Waterfront (IW) to High Intensity Commercial (HIC). The subject application involves a 3.15-acre parcel described as the all of Water Lots 35, 36 and a portion of Water Lot 34, Fernandina Beach, Florida, Parcel Identification Numbers 00-00-31-1760-0034-0000, 00-00-31-1760-0035-0000 and 00-00-31-1760-0036-0000 00-00-31-1760-0034-0000 and 00-00-31-1760-0035-0000. Property is located west of South Front Street and east of the Amelia River. [QUASI-JUDICIAL]
2. **CZ 2002-05: JOYCE A. WATTERS/DAVID E. COOK (RON V. FLICK, AGENT)** requests an amendment of the zoning classification of IW,

Industrial Waterfront to C-3, Central Business District. The subject property is an 3.15 acre parcel described as all of Water Lots 35 and 36 and a portion of Water Lot 34, Fernandina Beach, Florida, Parcel Identification Numbers 00-00-31-1760-0034-0000, 00-00-31-1760-0035-0000 and 00-00-31-1760-0036-0000 located on the west side of South Front Street and east of the Amelia River in a IW, Industrial Waterfront District. [QUASI-JUDICIAL]

3. **CU 2003-04: JOYCE A. WATTERS/DAVID E. COOK (RON V. FLICK, AGENT)** requests a Conditional Use permit to construction of a fifteen-(15) unit multifamily dwelling located within the C-3, Central Business District. The subject property is an 3.15 acre parcel described as all of Water Lots 35 and 36 and a portion of Water Lot 34, Fernandina Beach, Florida, Parcel Identification Numbers 00-00-31-1760-0034-0000, 00-00-31-1760-0035-0000 and 00-00-31-1760-0036-0000 located on the west side of South Front Street on the east side of the Amelia River in a IW, Industrial Waterfront District. [QUASI-JUDICIAL]
4. **CU 2003-03: RANDY HILL (RON V. FLICK, AGENT)**, requesting a Conditional Use permit to construct a thirty-two (32) unit hotel located at 1950 South Fletcher Avenue on an 1.80 acre parcel within a C-1, Community Commercial District. Parcel Identification Numbers 00-00-31-0146-0041-0000, 00-00-31-0146-0042-0000 and 00-00-31-0146-0043-0000. [QUASI-JUDICIAL]
5. **SU 2003-02: RANDY HILL (RON V. FLICK, AGENT)** requesting a Special Use permit to construct thirty-two (32) unit hotel located at 1950 South Fletcher Avenue on an 1.80 acre parcel within the Coastal Protection Zone. Parcel Identification Numbers 00-00-31-0146-0041-0000, 00-00-31-0146-0042-0000 and 00-00-31-0146-0043-0000. [QUASI-JUDICIAL]

VI. Board Business

- A. Definition of Building Height and Grade
- B. Beach Overlay District
- C. School Planning/Interlocal Agreement
- D. PAB 2002 Case Summary
- E. Architectural Review Policy

VII. Adjournment

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, tdd 277-7399, or through the Florida Relay Services at 1-800-955-8771 (TDD number for all City offices) at least 24 hours in advance to request such accommodation.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Community Development Department. If any person decides to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

**NEXT PLANNING ADVISORY BOARD MEETING
WEDNESDAY – MARCH 12, 2003**

NEWS LEADER

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared **Robert O. Fiege** who on oath says that he is the Production Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING City Commission of the City of Fernandina Beach March 18, 2003

was published in said newspaper in the issues of
03-05-2003
ref. No. 2522

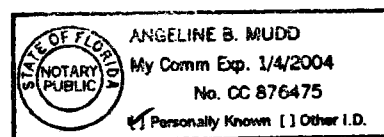
Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Robert O. Fiege

Sworn to and subscribed before me
this **5th** day of **March**, **A.D. 2003**.

Angeline B. Mudd
Angeline B. Mudd, Notary Public

TYPE OF IDENTIFICATION
Personally Known *Am*



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Fernandina Beach, Florida, will hold a public hearing on Tuesday, March 18, 2003 at 6:00 p.m., in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida, on a proposed Ordinance entitled as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA; AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF FERNANDINA BEACH AS REQUIRED, BY CHAPTER 163, FLORIDA STATUTES, BY AMENDING THE PORT FACILITIES ELEMENT AND PORT MASTER PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A copy of said proposed ordinance may be inspected by the public at the office of the undersigned at 204 Ash Street, Fernandina Beach, Florida. Interested parties may appear at said hearing and be heard as to the advisability of any action which may be considered with respect to such ordinance.

ALL MEMBERS OF THE PUBLIC ARE INVITED TO BE PRESENT AND BE HEARD. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROGRAM OR ACTIVITY SHOULD CONTACT 277-7305 OR TDD 277-7399 OR FLORIDA RELAY SERVICE 1-800-955-8771, AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATION.

CITY OF FERNANDINA BEACH
BY: CASSANDRA P. MITCHELL
ITS: CITY CLERK
11 03-05-2003
2522

**PORT FACILITIES ELEMENT
AND
PORT MASTER PLAN**

**City of Fernandina Beach
Comprehensive Plan**

**Prepared by the Ocean Highway and Port Authority
501 North 3rd Street
Fernandina Beach, Florida 32034**

Final Plan

October 1, 1999

STATEMENT OF PURPOSE

The primary purpose of this Master Plan is to clearly define the Port's direction for the future. The Ocean Highway and Port Authority believes this plan will enable the Port to best serve the needs of the surrounding region. The Port can achieve its objectives only if local government, business, industry, and the general citizenry understand the important role of the Port and support the policies and plans outlined in this Master Plan. Once adopted, this Master Plan will provide the Ocean Highway and Port Authority a guide for short-range and long-range planning and development opportunities.

Relevant portions of the Port of Fernandina Master Plan will be included within the Coastal Management Element of the Comprehensive Plan for the City of Fernandina Beach. The information contained in this document has been prepared to satisfy the requirements of both the Port Facilities Element and the new Transportation Element requirements.

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OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY

INTRODUCTION

A. PORT HISTORY

Amelia Island and the Town of Fernandina have a colorful past. Known as the Isle of Eight Flags, Amelia Island has seen the ebb and flow of history through its harbor. At the outbreak of the American Revolution, Florida remained loyal to Britain and Fort Tonyn was erected by the English in the Port of Fernandina. During the Revolution, many English from northern states fled to Florida and, by the end of the Revolution, nearly 16,000 refugees were in Florida. In 1783, England returned Florida to Spain. This brought about one of the largest exoduses ever to take place in the New World. Amelia Island, having the finest natural harbor on the east coast of Florida, was the debarkation point.

In 1807, American ports were closed to foreign shipping as a provision of the Jefferson Embargo Act. Still controlled by Spain, Fernandina was the closest "east coast free port" to the United States. As a result of this proximity and its natural harbor, Fernandina became a haven for smugglers, pirates, slave traders, etc. In December of 1817, the United States assumed control of Amelia Island and the rest of Florida in 1821. In 1824, Nassau County was formed with Fernandina as the county seat and in 1845 Florida became a state.

During the 1850s, the cross-state railroad, which was promoted by Senator David Yulee, opened up the central portions of the state and connected the Port of Fernandina, on the Atlantic Coast, with Cedar Key on the Gulf Coast. The opening of the railroad provided a steady flow of goods to the Port of Fernandina for further shipment to northern cities. In time, extensive wharves, railroad maintenance facilities and warehouses were built on the waterfront.

The closing of the 19th century brought with it a great deal of activity in connection with the Spanish American War. The Port of Fernandina was a base for shipping military supplies to Cuba and this greatly stimulated the economy of the area with increased shipments of lumber, cotton, naval stores and phosphate. During this time, the harbor and wharves were filled with sailing ships for transporting Fernandina's products. This new prosperity lasted approximately 20 years and then began a steady decline. The reason for its decline can be attributed to changes in freight rates and the opening of the Florida East Coast Railroad by Henry Flagler. The Florida East Coast Railroad crossed the St. Johns River at its narrowest point, Jacksonville, and this city became the new break point between rail and ship for major growth.

December 5, 1985 was a new beginning for the Port of Fernandina. To capitalize on a new deeper entrance channel construction by the U.S. Navy, the Ocean Highway and Port Authority issued bonds to finance construction of a modern seaport terminal. Old, rotten wood pilings were replaced with a new, concrete pile dock, concrete paved marshaling yard, cranes, and new warehouses. These improvements allowed the Port Authority to bring the Port back to life as a major contributor to Nassau County's economic development.

B. OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY ORGANIZATION AND POWERS

The Ocean Highway and Port Authority is governed by five elected commissioners representing the five voting districts of Nassau County. They serve staggered four year terms.

The Port Authority was originally chartered in 1941 as a body politic and corporate and a subdivision of the State of Florida having a corporate title of Fernandina Port Authority. The name was changed in 1961 to Ocean Highway and Port Authority. As the Port's governing body, the Port Authority has policy-making, budgeting and general oversight responsibilities for all port activities. The Port Authority employs Nassau Terminals Inc., a private port operator company, to manage and administer the port under the terms of an Operating Agreement dated December 1, 1990.

The Port Authority does not have authority to tax. The Port Authority is also exempt from taxation by the State of Florida, or by any county, municipality or political subdivision on those properties it owns. The Port Authority must rely on the financial viability of each project to pay for the cost of its operations. The Port Authority may acquire property or property interests through negotiation or condemnation; set tariffs; enter into secure agreements with governmental entities; incur indebtedness; plan, develop or lease its properties; and regulate land use and buildings on Port lands. The Port Authority has powers similar to those of a unit of local government and is accountable to the electorate residing in Nassau County.

The Port Authority serves the principal public purpose to encourage economic development in Nassau County. One way it has fulfilled this responsibility has been by renovating the deepwater port facilities to meet the maritime shipping needs of this growing region. In so doing, the Port Authority gives appropriate consideration to the impacts upon and relationships with surrounding communities, the economic goals of the State and region and the regulatory requirements of numerous governmental agencies.

OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY

PORT FACILITIES DATA INVENTORY

(Reference 9J-5.009 (1) & (2) F.A.C. Repealed and 9J-5.019 (2) (a) 4 F.A.C.)

Pursuant to the requirements of 9J-5, this section presents an inventory and analysis of the Port of Fernandina facility in the City of Fernandina Beach.

I. EXISTING PORT FACILITIES AND OPERATIONS

A. DESCRIPTION OF FACILITIES

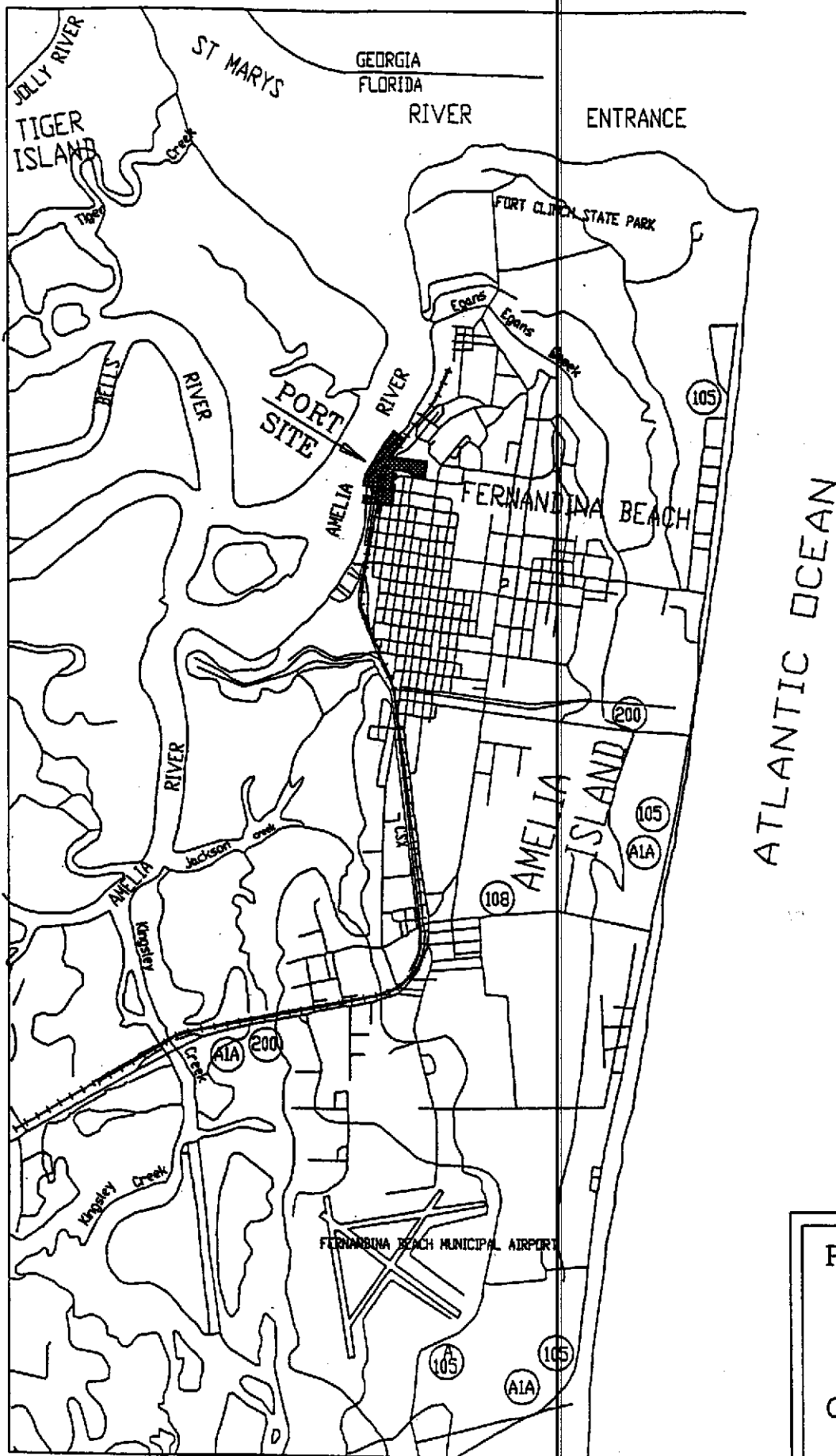
The Port of Fernandina is geographically located in the northeast corner of the State of Florida in Nassau County. Coordinates for the Port are West Longitude 81 degrees 27'50" and North Latitude 30 degrees 40'35" at the Saint Marys River Entrance on the east side of the Amelia River on Amelia Island.

The Port of Fernandina consists of one deepwater shipping terminal located on the Amelia River within the City of Fernandina Beach, Florida. See Map I.A.1 and I.A.2.

The terminal is bordered on the south by Broome Street (between First and Second Streets) and Calhoun Street (between Second and Third Streets), on the east by Third Street (between Escambia Street and Calhoun Street) and Second Street (between Calhoun Street and Broome Street), the Amelia River to the west, Smurfit-Stone to the north and on the east. The container yard extends west along Escambia Street to the west side of platted but closed North Fourth Street. Approximately 32 acres in size, the terminal includes a pile and cap concrete pier with two berths totaling 1,200 linear feet. The dock is faced with Mitsubishi fenders and 120 feet of breasting dolphins. The container yard storage has a capacity of 2,700 20-foot Equivalent Units (TEUs) and there is approximately 180,000 square feet of warehouse space in three buildings. A U.S. Customs Inspection Station is located on the port property.

Further, infrastructure consists of 1,600 feet of rail siding, an in-ground truck scale, two Hitachi Gantry Cranes, one Whirly Crane, three rubber-tired Gantry Cranes and complete maintenance facilities. The container yard and pier area is fenced with 24-hour security provided by the Port Authority. Landscape buffering has been placed along the northern and eastern boundaries of the site.

The Port is designated a U.S. Customs Port of Entry and, in September 1993, the Port received its first full-time U.S. Customs Director in 25 years. Ship agents may now enter and clear cargo in Fernandina using U.S. Customs state-of-the-art computer systems.

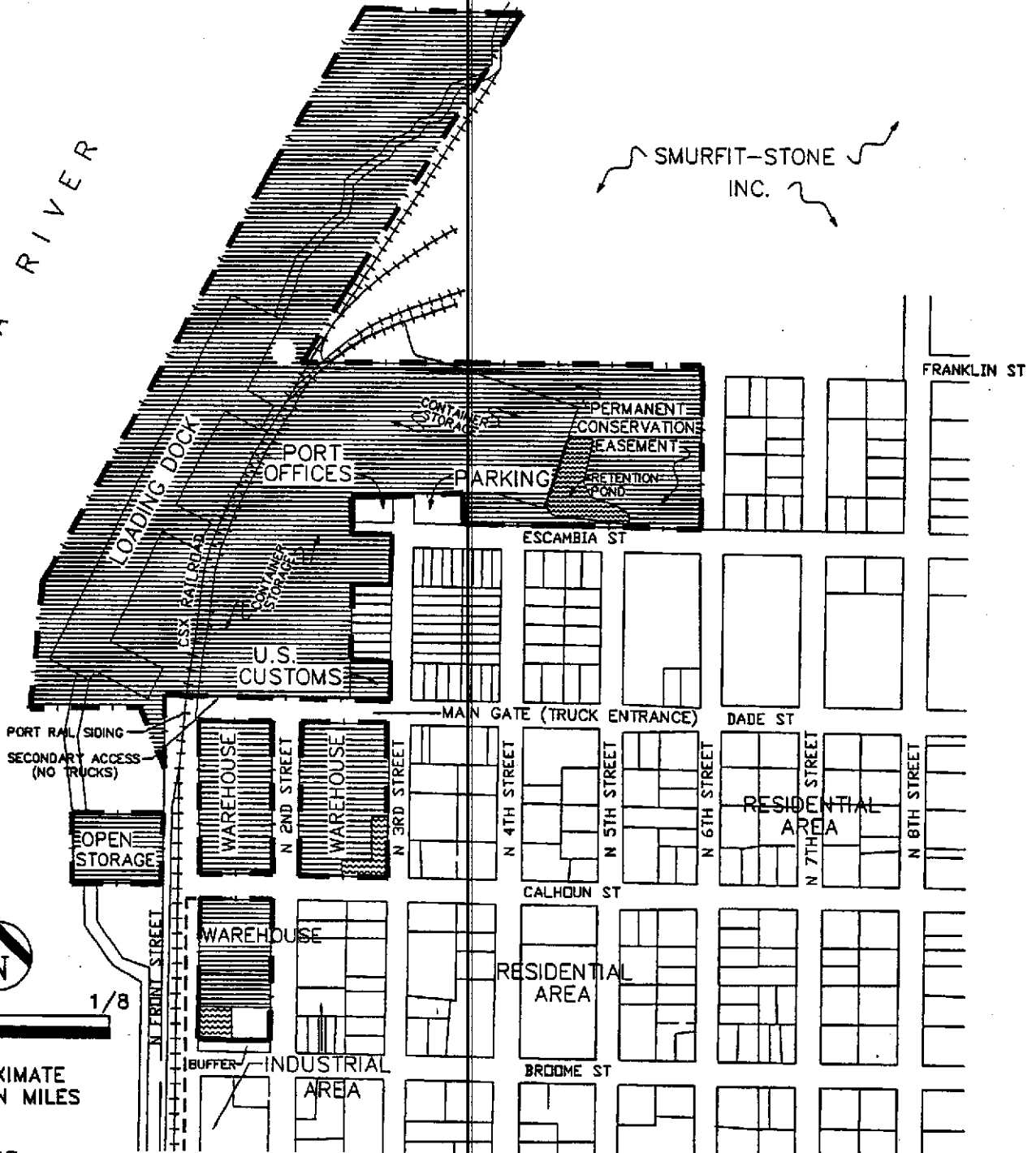


PORT OF FERNANDINA
FOREST PRODUCTS TERMINAL
MAP I A 1
VICINITY MAP

OCEAN HIGHWAY AND
PORT AUTHORITY
FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

AMELIA RIVER

SMURFIT-STONE
INC.



APPROXIMATE
SCALE IN MILES

LEGEND

--- PORT BOUNDARY



PORT FACILITIES



RETENTION
PONDS

NOTE: THIS MAP FIGURE USES A MAP EXTRACTION FROM THE 1990
FERNANDINA BEACH COMPREHENSIVE PLAN AS THE BASIS
FOR DEPICTING BLOCK AND PARCEL DIMENSIONS.

PORT OF FERNANDINA

MAP I A 2.
EXISTING
PORT FACILITIES &
ADJACENT LAND USES

9J-5.009(1)

9J-5.019(2)

OCEAN HIGHWAY AND
PORT AUTHORITY
FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

B. EXISTING PORT ACCESS TO ROADWAYS, RAILWAYS, NAVIGATIONAL CHANNEL AND RELATED FACILITIES

1. Access to Roadways

The Port is located approximately 16 miles east of Interstate 95, part of a national Interstate System of high-volume roadways providing access to major metropolitan areas in Florida as well as the U.S. east coast. Highway access to I-95 from the Port is provided directly by SR A1A/SR 200 (8th Street). (Map I.B.1) This roadway narrows from four lanes to two lanes upon entrance to the city limits of Fernandina Beach. SR A1A/SR 200 is part of the Florida Intrastate System, connecting I-95 to Callahan.

SR A1A/SR 200 is the only major east-west transportation route in Nassau County. Secondary east-west access is provided via SR 105 (Heckscher Drive) which provides a lower-speed access route from Fernandina Beach to I-95 and Jacksonville. Other north-south routes in Nassau County include US 17/SR 5 and US 1/US 23/SR 15 in western Nassau County.

Trucks accessing the Port facility from off Amelia Island travel 8th Street along the City's designated truck route to Dade Street and Dade Street to the Port.

a. Primary Study Area

The primary study area on roadways for the Port of Fernandina is presented in Map I.B.2 The northern boundary of this area is Franklin Street; the southern boundary is Sadler Road; the eastern boundary is 14th Street and the western boundary is the Amelia River.

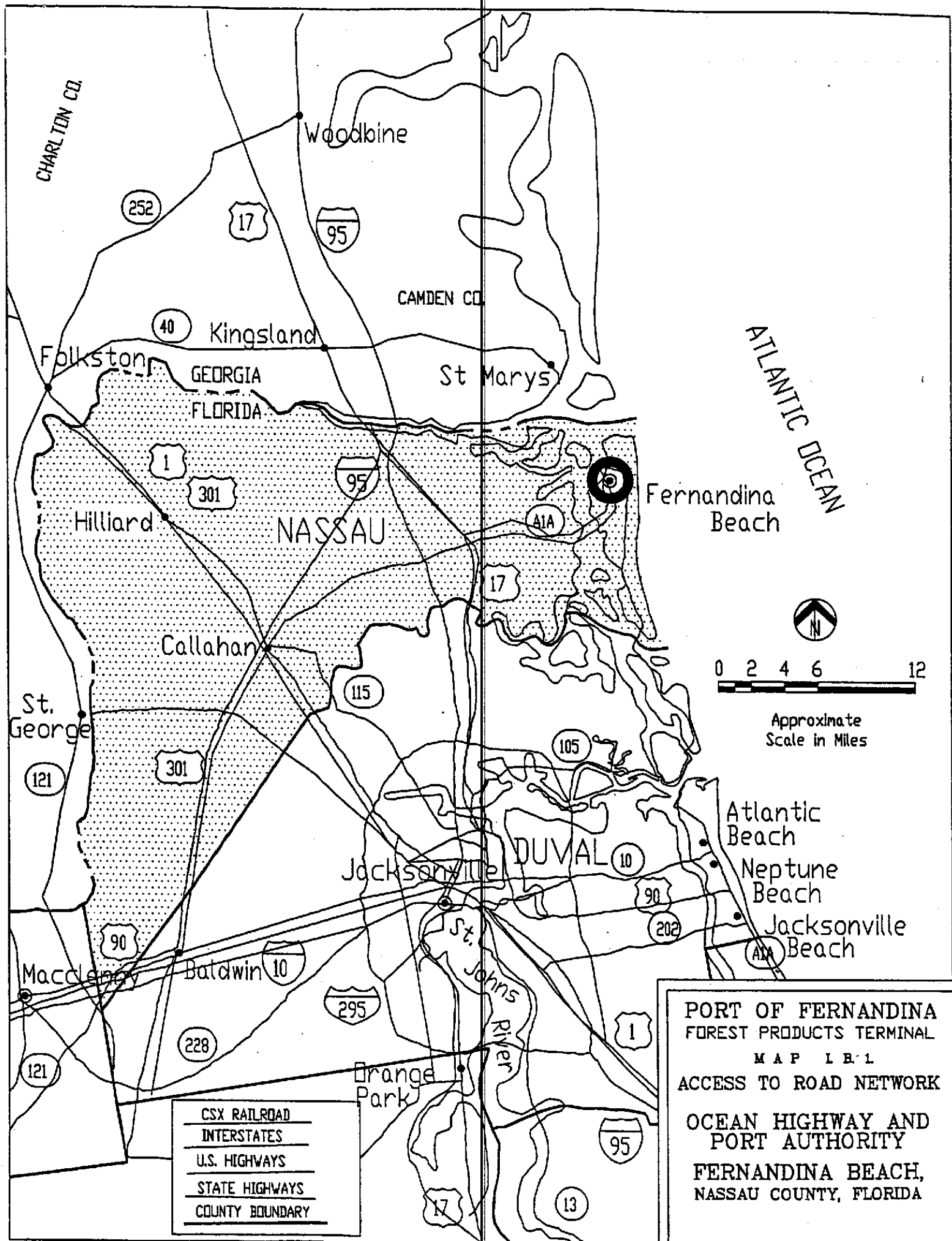
The roadway network in the study area consists of major arterials, collector roads and local city residential streets. Recent levels of service (LOS) determinations were obtained from Nassau County for roadways in the City of Fernandina Beach. The LOS concept is a standard means of expressing the types of traffic conditions on a roadway associated with various levels of traffic volumes. Roadway LOS concept in terms of traffic flow characteristics is presented in Table I.B.1. A description of key roadways in the city is presented below.

- * 8th Street (US A1A/SR 200) - A major arterial road traveling north and south through the impact area. This facility consists of a divided four-lane cross section south of the Fernandina Beach city limits and a two-lane cross section north of the City limits. Eighth Street is the primary roadway between the mainland and the City of Fernandina Beach and is the authorized truck route to the waterfront business area. South of the city limits this roadway is operating at a LOS of "B" and within the city a LOS of "C". These are acceptable levels of service compared to the County's standard of "D".

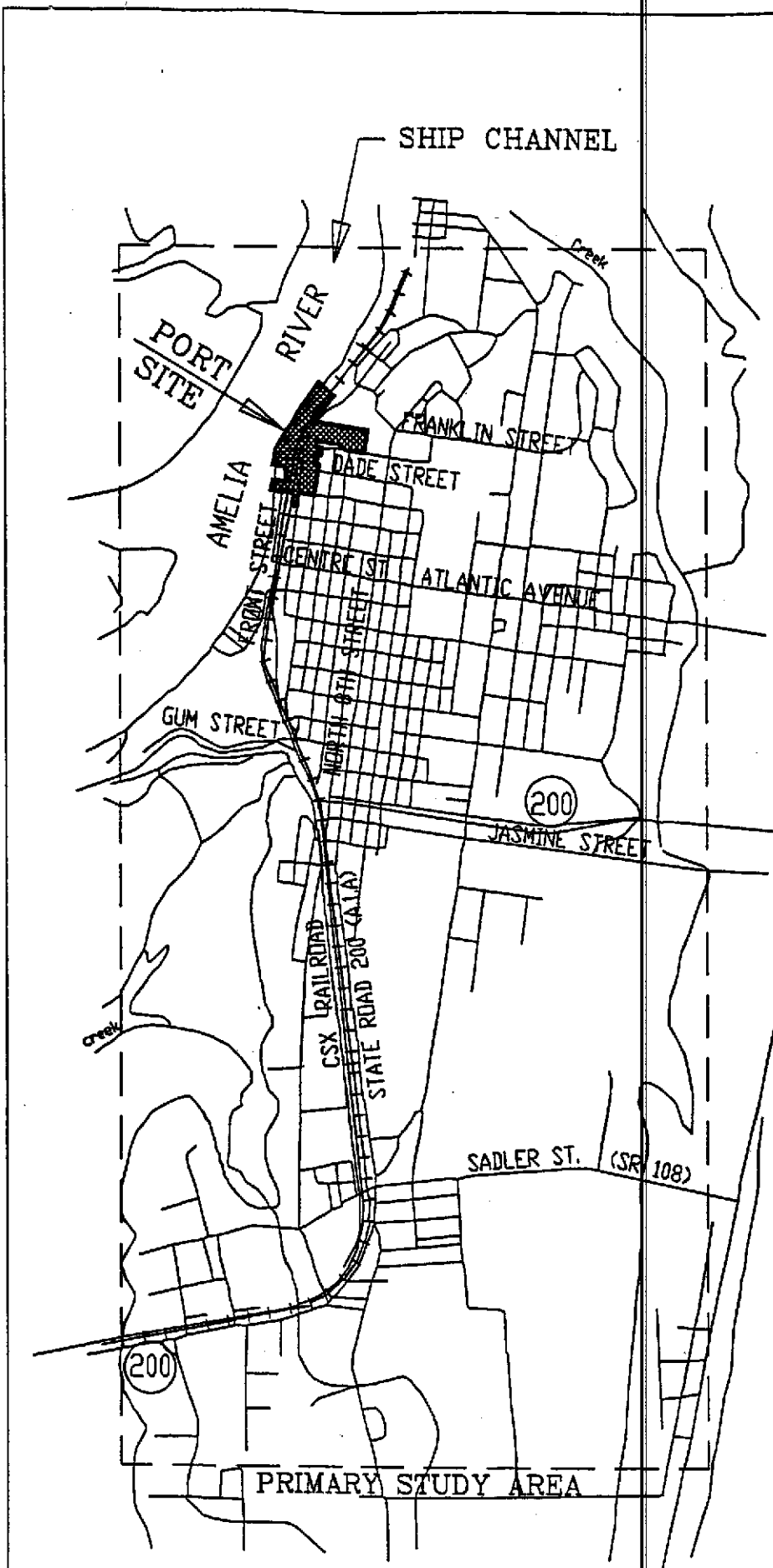
- * 14th Street (SR 105A) - A two-lane collector which runs parallel to Eighth Street. As traffic volumes on 8th Street continue to grow, 14th Street is becoming an attractive alternative route. In addition, the development of commercial centers along 14th Street continues to increase traffic volumes. Within the city limits this roadway is operating at a LOS of "C" and a LOS of "D". These are acceptable levels of service compared to the County's standard of "D".

- * Franklin Street - A two-lane local road which runs east/west through the study area. The segment that extends east from 8th Street toward 14th Street is paved and runs parallel to Smurfit-Stone mill. The segment west of 8th Street toward the Amelia River is unpaved and closed. A level of service determination has not been completed by the City or the County on this roadway.

- * Dade Street - A paved two-lane local road that lies between Front Street and 8th Street. Dade Street is a City designated truck route to the commercial river front and is used from 8th Street to reach the port entrance. A level of service determination has not been completed by the City or the County on this local road.



PORT OF FERNANDINA
FOREST PRODUCTS TERMINAL
MAP I.B.1
ACCESS TO ROAD NETWORK
OCEAN HIGHWAY AND
PORT AUTHORITY
FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA



APPROXIMATE
SCALE IN MILES

PORT OF FERNANDINA
FOREST PRODUCTS TERMINAL

M A P I B. 2.

PRIMARY STUDY AREA,
ACCESS TO RAILROAD
& SHIPPING NETWORK

OCEAN HIGHWAY AND
PORT AUTHORITY

FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

**TABLE I.B.1
ROADWAY LEVELS OF SERVICE CONCEPT**

<u>Level of Service</u>	<u>Traffic Flow Characteristics</u>
A	- Free Flow Conditions - Low Volumes - High Operating Speeds - Uninterrupted Flow - No Restriction On Maneuverability - Drivers Maintain Desired Speeds - Little Or No Delays
B	- Stable Flow Conditions - Operating Speeds Beginning To Be Restricted
C	- Stable Flow But Speed And Maneuverability Restricted By Higher Traffic Volumes - Satisfactory Operating Speed For Urban Conditions - Some Delays At Signals
D	- High Density But Stable Flow - Restricted Speeds - Noticeable Delays At Signals - Little Freedom To Maneuver
E	- Low But Relatively Uniform Operating Speeds - Volumes At Or Near Capacity - Usually Unstable Flow - Approaching Unacceptable Delays At Signals
F	- Forced Flow Conditions - Stop And Go Operation - Average Vehicle Delay Signal Is Greater Than One Minute

* Centre/Atlantic Avenue (SR 200) - A two-lane arterial which extends from the City central business district to the Atlantic Ocean. Traffic signals are located at its intersections with 8th and 14th Streets. The roadway is operating at a LOS of "B", above the standard of "D".

* Gum Street - A two-lane residential collector which also serves the Rayonier plant located to the east. A traffic signal is located at its intersection with 8th Street.

* Jasmine Street - A residential collector running east/west through the study area. Traffic control at its intersections is provided by a STOP sign at 8th Street and a traffic light at 14th Street. The County has a level of service determination from Citrona Avenue to 14th Street of "C" and is operating above the standard of "D".

Currently, the roadway network in the study area operates at acceptable LOS. At this time, the LOS for intersections within the City of Fernandina Beach are not available from Nassau County.

The volume of truck traffic along the designated truck route of 8th Street (US AIA/SR 200) has also been examined by the City and County. In February of 1999, the County conducted a vehicle classification count for 8th Street at the intersection of Lime Street (southern boundary of city limits) to determine the percentage of trucks on this roadway per day. Total vehicles on 8th Street of the testing day were 17,839 of which 14.1 percent or 2,511 vehicles were trucks (trucks ranging in two axles to seven or more axles). As part of this document, truck trips have been examined in the next section. It should be noted that trucks which service the Port of Fernandina drive straight down 8th Street and through all intersections with the exception of the Dade/8th Street intersection, north of downtown, where the turn is made to access or leave the port.

b. Truck Trip Generation

Truck trips generated by the Port are mainly related to the volume of cargo handled by the Port Operator. Other minor truck trips are related to delivery of supplies. Capacity levels for truck trips was set in 1995 between the Port and the Northeast Florida Regional Planning Council.

(1) Containerized Cargo Related Truck Trips

Containerized cargo is received at the Port by rail and by truck. The actual percentage received by rail or by truck will vary somewhat from year to year. Rail delivery has declined in recent years but is expected to begin to increase in the next year (see Section I.B.2).

The Port Operator produces an interchange report (or receipt) for each container moving in or out of the Port by truck. In addition, the Port Operator has kept an accurate annual count of the number of trucks which have come to the port since 1995. Table I.B.2 displays the number of container moves and the annual number of trucks entering the port that move the containers and the table demonstrates how annual and daily truck trips are calculated.

TABLE I.B.2 Truck Trip Generation Calculation for Containerized Cargo					
<u>For Containerized Cargo</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>Capacity*</u>
Annual Number of Gate Moves	21,071	19,962	16,687	17,104	35,000
Annual Number of Trucks Entering the Port for Container Moves	12,781	12,153	10,490	10,840	18,549
Number of Annual Trucks When Multiplied by 2 to Become Truck Trips	25,562	24,306	20,980	21,680	37,098
Average Annual Truck Trips Equals 23,132 Trips					
Daily Truck Trips (281 days of operation)	91	87	75	77	132
Average Truck Trips per the four (4) years equals 83 Truck Trips per day					
* It is expected that at capacity, a minimum of 6,000 containers per year will be received/delivered by rail (this volume was experienced during 1994).					

(2) Break-Bulk Related Truck Trips

In 1998, approximately 45 percent of the break-bulk cargo delivered to the Port was carried by rail. The remaining 55 percent was delivered by truck either from the Smurfit-Stone mill (Immediately north of the Port) or from other mills accessing the Port from 8th Street.

The breakbulk cargo is generally heavy materials (i.e., kraft linerboard, wood pulp, cross-ties, telephone poles). Again, the Port Operator has kept records of the number of trucks associated with the delivery of breakbulk cargo. In calculating the number of truck trips associated with the delivery of breakbulk cargo, it is reasonable to exclude the number of trucks coming from the Smurfit-Stone mill that is adjacent to the Port. These trips are treated as internal truck trips, since they do not traverse through the City of Fernandina Beach to reach the port and merely move from the mill to the adjacent port. Table I.B.3 depicts the truck traffic and trips associated with breakbulk cargo with the method of truck trip calculation.

TABLE I.B.3 Truck Trip Generation Calculation for Break-Bulk Cargo					
<u>Breakbulk Cargo</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>Capacity</u>
Annual Number of Trucks	8,341	10,525	7,882	9,031	10,137
Annual Number of Trucks from Smurfit-Stone	4,346	6,056	3,853	4,399	5,285
Annual Number of Trucks Minus Trucks from Smurfit-Stone (External Trucks)	3,995	4,469	4,029	4,632	4,852
Number of Truck Trips Multiplied by 2 to Become Truck Trips	7,990	8,938	8,058	9,264	9,704
Average Annual Number of External Trucks = 17,125 divided by 4 = 4281.3					
Truck Trips = 4281.3 x 2 ways = 8,562.6 Total Truck Trips associated with Breakbulk Cargo					
Daily Truck Trips = $\frac{8,562.6}{281 \text{ days of operation}}$ = 31 Truck Trips per day associated with Breakbulk Cargo					

(3) Other Truck Trips

The Port Operator, and the vessels calling the Port, receive certain supplies, materials, spare parts, and fuel from delivery trucks. It is difficult to identify precisely the number of truck trips associated with these activities. It is also difficult to identify the number of these trucks which are serving the Port on a regular route along the designated truck route which passes through the Port. A reasonable number can be developed as follows, based on current cargo levels as stated in Table I.B.4.

TABLE I.B.4 Miscellaneous Port Truck Trips in 1998		
<u>Delivery Purpose</u>	<u>1998 Trips</u>	<u>Capacity</u>
Equipment and Materials to Port	104	110
Fuel to Port Operator	104	108
Fuel to Vessels	102	125
Miscellaneous Ship Stores to Vessel	56	70
Total Annual Other Truck Trips	366	413
Total Daily Other Truck Trips	1.3 Trips per Day	1.5 Trips per Day

(4) Impact on 8th Street, the Designated Truck Route

Total truck traffic is summarized in Table I.B.5 at both current cargo levels and at capacity levels projected for the existing Port facility. As stated earlier, Nassau County has determined that there are 2,511 average daily (week day) trucks on 8th Street (AIA/SR 200) at the southern city limit at Lime Street. The port's estimated daily truck trips per day is 114. The port's percentage of the daily trucks on 8th St. is less than five percent of the truck traffic on 8th Street.

TABLE I.B.5 PORT GENERATED TRUCK TRIPS For Existing Port Facility and Projected Existing Capacity Facility			
<u>Current Cargo Activity</u>	<u>Truck Trips Generated</u>	<u>Cargo Activity at Capacity</u>	<u>Truck Trips Generated</u>
Containerized Cargo	23,132	Containerized Cargo	37,098
Break-Bulk Cargo	8,563	Break-Bulk Cargo	9,704
Other Truck Traffic	366	Other Truck Traffic	413
Total Amount Truck (Current)	32,061	Total Amount Truck (Current)	47,215
Average Daily Truck Trips	114	Average Daily Truck Trips	168

Note: Port operates 5.5 days per week with five (5) holidays (281 days/year)
Source: Nassau Terminals, Inc.

c. Automobile Trip Generation

Automobile traffic is primarily generated by Port employees. However, there are several other sources. There are four small local companies utilizing the Port that collectively employ 21 people (see section I.D.1). Table I.B.6 provides an estimate of Port-related automobile traffic.

**TABLE I.B.6
PORT GENERATED AUTOMOBILE TRAFFIC
1998**

<u>Activity</u>	<u>Average Daily Trips</u>
Full-Time Employees (82)	319
Part-Time Employees (13)	25
Other Company Employees (21)	84
Government Employees (2)	5
Visitors/Vendo	1
Vessel Agents	2
Total -	436

Source: Nassau Terminals, Inc.
6th Edition Trip Generation Manual
Institute of Transportation Engineers

Unlike truck traffic, automobiles access the Port from Dade Street, North Third Street, North Second Street and North Front Street.

d. Total Vehicle Trip Generation

With a total of 114 truck trips and 436 automobile trips, the total trip generation for the Port of Fernandina is 550 trips per day. The truck trip generation of 114 is well within the capacity level set at 168 in 1995. The current trip generation of 550 trips per day is within the approved number of total trips (670 trips) allowed from the March 18, 1997 amendment of the Port of Fernandina Development of Regional Impact Development Order. Port-generated truck trips are less than five percent of the total truck trips of 2,511 on 8th Street daily.

2. Access to Railways

The rail system is the second major land transportation mode for cargo to and from the Port. A railroad right-of-way for the CSX Railroad runs through the Port site parallel with, and continuing to, the end of Front Street. As it passes Broome Street, this railroad easement runs parallel to the Port rail siding and loading dock making for a simple transfer of cargo from rail line to warehouse to ship. The railroad right-of-way runs north into Smurfit-Stone's mill site.

a. Existing Rail Traffic Impact

A cooperative arrangement works between the port and the Smurfit-Stone mill that reduces the number of boxcars that pass through the City of Fernandina Beach. The Break-bulk operations at the Port do not add to the level of railroad cars that pass through the city. Break-bulk boxcars that are emptied at the port are routinely routed to the Smurfit-Stone mill site. It is an efficient operation where full boxcars of export cargo are placed on Port rail siding to be unloaded and then sent over to the Smurfit-Stone rail yard for reloading. If the Smurfit-Stone mill did not receive the empty boxcars from the port, the same number of empty boxcars would need to be hauled to the mill as empties and pass through the city for loading at the mill.

Containerized cargo delivered to the Port by rail does currently contribute, to a minor degree, to additional rail traffic onto and off of Amelia Island. The railroad corridor lies in the extreme western part of Amelia Island. Railroad crossings with streets tends to be local or collector streets such as the crossings in the study area at Friendly Road, Bonnie View Road, Lime Street, Centre and Front Streets, and Dade Street. There are no railroad crossings at major streets as 8th Street (US AIA/SR 200).

In 1998, only 126 containers were delivered by rail to the Port compared to approximately 4,000 in 1994. The delivery of containers by double stack rail cars ceased within this time period but is expected to resume in late 1999. The double stack cars, when in operation, carry an average of ten containers per three hundred feet of articulated rail car. The Port at capacity can handle up to 10,000 containers annually by rail.

Service is currently provided on a weekly basis with one train move per week with one trip in and one trip out. Using a conservative train speed of 10 MPH (15 feet per second) the current level of railcars increases the delay at each crossing by 20 seconds. At the projected capacity for containerized cargo, the average additional delay at each rail crossing will be 200 seconds assuming double stack shipment will resume. These projections are illustrated in Table I.B.7:

TABLE I.B.7 CONTAINERS DELIVERED TO PORT VIA RAILROAD SERVICE 1998 and Capacity			
<u>Rail Delivery of Conatiners</u>		<u>Average # Rail Cars Per Train Trip</u>	<u>Average Passage Time/Trip</u>
1998	126	1.0	20 Seconds
Capacity	10,000	10.0	200 Seconds

3. Access to Navigational Channel

The St. Marys River entrance channel, shared with Kings Bay Trident Submarines, is maintained to a depth of 46 feet Mean Low Water (MLW). The St. Marys channel serves as the main entrance from the Atlantic Ocean to the Port. This channel is approximately 6,000 feet long running approximately east and west and is jointly maintained by the U.S. Army Corps of Engineers and the U.S. Navy.

Significant geographic features of the Port serve to enhance its operations in the south Atlantic. The Port is located on the Amelia River, a naturally deep water site, continually swept and scoured by the flow of Lanceford Creek and the Bells River, which significantly lessen the harbor's maintenance. Transit time from the pilots sea buoy to the Port is approximately 45 minutes with no obstructions (such as bridges) and only one "dog-leg" turn south to enter the port channel.

Vessels entering the Port of Fernandina turn south into the Amelia River channel which is approximately three miles long and flows generally north and south. The port channel is 400 feet wide with a minimum depth of 35 feet. The turning basin, located in front of the Forest Products Terminal, is 1,600 feet north and south and 900 feet east and west with a controlled depth of 35 feet after dredging. MLW alongside the 1,200 linear foot dock is 38 feet.

The port channel and turning basin are maintained by the Federal Government through the U.S. Army Corps of Engineers. There are no dredge soil disposal sites at the Port of Fernandina and none are planned for in the future. Any navigational maintenance dredging is performed by the Federal Government.

C. EXISTING PORT SERVICE DEMAND

The Port of Fernandina currently serves two basic commercial shipping trades. One trade is the export of breakbulk cargos, primarily kraft paper, woodpulp and lumber. Table 1.C.1 identifies the paper and pulp mills served by the Port. The other trade is liner shipping involving small independent container vessel operators serving Latin America, the Caribbean and Bermuda. At this time, there are no cruise or passenger activities at the Port of Fernandina facility.

**TABLE 1.C.1
NASSAU COUNTY
OCEAN HIGHWAY AND PORT AUTHORITY**

PAPER AND PULP MILLS SERVED BY THE PORT OF FERNANDINA

Champion International	Roanoke Rapids, NC
St. Laurent	West Point, VA
	Montreal, Quebec, Canada
Gaylord Container	Bogalusa, LA
Georgia Pacific Corp.	Brunswick, GA
	Cedar Springs, GA
	Monticello, MS
Green Bay Packaging	Morrilton, AR
Inland Paperboard	Rome, GA
	Mulford, TX
	Johnsonville, TN
International Paper	Augusta, GA
	Camden, AZ
	Bastrop, LA
	Vicksburg, TN
	Georgetown, SC
	Pineville, LA
	Prattville, AL
	Savannah, GA
Interstate Paper	Riceboro, GA
Smurfit-Stone	Brewton, AL
	Panama City, FL
McMillan Bloedel	Pine Hill, AL
Mead Containerboard	Stevenson, AL
Rayonier	Fernandina Beach, FL
	Jesup, GA
Tenneco Packaging	Valdosta, GA
	Filler City, MI
	Counce, TN
Visy Paper	Conyers, GA
Westvaco Corporation	Charleston, SC
Buckeye	Memphis, TN
	Foloy, FL
Weyerhaeuser	Olgethorpe, GA

1. Break-Bulk Service Demand

The breakbulk trade was identified in the Port's original business plan as a natural activity for a "revitalized" Port of Fernandina. This trade requires close proximity to manufacturing plants, good road and rail connections, sufficiently deep water for bulk carriers, modern warehouse facilities and skilled labor.

The Port of Fernandina is a remarkable location in terms of surrounding manufacturing facilities. The Smurfit-Stone kraft mill and Rayonier pulp mill are both located in Fernandina Beach and are active exporters. In addition there are four other paper mills within 50 miles of Fernandina Beach and six more within 150 miles.

The Port has excellent rail connections, primarily due to the existing CSX service supporting the two mills in Fernandina Beach. CSX has a strong interest in utilizing the Port's export market as a means of positioning rail equipment into Port Fernandina to service the domestic needs of the two local mills. Likewise, the truck route connecting the Port to I-95, via Sr 301 and US 17 is a long-established freight route serving the local mills.

The Port Authority has consistently expanded warehouse space to accommodate the forest products exports. Operations began in 1986 with a simple 60,000-square-foot warehouse. Since that time, there have been four warehouse expansion projects including two new buildings. Currently, the Port has 180,000 square feet of warehouse space. All of the warehouse space is fire protected with adequate eave height. The existing warehouse space is sufficient to store approximately 30,000 tons of forest products which is at capacity for the current level of forest product exports.

Over the years, the Port of Fernandina has developed an extremely skilled labor force. A private terminal operator provides the terminal handling and vessel loading labor. The company maintains a work force of well-trained full time employees supplemented by closely supervised part-time employees. The permanent nature of this labor combined with the frequency of loading breakbulk cargos has created a very productive work force.

The Port's breakbulk activity was not significant during the first years of operations. It took time to persuade shippers to utilize a new port with little experience and limited facilities. As the Port gained experience and expanded its facilities, shipper support developed. From 1988 to 1995, forest products export expanded at an average rate of 40,000 tons per year to a level of approximately 350,000 tons per year. In late 1998, an additional 36,000 square feet of warehouse was added which allows the Port to increase forest products exports to approximately 375,000 tons per year.

2. Containerized Cargo Service Demand

The liner shipping trade at the Port of Fernandina has been much more volatile. In the first few years of operations, the Port attracted several container line operators including a sizeable shipping line offering an around-the-world service and another volume account serving Puerto Rico. The container trade grew dramatically and peaked in 1989 at approximately 350,000 tons (35,818 container moves).

The Port Authority reacted to the demand for container handling by purchasing gantry cranes, lengthening the pier and expanding the container storage area to accommodate up to 45,000 containers per year. These facilities were completed in 1992.

One of the Port's two largest customers outgrew the Port of Fernandina and relocated to Savannah. The other large container operation developed financial problems and relocated to another port weeks before going into bankruptcy. Within months, the Port of Fernandina's container trade dropped to approximately 14,000 container moves per year (125,000 tons).

Since 1991, the Port has avoided large container line operators and focused its marketing efforts on attracting smaller independent carriers serving niche markets in the Caribbean and South America. These carriers are not as likely to enter partnerships with large established carriers.

The recovery in the container trade has come very slowly with the Port handling an average of 175,000 tons per year over the last several years. However, the Port has been successful in attracting five independent carriers serving Latin America and the Caribbean. In early 1999, the Port increased its container trade to an annual rate of 200,000 tons and is expecting growth in the container trade over the next few years. The optimum level of container trade for the Port of Fernandina is considered to be approximately 350,000 tons (same volumes handled in 1989). This level is below the Port's overall capacity for containerized cargo (450,000 tons per year). The current business plan has shifted from containers to break-bulk products resulting in a favorable position for reducing truck traffic.

Table I.C.2 describes cargo service demand for the Port of Fernandina for years 1987 through Year 1998.

TABLE I.C.2 Existing Cargo Service Demand 1987 - 1998 (In Tons)					
<u>Year</u>	<u># of Vessels</u>	<u>Dry Bulk Tons</u>	<u>Cargo Type</u> <u>General Cargo Tons</u>	<u>Containerized Cargo Tons</u>	<u>Total</u>
1987	72	43,200	29,400	99,800	172,400
1988	160		40,600	290,000	330,600
1989	185		82,100	347,400	429,500
1990	199	13,000	98,700	311,200	422,900
1991	150	7,000	156,800	124,000	287,800
1992	165		199,000	128,000	327,000
1993	198		279,000	185,233	464,233
1994	194		236,452	156,509	392,961
1995	271		325,622	202,452	528,074
1996	289		392,187	178,826	571,013
1997	244		350,005	154,852	504,857
1998	283		328,007	186,240	514,247

Source: Nassau Terminals, Inc.

D. EXISTING PORT ECONOMIC IMPACTS

1. Employment

The Port employs 82 full-time and 13 part-time personnel working flexible shifts. Occasionally, overtime and/or part-time personnel are engaged to expedite ship loading and off-loading activities. The 1998 annual payroll was \$2,720,019 with an additional \$265,307 for outside labor utilized during peak periods. Table I.D.1 displays the number of employees from 1994 through 1998. Table I.D.2 presents port activity for containerized cargo for the last 10 years.

TABLE I.D.1 PORT OF FERNANDINA Full and Part-Time Employees 1994 - 1998			
<u>Year</u>	<u>Full-Time</u>	<u>Part-Time</u>	<u>Total</u>
1994	71	10	81
1995	80	12	92
1996	81	12	93
1997	81	10	91
1998	82	13	95

Source: Nassau Terminals, Inc.

TABLE I.D.2 PORT OF FERNANDINA Containers Loaded/Discharged 1988 - 1998				
<u>Year</u>	<u>Container Moves</u>	<u>Import Loads</u>	<u>Export Loads</u>	<u>Total Loads</u>
1988	31,832			
1989	35,818			
1990	29,201			
1991	14,082			
1992	12,937	1,125	5,896	7,024
1993	17,232	3,185	8,769	11,954
1994	13,424	3,657	6,019	9,676
1995	21,151	3,687	10,138	13,825
1996	19,645	1,091	9,573	10,664
1997	18,080	2,319	8,150	10,469
1998	17,886	3,633	7,881	11,514

Source: Nassau Terminals, Inc.

There are also three other companies with 21 employees whose operations are directly dependent upon Port activity. These are:

North Florida Shipping (Ship Agents)	7 Employees
Trident Container (Container Repair)	6 Employees
Cumberland Sound Pilots (Ship Pilots)	3 Employees
Amelia Maritime (Ship Agents)	5 Employees

2. Local Expenditures and Fiscal Impact

During construction of the Port facility, local businesses provided material, services and skilled labor amounting to over \$10 million. Direct purchases made by the Port operator from vendors and businesses in the City of Fernandina Beach and Nassau County are estimated at \$450,000 per year.

Other economic activity impacts are generated as local businesses provide products or services to the Port or those using Port facilities. All income from these sources revolves through the community several times over as additional income before the multiplier effect dissipates.

The largest economic impact of the Port operation are the direct and indirect activities stimulated by the employment generated and local services used. A payroll greater than \$2.7 million is generated annually as a direct result of Port activity. These monies are spent again by the employees in the course of their normal household activity creating an indirect multiplier effect as this money is received for goods and services and spent again by businesses in the city and county. Also, the local mills compete in the export market more efficiently because of the availability of Port facilities. This, in turn, creates more employment in these mills and more business for their suppliers.

Utilizing an economic multiplier developed by the Northeast Florida Regional Planning Council in 1995, the Port's overall economic impact on the City of Fernandina Beach and Nassau County is estimated at \$35.00 per ton of cargo shipped through the Port. Based upon an estimated \$14,000 tons of cargo handled in 1998, the local economic impact of Port operation added approximately \$18 million to the local economy.

In addition to the impact fees paid during the construction, the Port Authority pays an annual fee to the City of Fernandina. The fee is .11 per ton (.10 per ton in prior years) with a minimum payment of \$50,000.

E. EXISTING NATURAL RESOURCES

1. Introduction

This section of the Port Element identifies and describes natural resources in and adjacent to the Port area.

2. Existing Environment Setting

The Port site is located on the Amelia River on the northwestern edge of the city limits of Fernandina Beach on Amelia Island. The site covered by the Port facility has been altered significantly by past uses, including historic filling, bulkhead construction, dock and building construction. The parcel is bisected by a railroad track that runs parallel to the shoreline.

Open space and stormwater retention areas have been incorporated into the site thereby providing a landscape buffer along the northern and western boundaries of the site. Actual land cover of the Port site by acres and type of cover is presented in Map I.E.1 and Table I.E.1. Drainage facilities are depicted in Map I.E.3.

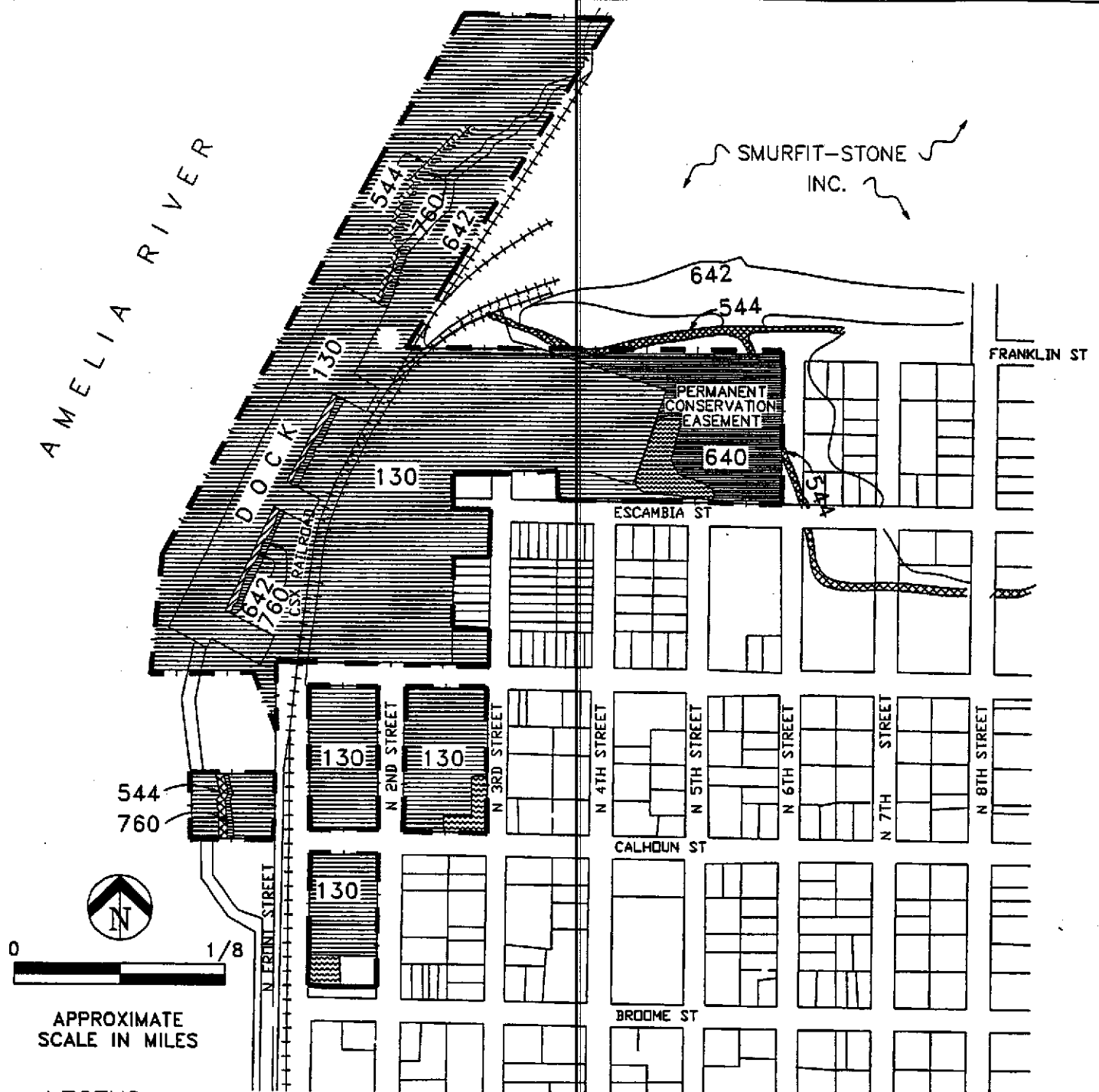
a. Conservation Set-Aside

Approximately 4.06 acres at the Port has been set aside as a permanent conservation area as requested by the Florida Department of Environmental Protection. Bounded by Escambia and Franklin Street (North/South) and North 3rd and North 5th (East/West), this area provides excellent protection as a nursery for juvenile shrimp, fish, clams, oysters and crabs.

Animal life commonly associated with saltwater marsh grass communities include the rice rat, otter, rat, alligator, mink and raccoon. Because of the proximity of this site to the Amelia River, the marsh rabbit also may be present. Many bird species such as the Great Blue Heron, The Great Egret and Snowy Egret can be found in this conservation area.

b. Wetlands

Wetlands on the Port facility consist of saltwater marsh that is located along Alligator Creek in the permanent conservation easement and a narrow strip which exists along the Amelia Riverfront, adjacent to and just north of, the facility loading dock. In order to ensure a continued marshland environment at the Port facility, the Port Authority has established a 10 foot wide marshland mitigation area landward of the length of the existing pier. This area has been planted with Spartina alterniflora.



LEGEND

--- PORT BOUNDARY

	130	INDUSTRIAL
	544	ESTUARY
	642	SALTWATER MARSH
	640	WETLAND VEGETATED
	760	ROCKY SHORE
	RETENTION PONDS	

NOTE: THIS MAP FIGURE USES A MAP EXTRACTION FROM THE 1990 FERNANDINA BEACH COMPREHENSIVE PLAN AS THE BASIS FOR DEPICTING BLOCK AND PARCEL DIMENSIONS.

SOURCE: BREEDLOVE, DENNIS & ASSOC. INC.

PORT OF FERNANDINA

MAP I.E. 1.
LAND COVER

OCEAN HIGHWAY AND
PORT AUTHORITY
FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

**Table I.E.1
1999 LAND USES**

<u>Land</u>	<u>Use Category</u>	<u>Existing Acres</u>	<u>Percent of Total</u>
100	Urban or Built-Up		
130	Industrial (warehouse; paved areas and docks)	20.5	64.0%
140	Transportation (roadways)	3.7	11.6%
500	Water		
544	Estuaries	1.7	5.3%
600	Wetlands		
640	Wetland-Vegetated Non-Foreste	2.9	9.1%
642	Saltwater Marsh	1.0	3.1%
700	Barren Land		
760	Rocky Shore	2.2	6.9%
	Total	32.0	100.0%

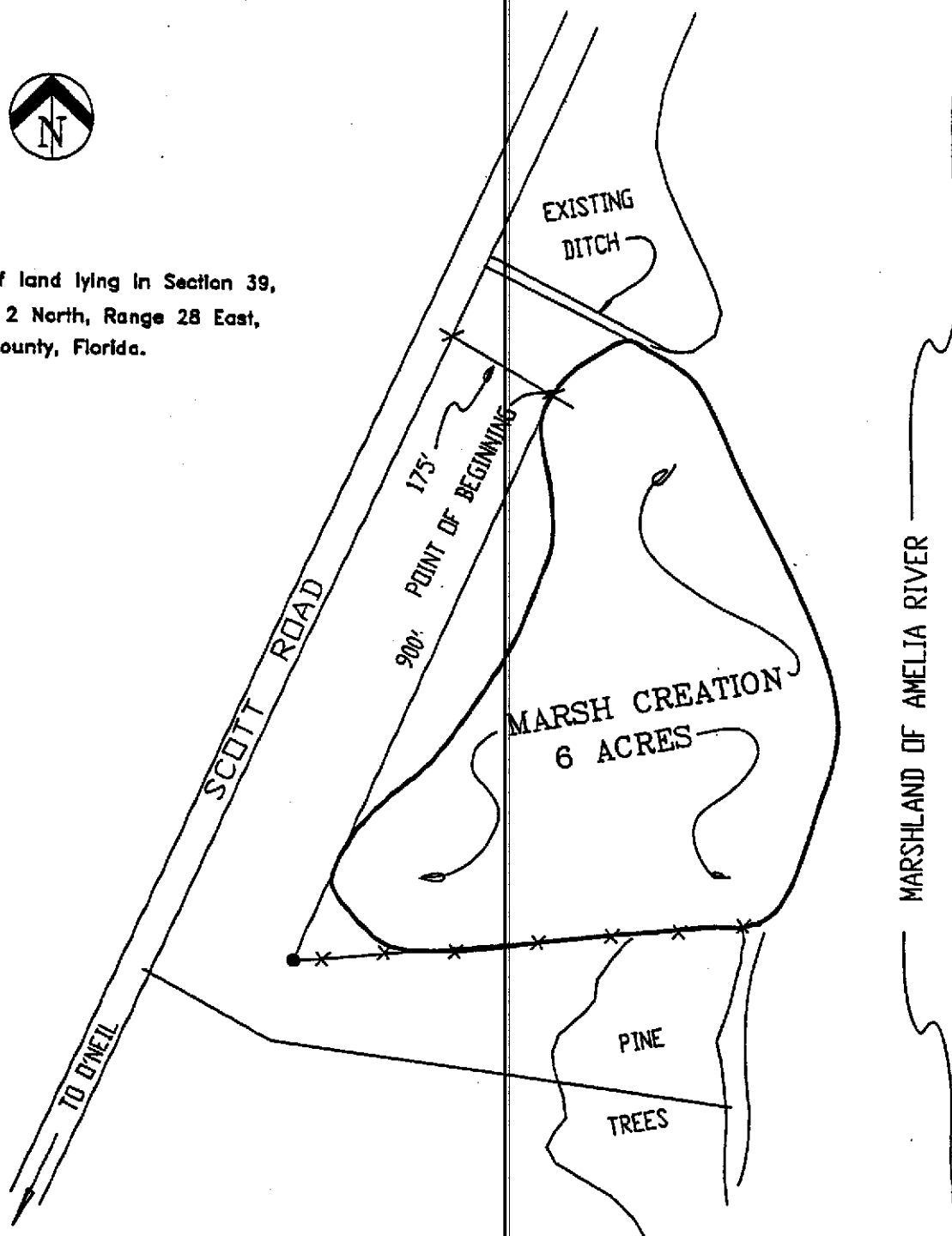
Includes Landscape Buffers and Retention Ponds.

In order to replace lost habitat due to development activities at the Port site, the Port facility created a 0.34 saltwater marsh in an approved mitigation area on Scott Road which is approximately 4.5 miles south of the existing dock (Map I.E.2). In 1992, an additional 5.6 acres of wetlands was constructed adjacent to the original off-site mitigation area. The success of establishing wetland plantings and maintaining vegetative growth in these mitigation areas was monitored semi-annually as required by the Port's permits, until 1995 when the project was determined to be successful (no longer requires monitoring).

The salt cordgrass, Spartina alterniflora, that was planted behind the dock areas had experienced severe erosion problems. To correct this problem, rip-rap has been installed under the dock, the area covered with mud, and replanted. An additional year of monitoring has determined that the effort has been successful.



A tract of land lying in Section 39,
Township 2 North, Range 28 East,
Nassau County, Florida.



SOURCE: HARBOR ENGINEERING COMPANY

PORT OF FERNANDINA
FOREST PRODUCTS TERMINAL
MAP I.E. 2.

OFF-SITE MARSH
MITIGATION AREA

OCEAN HIGHWAY AND
PORT AUTHORITY
FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

c. Marine Resources

Waterward of the shoreline saltwater marshes are small zones of tidal flats and oyster beds. Both of these communities also exist in much larger expanses elsewhere in the Amelia River and adjacent estuaries. Numerous fiddler crab burrows are evident in the upper intertidal flats on the site. Waterward of the intertidal and shallow shore zones, the river bottom drops off rapidly to the Florida Intracoastal Waterway and the open water of the Amelia River.

The biological communities of the Amelia River are structured primarily by the substrate, which is dredged periodically to maintain the channel, and by water quality, which includes natural episodes of low dissolved oxygen during summer low tide conditions. Sediments are extremely variable from sand and compact mud to fibrous organic debris. Benthic studies conducted in the immediate vicinity of the Port site have found only polychaete and oligochaete annelid worms plus nemertean worms, dominated by spinoid polychaetes. Numerous other taxa including molluscs, arthropods, nemertean worms, sponges (Porifera) and polyps (Coelenterata) were reported elsewhere in the River. Most of the forms were detritus feeders tolerant to periods of low dissolved oxygen.

Other biota found in the Amelia River include commercially important shrimp, blue crab and numerous fish species that are important commercial, sport or forage species. The West Indian Manatee (Trichechus manatus) and loggerhead turtle (Caretta caretta) also have been documented in the Amelia River in the vicinity of the Port site. The Right Whale (Eubalaena glacialis) does not occur in the Amelia River; but sightings have been documented in the Atlantic Ocean offshore of the St. Marys inlet.

(1) West Indian Manatee

As a predevelopment agreement relative to the Port's Application for Development Approval (ADA), the Port participated in a \$60,000 three-year manatee study involving satellite-monitoring and tagging of manatees. Although the presence of the West Indian Manatee has been documented in the Amelia River, the three-year study added a great deal of knowledge to the migration patterns and habits of Manatees in the Amelia River and Intracoastal Waterway.

Aerial surveys have shown that warm water discharges into the Amelia River from the facilities of Rayonier and Smurfit-Stone have drawn Manatees to the area during the winter season. Manatees have also been observed concentrating at the City of Fernandina Beach's municipal sewage outfall. The Rayonier outfall and the Fernandina Beach wastewater discharge are located upstream from the Port site ship traffic. The Smurfit-Stone outfall, though down stream of the Port site, is located close to shore and outside of the ship channel.

Vessels entering the Port of Fernandina are required to use the slowest speed possible when approaching the dock area. The Port Authority is committed to manatee conservation and is working with the Cumberland Pilots Association and others to maintain a manatee watch/safety program for the protection of the manatee population in the vicinity of the Port area. Port efforts to protect the species include the placing of special Mitsubishi fenders to extend out five feet along the 1,200 feet of docking berth which prevents crushing should a manatee become trapped between the dock and a docking ship.

(2) Right Whales

Right Whales have been sighted within five miles of the Nassau County coastline off the St. Marys Entrance Channel. Ships entering the St. Marys Channel at the sea buoy (a distance of approximately nine miles from shore) slow down to speeds of eight knots or less. During the calving season (December - March) ships entering the Port are advised by the pilots to be on the look out for the whales.

Cumberland Sound Pilots and the Port Authority work together with the Southeastern U.S. Implementation Team for the Recovery of the Northern Right Whale Population to determine Right Whale locations in order to avoid a ship strike of a whale. All sightings by vessels and pilots are recorded and submitted to the Implementation team in order to better understand the habits of the whale.

d. Water Recharge

The Hawthorn Formation underlies much of Northeast and Central Florida and serves as the confining layer between the surficial aquifer and the Floridan Aquifer. Some of the more permeable sand, shell and limestone layers within the Hawthorn Formation provide limited water supply. Below the Hawthorn Formation and to depths of more than 2,000 feet are limestone formations which make up the Floridan Aquifer which is the major source of potable water in the State. The Port site is generally considered to be in a poor recharge area due to the great thickness of the Hawthorn Formation soils overlaying the Floridan Aquifer at this location.

F. HISTORIC RESOURCES

1. Introduction

The site of the Port of Fernandina was at one time part of an active commercial riverfront community which included sawmills, lumber and military stores, three miles of wooden docks and passenger line services. The current Port operator's offices are housed in one of two restored historical dwellings (the Merrow House), located on a bluff overlooking the facility. The second house, which is a fine example of Victorian "shot-gun" architecture, has been restored and is used as an office for the U.S. Customs Service. Nassau Terminals has received a letter from the Amelia Island/Fernandina Restoration Foundation, Inc. expressing that organization's appreciation for the restoration of these two historic structures.

Truck traffic generated by Port activities does travel along Dade Street, a roadway which cuts through a portion of the City's Historic District. Dade Street, however, is the City designated truck route to the commercial riverfront from 8th Street. The Port-generated truck traffic travels over an already established truck route.

2. Adjacent Historic Properties

The Port of Fernandina site is located adjacent to a portion of the City's Historic District (Map I.F.1). Just as the management of the Port facility has shown concern for the historic properties on the Port site, the Port continues its commitment regarding the potential visual impact that Port operations may have on properties adjacent to the Port facility. Set-back buffers and planted visual screens are incorporated into the site in order to ensure adequate separation of industrial and residential land uses.

3. Archaeological Sites

The Florida Department of State, Division of Historical Resources has determined that there are no significant archaeological sites on land occupied by the Port of Fernandina. An area of "Morris Bluff" or "Yellow Bluff" does have some potential for container artifacts; however, the majority of the site has been disturbed due to the removal of buildings that previously occupied the site and to the prior construction of those buildings. Also, local dumping had occurred on the slope of the bluff in the recent past in order to stabilize erosion. A small area of Yellow Bluff has been surfaced over to construct a parking lot. This area will be available in the future as a relatively undisturbed site for archaeological exploration.

AMELIA RIVER

SMURFIT-STONE
INC.

FRANKLIN ST

ESCAMBIA ST

CALHOUN ST

BROOME ST

N 2ND STREET

N 3RD STREET

N 4TH STREET

N 5TH STREET

N 6TH STREET

N 7TH STREET

N 8TH STREET

N FRONT STREET

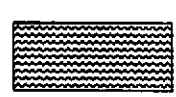
CSX RAILROAD



APPROXIMATE
SCALE IN MILES

LEGEND

--- PORT BOUNDARY



RETENTION
PONDS

NOTE: THIS MAP FIGURE USES A MAP EXTRACTION FROM THE 1990
FERNANDINA BEACH COMPREHENSIVE PLAN AS THE BASIS
FOR DEPICTING BLOCK AND PARCEL DIMENSIONS.

PORT OF FERNANDINA

MAP I. E. 3

DRAINAGE FACILITIES

OCEAN HIGHWAY AND
PORT AUTHORITY

FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

AMELIA RIVER

SMURFIT-STONE
INC.

FRANKLIN ST

ESCAMBIA ST

CALHOUN ST

BROOME ST

N 2ND STREET

N 3RD STREET

N 4TH STREET

N 5TH STREET

N 6TH STREET

N 7TH STREET

N 8TH STREET

N FRONT STREET



0 1/8

APPROXIMATE
SCALE IN MILES

LEGEND

--- PORT BOUNDARY

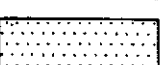
--- HISTORIC DISTRICT BOUNDARY



PORT AREA



RETENTION
PONDS



HISTORIC DISTRICT

NOTE: THIS MAP FIGURE USES A MAP EXTRACTION FROM THE 1990
FERNANDINA BEACH COMPREHENSIVE PLAN AS THE BASIS
FOR DEPICTING BLOCK AND PARCEL DIMENSIONS.

PORT OF FERNANDINA

MAP I.F. 1.

HISTORIC DISTRICT

OCEAN HIGHWAY AND
PORT AUTHORITY

FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

G. EXISTING PUBLIC FACILITIES

1. Wastewater

Sanitary sewage generated by the Port facilities are derived from on-site sources only. If necessary, cargo ships at the dock contract with a licensed marine sanitary hauler for sanitary sewage disposal. On-site sanitary sewage is generated by employees' use of toilets and lavatories. No industrial waste is produced or stored at the Port facility.

There are no plans to provide on-site treatment of sanitary sewage. Wastewater enters the City of Fernandina Beach wastewater collection system through gravity mains and is treated at the City Wastewater Treatment Plant.

Demand on the City sewer system as generated by the Port is calculated at 20 Gallons Per Day Per Employee (GPD/E). Given an employee staff of 95 persons, the calculated demand on the City system is 1,900 Gallons Per Day (GPD), Average Demand and 4,750 GPD, Peak Demand.

2. Potable Water

Florida Public Utilities water system, which obtains its raw water from deep wells, provides potable water to the Port. Should non-potable water be required, it will be seawater drawn from the adjacent Amelia River. No water wells are planned for the site. Operation and maintenance of the on-site water supply facilities up to the water meter is the responsibility of the Port of Fernandina.

Water use by the Port facility consists predominantly of domestic consumption by port personnel, refitting of cargo ships and general cleaning. Cargo ships generally take on potable water when in port for domestic consumption.

Average Daily Potable Water Demand at the Port

On-site employee use per berth	20 GDP per employee
Average cargo ship refitting	10,000 gallons per ship
General cleaning	Every 30 +/- days; 4 hours +/-
Berthing: Average Usage	40 percent
Average Stay in Port	1 day per ship
Capacity	2 berths

Water for landscape irrigation and other non-potable uses is negligible.

3. Solid Waste

On-site operations generate all of the solid waste that must be disposed of from the Port of Fernandina. When necessary, cargo ships contract with a private solid waste hauler for disposal. On-site solid waste consists of domestic waste from facility employees and yard waste from the movement and storage of cargo.

The City of Fernandina Beach and BFI, Inc., supply dumpsters at the site for disposal of domestic waste (boxes, paper, cans, bottles and other waste typical of an office/warehouse environment). A private hauler supplies large dumpsters for yard waste which normally consist of packing materials, scrap lumber, etc. Operations of the Port facility contribute approximately 5.8 cubic yards of solid waste per day to the Nassau County landfill.

The Port separates aluminum cans and glass as part of its on-going solid waste volume reduction plan. Also, those items such as cardboard and metal that can be collected are salvaged and sold for recycle in order to reduce the Port's solid waste volume.

4. Drainage

Surface water is managed at the Port facility in compliance with design criteria approved by the St. Johns River Water Management District.

All run-off water from the site is routed away from the Amelia River into three on-site detention ponds. Surface water collected from the dock and container storage areas is routed through a system of pipes to a large retention pond located north of Escambia Street. For water quality control, the Port utilizes a detention basin with a filtration system. In this system, the first inch of runoff volume is computed by multiplying the impervious drainage area times one inch. The filter has a design capacity for treating the above-specified first inch of runoff within 72 hours following the storm event. See Map I.E.3 and the discussion presented in Section E.2.d(2).

Surface water collected from the Port's warehouses is routed to on-site retention ponds located adjacent to warehouses two and three.

H. EMERGENCY MANAGEMENT

1. Fire

Fire protection at the Port of Fernandina is provided by the City of Fernandina Beach Municipal Fire Department. Travel distance between the nearest two fire stations and the Port facility is four to six minutes. City Station One is equipped with a pumper and a backup pumper. City Station Two has a pumper and aerial ladder truck and the Hazmat Team.

The City of Fernandina Beach and Nassau County are signatories of the statewide mutual aid agreement. In the event of a major incident at the Port, County aid would come first from County Station One with a response time of four to six minutes. The second responding County unit would be County Station Two with aerial ladder, and rescue unit. The firefighters at both the City and County Stations are paid professionals, each station is routinely staffed with four firefighters.

Water for emergency fire control is supplied to the Port facility by Florida Public Utilities. The Port paid for the extension of a 12 inch water main from the 10th Street water tower along Dade to the Port's warehouses. This water supply is capable of delivering over 1,000 gallons of water per minute for a duration of four hours. A further benefit to this extension was improved water pressure and fire protection delivered to the resident properties near the Port.

In addition to the resources noted above, the Port has two dry hydrants located on the north and south ends of the 1,200-foot dock which permits the Fire Department to draw water directly from the Amelia River. There are three wet hydrants located throughout the container yard.

The Port terminal and warehouse complex is completely fitted with portable fire extinguishers. These extinguisher are serviced under contract.

Neither the Coast Guard, County, or City has the capability to conduct river based firefighting. In the event of an uncontrollable fire aboard a docked vessel at the Port, to protect the docks and mainland structures, the ship will be towed out to sea where the fire will be allowed to burn itself out.

The City of Fernandina Beach Municipal Fire Department maintains a special truck for containing fires which involve hazardous materials. This truck is outfitted with barrels of special products necessary to neutralize or smother toxic emanations from fire or other chemical reactions. The Port contributed \$4,000 to the City's hazardous materials truck.

2. Spill Contingency

As one of the many requirements placed upon the Port Authority for Development Approval, the Port Authority prepared a hazardous/spill contingency plan which specifies the available equipment, staff and procedures for containment and clean-up of any spills at the Port of Fernandina.

Although approximately ten percent of the ships that use the Port facility do require refueling, the Port Authority does not provide or arrange for the refueling of ships at the Port facility. Ships that require refueling must themselves contract for such service from commercial organizations licensed by the Coast Guard. These contractors refuel from barges on the Amelia River or, in a few cases, by truck. The contractors are required to maintain fuel containment equipment on board and have the equipment available in case of a spill.

The Port has contracted with Environmental Recovery Group of Jacksonville, Florida to provide any emergency oil spill clean-up operations. Additionally, the Port has taken the initiative to request the assistance of its riverfront neighbors to the north and south to volunteer additional boom/absorbent materials should the need arise for emergency containment. Letters are on file from Smuffit-Stone and Florida Petroleum Corporation offering such assistance. Thus, upon an emergency, Port employees will utilize available boom/absorbent materials on site to provide immediate response to a spill situation. Upon arrival, Environmental Recovery Group will take over and complete spill containment operations.

3. Hazardous Materials

The City of Fernandina Beach Municipal Fire Department maintains a Hazardous Materials response truck in City Station Two for containing fires which involve hazardous materials. The crew are trained hazardous materials specialist as outlined in OSHA 29 CFR 1910.120, and EPA 40 and CFR 311 which establishes hazardous materials training levels. All City and County Firefighters have received at minimum Level Two training for hazardous materials as outlined in OSHA 29 CFR 1910.120.

As stated earlier, the Port has prepared a spill/hazardous material contingency plan which specifies Port actions in case of such an occurrence. The County has also developed a Hazardous Materials response plan as required under SARA Title III, and Florida Emergency Planning and Community Right to Know Act, which outlines local government actions in case of a release of hazardous materials.

4. Hurricane Preparedness

The Port of Fernandina has established procedures for "High Winds and Hurricane Preparedness." These procedures are prepared in conjunction with the U.S. Coast Guard standard operating procedures for hurricanes and are contained in a single document which identifies responsibility and duties by the Port operators and sets the level of action in terms of the level of threat (expressed in number of hours until the hurricane is expected to make landfall).

The Port of Fernandina is under the jurisdiction of the U.S. Coast Guard Captain of the Port - Jacksonville (COTP) and will be under the direction of the Captain of the Port upon receiving warning of an approaching hurricane.

After notification of the 24-Hour Warning, no vessel may anchor within the boundary lines of the Port. All vessels and barges in excess of 100 gross tons will be prohibited from anchoring within the territorial waters under the cognizance of the Captain of the Port - Jacksonville (COTP). In the event a vessel over 150 feet in length not being able to depart the Port, the person in charge of the vessel must submit a written request to the COTP to allow the vessel to remain in Port. The COTP may allow the vessel to remain in Port provided the vessel subscribes to certain specific conditions as described in the Port's preparedness plan.

II. PROPOSED PORT FACILITIES ANALYSIS (PORT MASTER PLAN)

(Reference 9J-5.009(2)(b), F.A.C. Repealed and 9J-5.019 (3) F.A.C. where appropriate to a Port Facility)

A. PORT TRENDS

1. General

The ocean transportation industry continues to improve efficiency, primarily by employing vessels specifically designed to carry specific cargos within a particular trade lane. Within each trade, the tendency is to use the largest possible vessel to obtain the lowest per ton or per unit cost.

In the east-west container trades between the developed markets of the United States, Europe, and the Far East, the vessels are designed to carry over 3,000 20-foot containers and are calling ports which can provide four and five cranes to load and discharge up to 1,000 containers in eight hours. By contrast, the Caribbean trade cannot support such large vessels, but still require special designs such as on-board cranes or ramps for unloading.

The forest products trade is yet another distinct trade which is dominated by vessels designed to load rolls and bales of paper and pulp as fast as possible with the most efficient use of space in the ships' holds. In the primary forest products trades, vessels are exceeding 45,000 Dead Weight Tons (DWT).

The utilization of large, specialized vessels in turn creates the need for ports to provide facilities designed to fit the needs of the vessels. Port terminals are now specialized, with terminals designed for a particular kind of trade. Some terminals are designed for loading only containers. Some terminals are designed for discharging frozen pelletized cargo, other terminals are dedicated to loading forest products, and so on.

The Port of Fernandina is not large enough to serve the major container line operators. However, the Port of Fernandina is able to serve an important segment of that trade, primarily the independent carrier operators in the Caribbean, Central America, and the north coast of South America.

In the forest products trade, ports have been responding to shipper's demands for a higher quality product. Ports must provide modern warehouses, specialized equipment, and well-trained labor. The Port of Fernandina has been able to provide these facilities and services to a number of major forest products exporters. The limiting factor at the Port of Fernandina is the space available for additional warehousing.

2. Vessel Trends in the Container Trade

While there is a tendency toward larger container vessels to obtain the highest economy of scale, they are very expensive and require large, automated ports to achieve the desired level of operational efficiency. Generally, the largest vessels call the largest ports and operate in the major trades (Europe, Asia, etc.).

The Port of Fernandina does not have the infrastructure to cater to the very large carriers which are 3,000 20-foot equivalent unit (TEU) vessels and greater. Instead, The Port has targeted the Caribbean and South American trade for its container cargo activities.

Large, deep draft vessels do not lend themselves to the Caribbean/Latin America trade because these markets are much smaller than Europe and Asian markets. Also, the Caribbean/Latin American ports are frequently small with limited draft. A relatively high frequency of smaller ships is characteristic of ports involved in this trade region. Ports must be planned for flexible operations with fewer containers loaded on more ships.

3. Vessel Trends in the Forest Products Trade

In the forest products trade, the Port of Fernandina is well located and well equipped to service major markets. The 35-foot channel depth is sufficient to handle most modern forest products carriers (up to 40,000 DWTs). These carriers load at the Port of Fernandina for Europe, Asia, and the Middle East.

At the same time, the Port of Fernandina is an ideal port for shipping forest products to the smaller markets in South America and throughout the Caribbean. These markets are served by smaller conventional vessels, refrigerated vessels returning from Europe, roll-on/roll-off (RO-RO) vessels, and covered barges. In order to continue in both the major and minor forest products trade, the Port of Fernandina must remain skilled and equipped for many types of loading operations. It is also important that warehouse space be expanded to accommodate the larger cargo consignments associated with the larger carriers, without displacing the small carriers.

4. Trends in Ship Operations

The high cost of ship operations requires ports to provide quick vessel turn-around. The objective of the ship's owners is to have the vessel unload, load, and be out of port as quickly as possible. The Port of Fernandina enjoys a short, open entrance channel, with little congestion. The port operator is able to offer immediate work start on arrival. The operator also works vessels around the clock and limits the number of customers requiring multi-day loading operations. All of these features contribute to good berth availability and a quick turn-around of the vessel from sea buoy to sea buoy.

5. Trends in Port Operations

The requirement for more efficient ship operations places the burden on the Port to expedite cargo transfer. This, in turn, generates the need for improved cargo handling methods at dockside to facilitate expeditious vessel handling.

Generally, seaports have now become an integral link in the transportation chain for the movement of cargo. They are no longer used as facilities for storing or distributing import and export cargo. Today seaports are purely transfer facilities. Containerized cargo is often at the Port of Fernandina for only hours. Break bulk consignments are still accumulated at the Port over several weeks. However, rolls of paper are sometimes loaded on ships still warm from the paper machine at the mill. Direct intermodal transfers to "double-stack" trains, together with more fully automated port systems, are major trends for the Port of Fernandina.

In an effort to streamline the processing of import cargo documents, the United States Customs Service has implemented an Automated Manifest System which allows import cargo to be processed by computer and released to U.S. importers quicker. In some cases cargo is cleared and released before the vessel docks. The coordinated clearance system works well at the Port of Fernandina.

B. FUTURE PORT DEVELOPMENT

The level of development that may occur at the Port of Fernandina is dependent on several factors. First, due to the space constraints of the port site, utilizing existing space to maximize cargo throughput is a necessity. Second, with expanding South American and Caribbean markets, the Port must be in a position to react to both existing and potential users' needs and requirements as they develop. New concepts of loading/unloading ships must be constantly explored in terms of current and future customer needs.

General cargo, such as break bulk cargo, is currently near capacity while containerized cargo volumes at the Port are projected to grow at a rate of twenty percent per year until reaching optimum capacity in 2001. Table II.B.1 presents the anticipated level of cargo handling at the Port through the year 2005 given implementation of planned Port expansion projects. Increased levels of Port tonnage will occur with the increase in warehouse capacity and installation of bulk cargo handling equipment discussed later in this section. Dry bulk cargo, as identified in the Tables, refers to the delivery of wood chips by vessel and is also discussed in this section.

TABLE II.B.1 PORT OF FERNANDINA Future Port Service Demand <u>With</u> Port Expanded Projects PROJECTED ANNUAL TONNAGE 1999-2005				
<u>Year</u>	<u>General Cargo</u>	<u>Contain. Cargo</u>	<u>Dry Bulk Cargo</u>	<u>Total Cargo</u>
1999	360,000	250,000		610,000
2000	360,000	300,000		660,000
2001	375,000	350,000	400,000	1,125,000
2002	375,000	350,000	400,000	1,125,000
2003	400,000	350,000	400,000	1,150,000
2004	400,000	350,000	400,000	1,150,000
2005	400,000	350,000	400,000	1,150,000

The Port of Fernandina currently occupies approximately 32 acres (of which 27 acres are operational, the remaining acreage being wetlands) within the City of Fernandina. There are three areas in which the Port would like to expand its facilities to improve cargo handling and add services. These are the provision of a bulk pier unloading facility, additional warehouse space and an intermodal facility (see Map II.B.1).

None of the identified expansions at the Port or the Port operating at capacity are expected to have a negative impact on the levels of service for the roadway network, primarily 8th Street (the designated truck route). Truck access to the Port via Dade Street will not change with the expansions. Both the Port Authority and the Smurfit-Stone mill are working to reduce the truck traffic generated by their operations thus reducing the overall trip generation rates of the two operations. The potential reduction of truck traffic is demonstrated in this section.

1. Bulk Unloading Facilities

When market conditions allow, the Port intends to build and operate a bulk unloading pier dedicated to receiving wood chips for direct delivery to the adjacent Smurfit-Stone mill. This specialized pier could accommodate delivery by vessel of approximately 400,000 tons of wood chips per year. Wood chips would be unloaded at the pier and sent to the mill by a conveyor belt system. The bulk pier would replace approximately 200,000 tons currently delivered by rail and 200,000 tons currently delivered by truck. As shown in Table II.B.2, delivery of wood chips to the Smurfit-Stone mill via a bulk pier could take up to 58 truck trips per day off the local road system, in this case 8th Street (designated truck route).

AMELIA RIVER

BULK PIER

SMURFIT-STONE
INC.

FUTURE INTERMODAL
FACILITY

FRANKLIN ST

ESCAMBIA ST

MAIN GATE (TRUCK ENTRANCE)

PORT RAIL SIDING
SECONDARY ACCESS
(NO TRUCKS)

N 2ND STREET

N 3RD STREET

N 4TH STREET

N 5TH STREET

N 6TH STREET

N 7TH STREET

N 8TH STREET

RESIDENTIAL
AREA

WAREHOUSE EXPANSION

CALHDUN ST

RESIDENTIAL
AREA

BROOME ST

INDUSTRIAL
AREA

EXISTING
EXP.

NEW RETENTION
POND AREA

BUFFER



0 1/8

APPROXIMATE
SCALE IN MILES

LEGEND

--- PORT BOUNDARY



EXPANSION



RETENTION
PONDS

NOTE: THIS MAP FIGURE USES A MAP EXTRACTION FROM THE 1990
FERNANDINA BEACH COMPREHENSIVE PLAN AS THE BASIS
FOR DEPICTING BLOCK AND PARCEL DIMENSIONS.

PORT OF FERNANDINA

MAP II B.1

PORT EXPANSION AND
ADJACENT LAND USES

9J-5.009(4)

9J-5.019(5)

OCEAN HIGHWAY AND
PORT AUTHORITY

FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

TABLE II.B.2 PORT OF FERNANDINA Bulk Pier to Service the Smurfit-Stone Mill Expansion Impact - Traffic Delivery of Wood Chips	
Wood Chips Delivered By Vessel Per Year	400,000 Tons
Replacing Domestic Chips By Rail (50%)	200,000 Tons
Replacing Domestic Chips By Truck (50%)	200,000 Tons
Estimated Reduction On Truck Traffic (11 Tons/truck Trip)	18,182 Truck Trips Saved/year
Reduction Of Truck Trips Per Day To Smurfit-Stone Mill (312 Days Per Year Receiving At Mill)	Up To 58 Truck Trips Saved/day

In South America there are a number of new producers of plantation grown softwood trees which are converted to wood chips. These producers are projecting a dramatic increase in the availability of wood fiber over the next decade. At the same time transportation cost for bulk wood chips has become relatively low, based on the availability of wood chip carriers.

a. Projected Service Demand, Traffic, Economic Benefits and Employment

The long term fiber demand in the Southeastern United States exceeds the growth rates. If this trend continues an offshore fiber supply may become necessary for Southeastern mills to maintain or expand production. The Port Authority is prepared to react to the industry's needs with a facility designed for unloading imported wood chips from bulk vessels and barges.

Wood chips are currently brought to the mill by truck and rail. Table II.B.2 shows that approximately 58 truck trips per day could be eliminated from local roads, primarily 8th Street, by receiving wood chips by vessel utilizing a bulk discharging system.

In addition, eight jobs will be created by the bulk pier. The overall economic impact is estimated to be approximately \$10 per ton or \$4 million per year.

b. Future Land Uses and Adjacent Natural Resources

The bulk pier will utilize approximately 720 feet of waterfront property immediately north of the existing pier. The Port currently owns 400 feet of this property. The balance would be purchased from Smurfit-Stone Inc. The site considered for the bulk unloading facility is currently an area permitted for a bulk unloading facility by the Florida Department of Environmental Protection and the U.S. Army Corporation of Engineers. The area is currently zoned industrial waterfront by the City and constructing a bulk loading facility would be consistent with the land uses designated in the City of Fernandina Beach's Comprehensive Land Use Plan.

The bulk unloading facility is not expected to adversely impact the adjacent natural resources of the Amelia River and Alligator Creek.

By design, such a pier construction would not accommodate the handling of general cargo. However, the pier could be employed from time to time as a lay berth for idle vessels.

2. Rail Expansion

The Port Authority and Smurfit-Stone, Inc. are studying the joint development of an intermodal rail transfer facility. Such a facility would accommodate the transfer of containers and trailers directly to intermodal rail cars.

a. Projected Service Demand, Traffic and Economic Benefits

Currently the Smurfit-Stone mill transfers approximately 25 trailers per day to the Jacksonville rail ramp facilities by truck. The Port's container line operators truck approximately 20 loads a day to the Jacksonville ramp facilities. A majority of this traffic could be loaded and unloaded directly onto or off of rail cars on Smurfit-Stone's site if adequate facilities were in place. The proposed intermodal facility would reduce local truck traffic by approximately ninety truck trips per day (25 trucks plus 20 trucks times 2 equals 90 truck trips). The potential net savings in transportation cost will be approximately \$30 per trailer or containers or \$380,000 per year.

b. Future Land Uses and Adjacent Natural Resources

The intermodal facility would be located on the Smurfit-Stone mill site. The port would access the facility utilizing the existing culvert crossing which currently accommodates a rail siding. The existing wetlands will go undisturbed. There are no other changes in rail access for the Port.

3. Additional Warehouse Space

The last warehouse expansion on Block 3 on the South side of Calhoun Street was reduced from 50,000-square-feet to 37,000-square-feet due to the unavailability of adequate land for the original expansion plan. This 37,000 square-foot warehouse is known as Warehouse 3. If at some time the remaining land in Block 3 becomes available, the Port Authority would like to extend the warehouse in that block by 120 feet or 24,000 square feet. This area is identified in the City's Comprehensive Land Use Plan as a site for industrial manufacturing. It is currently occupied by a fuel oil depot. It is the intent of the Port Authority to provide a 30-foot buffer along Broome Street should this project go forward. Only a landscaped space and retention would be allowed within this buffer.

Cargo for Warehouse 3 is currently received by rail via a rail siding that runs parallel to Front Street or by trucks from the existing loading docks between Warehouse 1 and 3. No other receiving facilities would be required for the warehouse expansion.

a. Projected Service Demand, Traffic and Economic Benefits

Service demand remains very strong for forest product exports. The recent merger of Jefferson Smurfit- and Stone Container has increased the service demand. It is expected that the additional warehouse space from the expansion would provide space for an additional 25,000 tons per year of general cargo, such as break bulk cargo. Based on current experience, approximately 26 percent of this cargo would arrive from trucks (other than trucks from Smurfit-Stone) and generate approximately 2.1 additional truck trips per day (based on eleven tons per truck trip from Table II.B.2). However, it should be noted that by the removal of the fuel depot at the warehouse expansion site, there would be a reduction of a number of truck and auto trips per day currently generated by the fuel depot.

Economic benefits of the additional warehouse space is estimated at \$35 per ton or \$875,000 per year. There would be two full-time jobs created by this expansion.

b. Future Land Use and Adjacent Resources

If the Port is able to acquire the land where the fuel depot is currently located, this site could accommodate the 24,000 square foot warehouse expansion and with enough space for an adequate storm water retention pond and a 30 foot landscape buffer which would reduce the visibility of the warehouse and the port area.

4. Summary of Potential Reduction in Truck Traffic

As stated in this section, future expansion of the Port Facilities have the potential for a reduction in truck traffic along 8th Street. With the construction of the bulk unloading pier, a possible 58 trucks per day hauling wood chips to the Smurfit-Stone mill could be eliminated. With the new rail intermodal facility, approximately 90 trucks a day could be removed by sending wood products from the mill by rail instead of trucks. Lastly, with the expansion of the third warehouse, the trucks servicing the fuel depot would be removed from traffic.

C. CAPITAL IMPROVEMENT PLAN

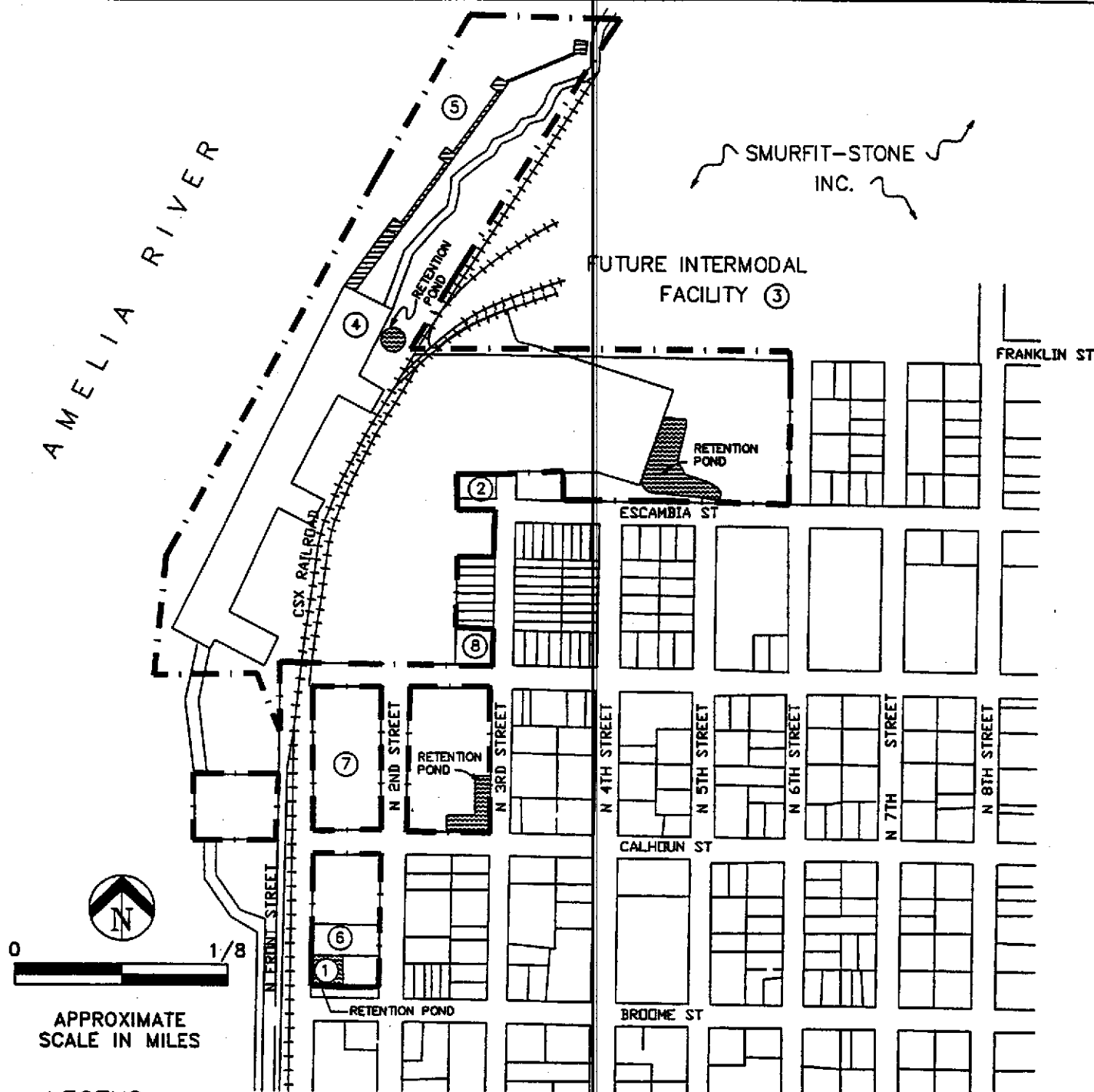
The Ocean Highway and Port Authority expect to finance most of its capital improvement projects over the next five-years utilizing several funding services. These services include bond financing, internal operational cash flow, grants and other capital funding from State and Federal organizations, such as the Florida Department of Transportation and the Florida Seaport Transportation and Economic Development Council. The Port is also prepared to enter into third party agreements on a joint funding basis for specific projects where a mutual benefit exists, such as the bulk wood chip receiving pier dedicated for use by Smurfit-Stone. Table II.C.1 provides a projected Port of Fernandina Capital Improvement Budget through the year 2004. Map II.C.1 depicts the locations of these proposed improvements.

D. OTHER POTENTIAL FUTURE USES

There is community interest in facilitating certain cruise ship activities, primarily port-of-call scenarios with vessels carrying 1,300 passengers or less. The Port Authority does not currently have a site for a cruise ship berth or plans to develop such a site. However, the Port Authority is prepared to work with other community organizations which may want to investigate the development of a "port-of-call" cruise ship facility at Port of Fernandina.

TABLE II.C.1 Port of Fernandina (OHPA) Five-Year Capital Improvement Program							
<u>Map Key</u>	<u>Project Identification</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>Total</u>
1	Land Acquisition					\$400,000	\$400,000
2	Expansion of Support Facilities for Refrigerated Containers (1)		\$264,000				\$264,000
3	Intermodal Yard - 3,000 Feet Siding and RTG Crane		\$100,000	\$2,000,000			\$2,100,000
4	Mooring Dolphins and Walkway				\$225,000		\$225,000
5	610 Foot Bulk Pier and Conveyors	\$200,000	\$50,000	\$4,750,000			\$5,000,000
6	Warehouse #3 Expansion					\$550,000	\$550,000
7	Warehouse #1 Refurbishment and Modification	\$694,000					\$694,000
8	Expansion of Container Receiving Station			\$371,800			\$371,800
9	Off-Port Access Improvements				\$1,500,000		\$1,500,000
Total		\$894,000	\$414,000	\$7,121,800	\$225,000	\$950,000	\$11,104,800

Note: (1). A joint project on Smurfit-Stone and not Port-owned property.



APPROXIMATE
SCALE IN MILES

LEGEND

--- PORT BOUNDARY

LEGEND FOR CIP PROGRESS
SHOWN IN TABLE II. C. 1

NOTE: THIS MAP FIGURE USES A MAP EXTRACTION FROM THE 1990
FERNANDINA BEACH COMPREHENSIVE PLAN AS THE BASIS
FOR DEPICTING BLOCK AND PARCEL DIMENSIONS.

PORT OF FERNANDINA

MAP II. C. 1

MAP KEY

FOR

CIP PROJECTS (1999 - 2004)

OCEAN HIGHWAY AND
PORT AUTHORITY

FERNANDINA BEACH,
NASSAU COUNTY, FLORIDA

III. PORT FACILITIES GOALS, OBJECTIVES, AND POLICIES (PORT MASTER PLAN)

(Reference 9J-5.009(3) F.A.C. Repealed and 9J-5.019(4) where appropriate to a Port Facility)

GOAL 1: STIMULATE ECONOMIC DEVELOPMENT OF THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY

OBJECTIVE 1.1: The Ocean Highway and Port Authority shall continue to plan for and maintain facilities to meet the long-term useful life of the Port facility.

POLICY 1.1.1: The Ocean Highway and Port Authority shall utilize all available sources of funding to finance Port improvements. The Authority to the best of its ability will implement the Capital Improvements Program cited in section II. of this document.

POLICY 1.1.2: The Port Authority shall continue to coordinate with the U.S. Army Corps of Engineers to maintain and expand the Port facility access shipping channel and turning basin as Port development continues.

POLICY 1.1.3: The Port Authority shall continue to coordinate with the City of Fernandina Beach to identify opportunities for future economic development.

GOAL 2: OPERATION AND EXPANSION OF THE PORT FACILITY SHALL BE COORDINATED WITH THE CITY OF FERNANDINA BEACH AND NASSAU COUNTY GOVERNMENTS.

OBJECTIVE 2.1: The Port Authority shall coordinate with County and City Commissions to ensure that Port development meets appropriate City and/or County standards or requirements.

POLICY 2.1.1: The Port Authority shall abide by the Goals, Objectives and Policies of the City of Fernandina Beach Comprehensive Plan in its planning for operation or expansion of the Port facility.

POLICY 2.1.2: Prior to any future expansion to the Port of Fernandina, all plans or proposals for expansion shall be reviewed by the City of Fernandina Beach or the County, as appropriate, for consistency in meeting all applicable land development regulations, building permits or other permit requirements. Future Port Development projects shall be consistent with the Port Master Plan and the Port Master Plan Map (Map II.B.1). No port development or project inconsistent with the Port Master Plan shall be undertaken without prior review, input and adoption as a Comprehensive Plan Amendment by the City of Fernandina Beach.

POLICY 2.1.3: Any impact to urban services or facilities (i.e., drainage, potable water, wastewater, traffic or solid waste) brought upon by the identified and approved Port Master Plan projects, which results in the degradation of an adjusted level of service standard for such service or facility, shall be mitigated to the satisfaction of the City and/or the County, as appropriate, prior to the issuance of a building permit for the expansion.

POLICY 2.1.4: The Port Authority shall not commence construction on any Port expansion program until all required permits and leases are secured.

GOAL 3: THE PORT AUTHORITY SHALL STRIVE TO MAINTAIN THE UNIQUE CHARACTER OF THE CITY OF FERNANDINA BEACH

OBJECTIVE 3.1: The Port Authority in operating the Port facility shall take all precautions to protect the environmental and historic assets of the City of Fernandina Beach.

POLICY 3.1.1: The Port Authority, in cooperation with the U.S. Coast Guard and the U.S. Department of Transportation, shall prohibit the handling of unauthorized toxic materials and will be prepared to contain toxic spills that could occur at the Port facility site.

POLICY 3.1.2: The Port Authority shall continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port Authority facility. Where Port property is adjacent to the Historic District, a 30 foot landscaped buffer will be maintained.

POLICY 3.1.3: The Port Authority will comply with the Land Development Code of the City of Fernandina Beach to ensure that adequate buffers and screening materials are constructed and maintained between the industrial zoning of the Port and the adjacent single family residential zoned areas.

POLICY 3.1.4: Stormwater runoff at the Port facility shall comply with stormwater management requirements established by the St. Johns River Water Management District as well as federal state and local agencies.

POLICY 3.1.5: The Port Authority shall continue to coordinate with the Department of Environmental Protection, Division of Marine Resources, the New England Aquarium, the Cumberland Sound Pilots Association and other interested organizations to support protection of manatee and right whale communities that are on the fringe of Port operations.

POLICY 3.1.6: The Port Authority will continue to comply with the requirements of the permits from the Department of Environmental Protection in regard to maintaining and preserving the permanent conservation areas and the ten-foot-wide marshland mitigation area.

POLICY 3.1.7: The Port Authority shall use best management practices during construction, operation and maintenance at the Port facility to ensure that water quality within the area of the Port facility will receive no degradation as a result of Port activity.

POLICY 3.1.8

In order to minimize traffic impacts to the City of Fernandina Beach the Port Authority will continue to use the City's designated truck route, for truck access to the Port. The Port Authority will continue to work with the City of Fernandina Beach, the Nassau County Board of Commissioners and the Florida Department of Transportation to develop the best possible plan for maintaining an acceptable level of service on the A1A corridor, the 8th street corridor, and the Dade street corridor.



FDOT Seaport Office Ocean Highway & Port Authority Strategic Master Plan Planning Advisory Board Briefing

Stephen Berry – Cardno TEC
Brian Wheeler – Genesis Group
Joseph Strain – Marshal Strain
Enterprises

James Hunt – Cardno TEC
Sharon Niemczyk – Cardno Entrix
Allen Skinner – Genesis Group
Beth Carson - Genesis Group



Master Plan - Purpose

- Port of Fernandina is part of the 14 Florida Seaports
- The prior Port Master Plan was 11 years old
- New Legislative Seaport Plan Requirements & Content defined in 2012
- Integration with other Local, Regional, State Plans and work programs

FLORIDA SEAPORT SYSTEM PLAN



FLORIDA DEPARTMENT
OF TRANSPORTATION

DECEMBER 2010



Intergovernmental and Stakeholder Coordination

Intergovernmental and Stakeholder Coordination Is A Critical Element To A Successful Master Planning Effort! Project Initiation August 14, 2013

Key Intergovernmental Coordination Will be Required With:

- City of Fernandina Beach
- Nassau County including Incorporated Towns
- Nassau County Economic Development Board
- Northeast Florida TPO/FDOT

Other Key Stakeholders and Interested Parties:

State Senator Aaron Bean, State Representative Janet Adkins, Kinder-Morgan, RockTenn, Rayonier, CSX, Norfolk Southern, Genesee-Wyoming, USACE, USCG, Joel Embry, Shrimpers Co-op, Camden County GA, City of Kingsland Economic Development, Others...





Project Schedule

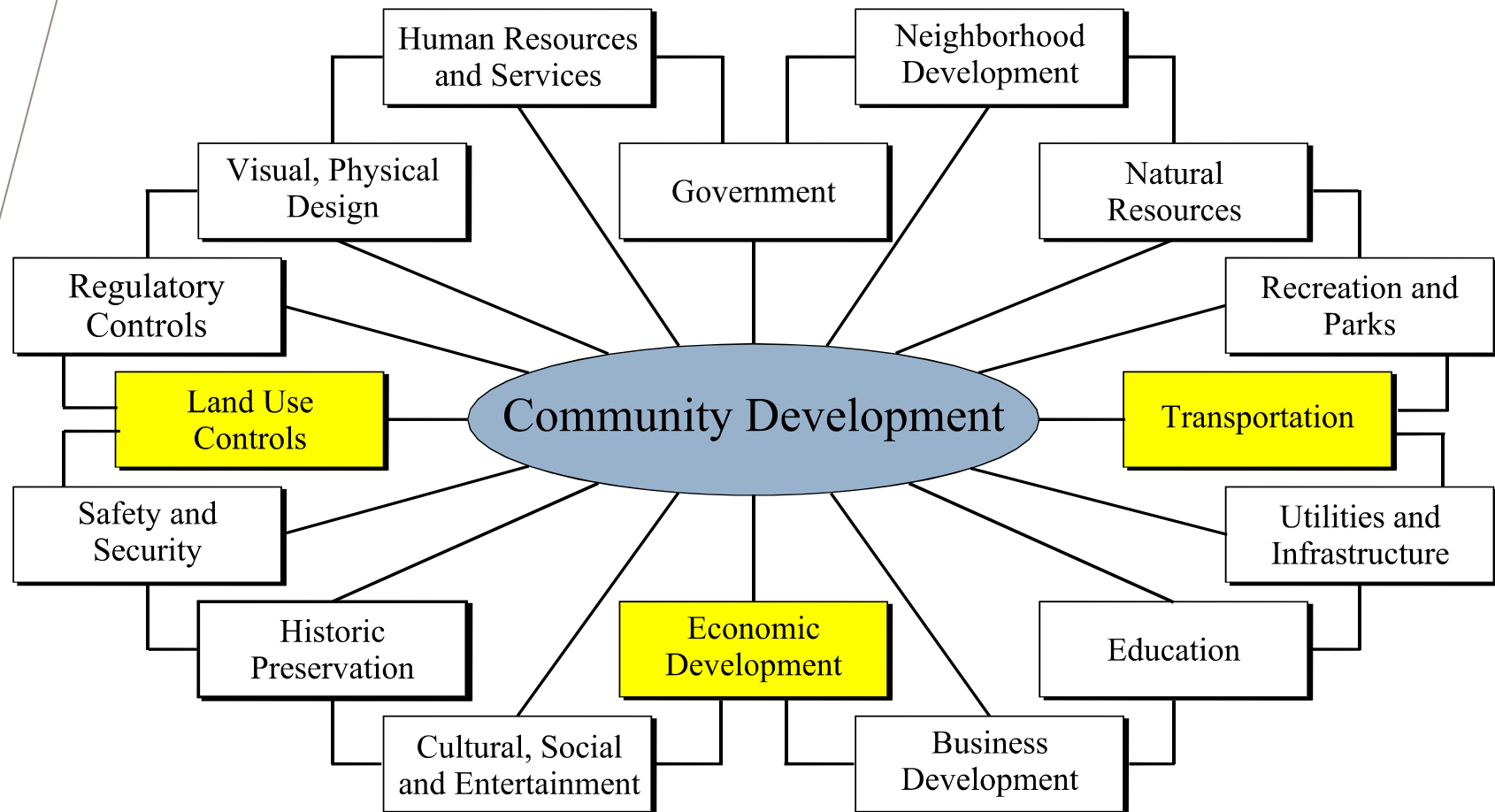
- **Project Start – August 5, 2013**
- **Stakeholder & Public Notice of all meetings & workshops**
 - Kick-Off meeting – August 14, 2013

Key Dates:

- **1st Interim Briefing (Tasks 1-4) – September 11, 2013**
- **2nd Interim Briefing (Tasks 5-7) – November 13, 2013**
- **Delivery of 1st. Draft Master Plan – December 11, 2013**
- **Workshop Discussion of Plan – January 8th, 2014**
- **Delivery of 2nd. Draft Master Plan – February 12, 2014**
- **Nassau EDB Presentation – February 25, 2014**
- **Workshop Discussion of Plan – April 2, 2014**
- **Transmittal Draft to Local, Regional, State Agencies - June 11, 2014**



Legislative Transition DCA – DEO - Seaports





Master Plan Components

- **Legislative Requirements - 10 year Seaport Master Plan Update**
- **Project Goals And Objectives – Data & Analysis for OHPA Board**
- **Focus Areas Of The Master Plan Update – Basis for Coordination**
- **Existing Facilities & Operations- Berth, Landside Storage, Equipment**
- **Opportunities & Constraints Assessment - Economic, Transportation**
- **Future Markets & Business Development – 3, 5,10 year horizon**
- **Port Facility Development & Capacities – Freight Options & Modes**
- **Area Transportation Impact Analysis – Existing, Background, Expansion**
- **OHPA funding & finance – Grants, Programs, Entities**
- **Schedule for completion w/ local, regional, State review**



Project Goals and Objectives

Project Goals and Objectives are:

- **Develop a 10-year horizon port strategic plan that includes an economic development component** that identifies targeted business opportunities for increasing business and attracting new business for the OHPA.
- Include in the master plan an infrastructure development and improvement component that identifies those improvements within the plan area for the port to attain a strategic advantage in competing with other similar ports.
- Update the master plan to **identify intermodal transportation facilities needed over the ten year planning horizon** which are reasonably foreseeable and achievable to maximize the potential of OHPA investments.
- Incorporate in the updated master plan a component that identifies physical, environmental, and regulatory barriers to achieving the master plan goals.
- **Have an updated master plan that has an intergovernmental component that specifies modes and methods to coordinate the plan with the missions of the FDOT, other state agencies, and affected local government agencies.**



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Focus Areas for the Master Plan Update

- ❖ Review the marine and landside transportation facilities, capacities, land use, opportunities & constraints
- ❖ Leverage the regional features & focus market analysis efforts to play to those strengths:
 - Deep water access, close to ocean with inland navigable water ways
 - Non-union, low cost offloading and loading
 - Potential niche port benefits
 - Rail access & interstate access
 - Strong nearby manufacturing community
- ❖ Gain input from key stakeholders & potential partners
- ❖ Evaluate offsite Near Port locations in surrounding areas, including southern Georgia, to expand port business capacity through the use of intermodal sites & ancillary barge ports
- ❖ Identification of economic opportunities & funding sources
- ❖ Discuss OHPA role in regional industrial development & define business models associated with industrial development opportunities



The Port Has Been Losing Cargo Over The Past Few Years

Cargo Summary	2010	2011	2012	2013
Containers				
Containers (boxes)	20,540	16,330	11,312	9,905
Containers (tons)	146,652	102,969	60,384	39,802
TEUs	32,113	22,005	14,018	11,239
Break-bulk Cargo (tons)				
Kraft Liner Board (KLB)	221,186	207,543	149,770	126,438
Lumber	2,966	8,530	16	18
Rebar	106,136	112,430	51,284	32,100
Steel	142,576	207,416	94,501	58,989
Woodpulp	7,714	4,970	8,054	12,869
Misc. General Cargo	1,611	3,216	20,388	4,982
Bulk Cargo	0	0	345	0
Total General Tons	482,189	544,105	324,358	235,396
Total Tons	628,841	647,074	384,742	275,198





Existing Port Facilities

- 23 acre Marine Terminal Complex
- 2-Berth, 1,200 foot Marginal Wharf
- 200,000 sq. ft. of covered warehouse;
- 20,000 sq. ft. of additional “open” sheds
- 11 Acres of Open Storage
 - 6-7 Acre Container Operations;
 - 4-5 Acre General Open Storage
- On -Terminal Rail
 - 11 Car Loading Area in Storage Yard
 - Rail Sidings Along Warehouses
- -36 ft MLLW Navigational Channel and Berth Depth
- -51 ft MLLW Approach Channel (shared with Sub-Base)



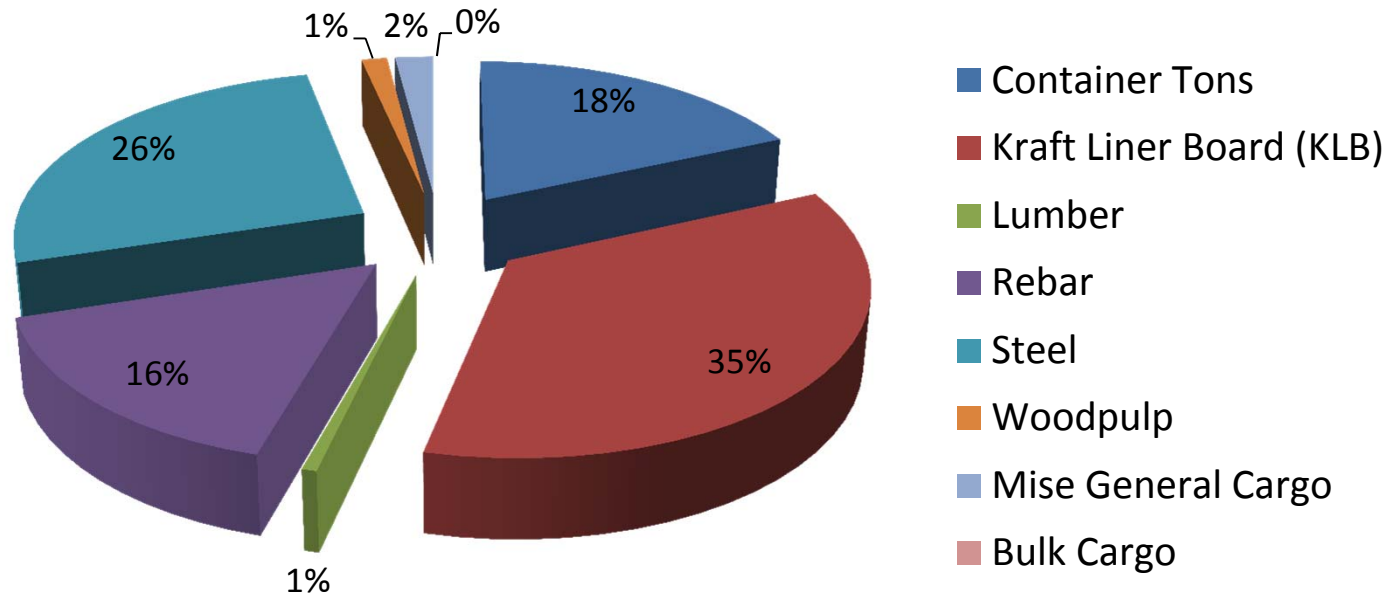
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Kraft Board and Container Tons Make-Up Over 50% of The Cargo Mix

2010-2012 Average





Berth Operations and Capacity

- 2-Berth Wharf, 1,200 feet long
- Current 175 to 225 Vessel Calls Per Year
- Typical Vessels:
 - Break-Bulk/General Cargo Vessels; typically 10,000 to 45,000 dwt.,
 - 345 to 640 Feet LOA (Length Overall) and maximum draft 22 to 36 feet
 - Container Vessels – typically in 900 – 2,500 TEU range.
 - 410-656 Feet LOA and maximum draft of 23 to 36 feet
- Max Berth Utilization For 2 Berth Terminal – 50% to 60%
- Cargo Handled By Rail Mounted Gantry Cranes, MHC, or Ship's Gear
 - Averages 15 -25 moves per hour per crane;
- Capacity to handle 400 Calls per Year for Smaller vessels (under 550 ft. LOA);
 - Based on 24 hour berth availability
 - Less If Larger Vessels Call



Warehouse Capacity

- 200,000 sq. ft. of warehouse storage
- Typically 75% of area available for actual stacking/storage of cargo
 - Other area for circulation. Equipment storage, etc.
- Capacity Assumptions:
 - Floor Load limits of 720 Lbs/.SF (.36 tons/SF)
 - Average dwell time of 30 days*
- Static Capacity – 54,000 Tons
- Annual Capacity – 500,000 Tons



Open Storage Yard Capacity

- **11 Acre Open Storage Area**
 - 6-7 Acres for Container Storage with GTGs and Reach Stackers
 - 4-5 Acres for Miscellaneous Break-bulk and General Cargo (includes containers) for Non-Weather Sensitive cargoes
- **Assumptions For Open Storage**
 - Dwell Times: Containers - 5-15 days; Break-Bulk Dwell Time – 30 days
 - 85% of Containers Stored using RTG
 - 15% of Containers Stored with Reach Stackers or Wheeled
 - Pavement Strength for Break-Bulk 1,000 lbs per sq. ft.
- **Static Capacity:**
 - Break-Bulk and General cargo (steel products, lumber, etc.) – 44,000 Tons
 - Containers 2,900 – 3,200 TEUs
- **Annual Capacity:**
 - Break-Bulk – 400,000 – 450,000 Tons;
 - Containers: 50,000 – 60,000 TEUs



Port of Fernandina Annual Capacity Summary

	# of Berths	Practical Utilization	Berth Hours Available	Avg. time per Vessel Call	Potential Annual Vessel calls
Berth Capacity	2	50% – 60%	9,600	24 hrs.	400
Cargo Storage Capacity	Type	Area	Static Capacity	Avg. Dwell Time	Annual Storage Capacity
	Cover Storage	200,000 sf	54,000 Tons	30 days	555,000 Tons
	Open Storage	4 Ac.	44,000 Tons	30 days	450,000 Tons
	Container Yard	7 Ac.	3,200 TEUs	5-15 days	55,000 TEUs

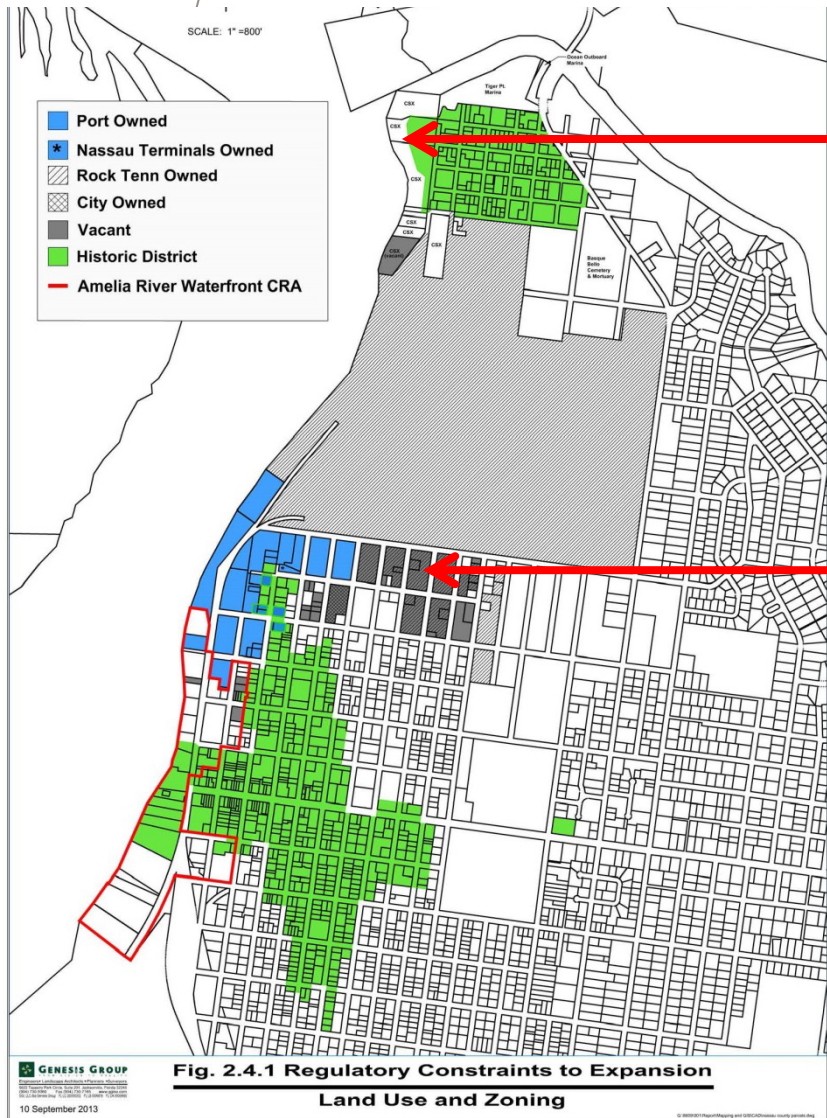


Current Operational Summary

- Existing Port has approximately 1 million Tons of Break-Bulk cargo capacity for current cargo Mix; and Capacity for 50,000 TEUs (+/-) annually;
- Current equipment is adequate for current cargo mix
- 2-Berth Wharf has capacity for growth; however larger vessels (over 550-ft LOA) will impact capacity;
- Major Constraints:
 - Physical port expansion areas are limited because of adjacent City and Industrial land uses;
 - Rail Operations are limited because of need to serve adjacent user and limited rail storage and loading facilities on Port;
 - Potential new cargo opportunities might require:
 - Deeper Draft;
 - New Storage Facilities
 - Dedicated Intermodal Container Loading Facility
 - Additional Berth/Wharf Length



Existing Facilities & Operations – Near Port



CSX - vacant

RockTenn - vacant

Marine & Landside
Environmental & Regulatory
Constraints exist





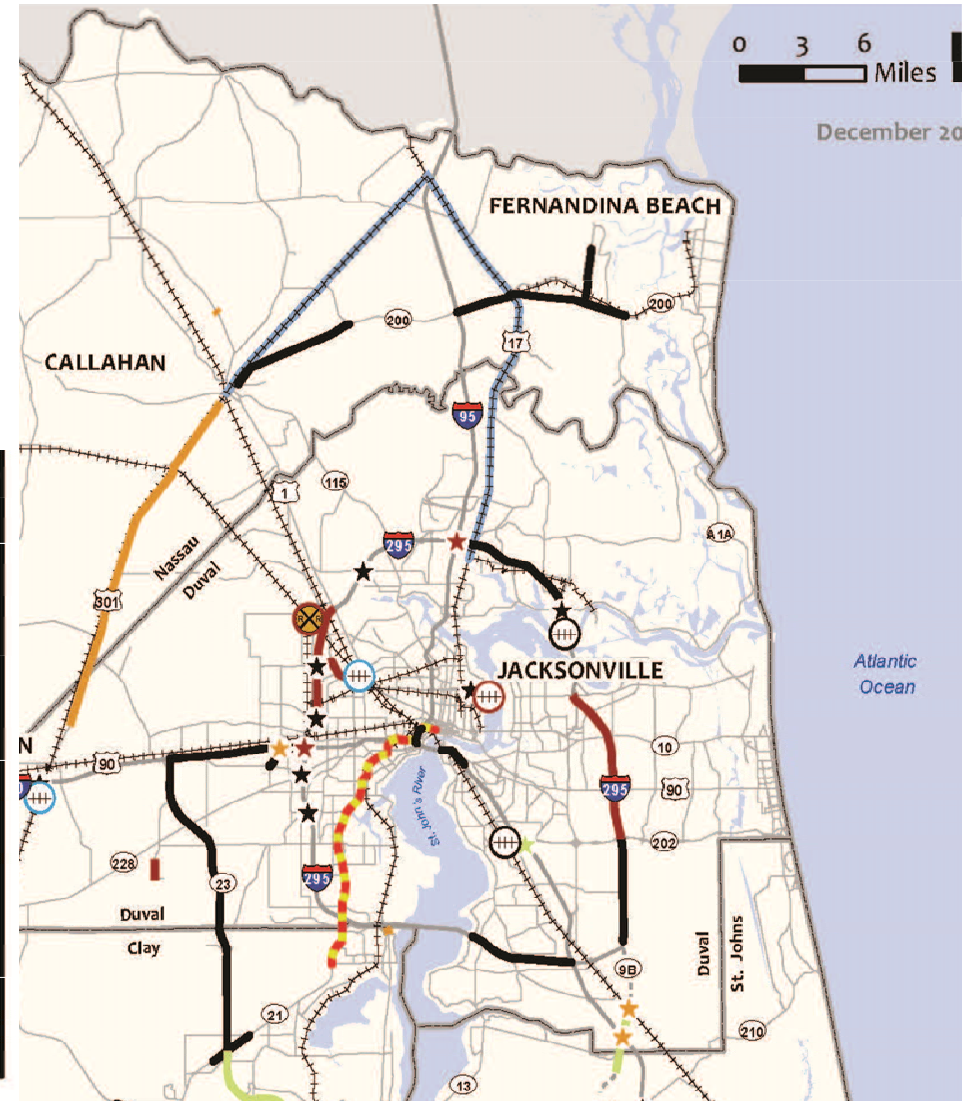
Opportunities and Constraints – Port Expansion- Environmental and Regulatory

- Naturally Deep Water in Fernandina Harbor-Regular Maintenance Dredging Not Required
 - MAJOR BENEFIT
- St. Mary's Entrance Channel Regularly Maintained to -51 ft. MLLW to Support Kings Bay Navy Base – MAJOR BENEFIT
- Harbor Deepening?
 - No Existing Environmental Permits for New Dredging
 - Environmental Impact Statement Would Be Required
 - Potentially Significant Impacts to Threatened and Endangered Species, Essential Fish Habitat
 - No Available Upland Disposal Site-All Material Would Have to Go Offshore
 - New Federal Authorization Required
 - Federal Benefit/Cost Analysis Approval – Questionable



Existing Facilities & Operations – Near Port

- ❖ I-95 is not presently restricted and has excess capacity



Legend

Rail System

++++ Active Railroad

Rail Improvements

⊕ Capacity Upgrade, Adopted FDOT Work Program FY 2013 - 2017

⊕ Capacity Upgrade, Florida Rail System Plan

⊕ Capacity Upgrade, SIS 2040 Unfunded Needs Plan

⊕ Grade Separation, SIS 2040 Unfunded Needs Plan

⊕ Capacity Upgrade and Rail Improvement, Florida Rail System Plan

NOTE: Alternative rail corridors under study near JIA.

Roadway / Interchange Improvements

— / ★ Adopted FDOT Work Program FY 2013 - 2017

— / ★ SIS Funded and Cost Feasible Plans*

— / ★ SIS 2040 Unfunded Needs Plan

— / ★ 2035 LRTP Cost Feasible Plan

— / ★ 2035 LRTP Needs Plan

Multi-colored Feature indicates Roadway/Interchange Improvement listed in Multiple Plans/Program

* Includes SIS 1st 5 Year Plan 2013 - 2017, SIS 2nd 5 Year Plan 2018 - 2022, and SIS Cost Feasible Plan 2020 - 2035

Transit Improvements**

— Bus Rapid Transit (BRT)

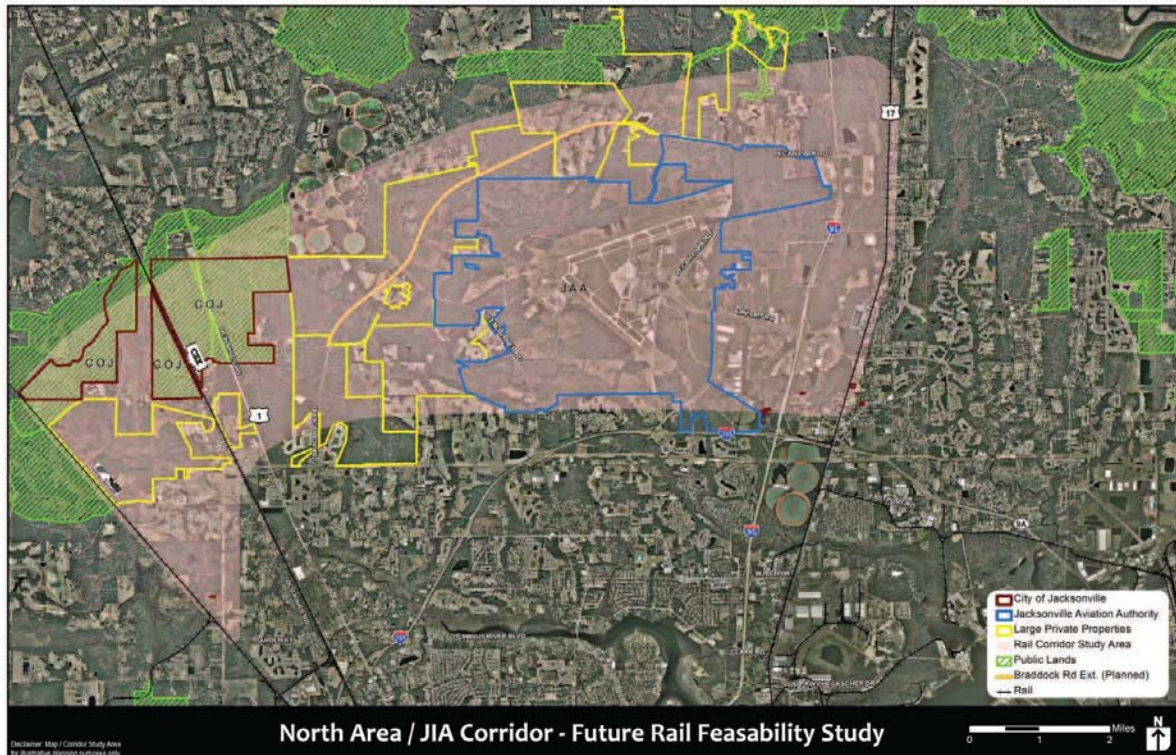
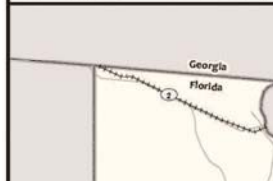
— Commuter Rail

** BRT and Commuter Rail are included in 2035 LRTP Cost Feasible Plan, 2035 LRTP Needs Plan, and SIS 2040 Unfunded Needs Plan.



Existing Facilities & Operations – Regional

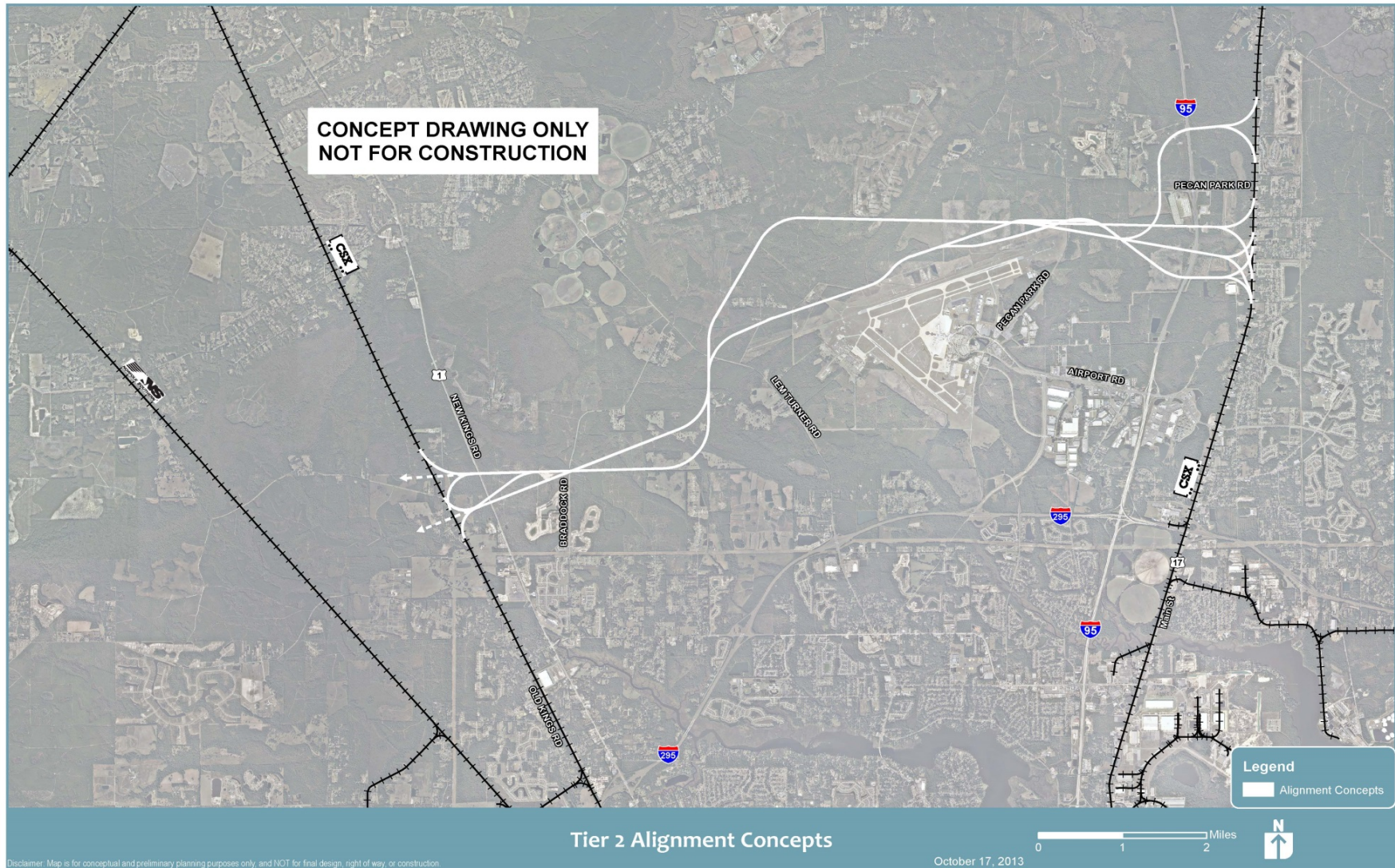
North Florida Transportation Projects Mid-Term (2020 - 2030) Capacity / Construction Projects Only



North Area / JIA Corridor - Future Rail Feasibility Study

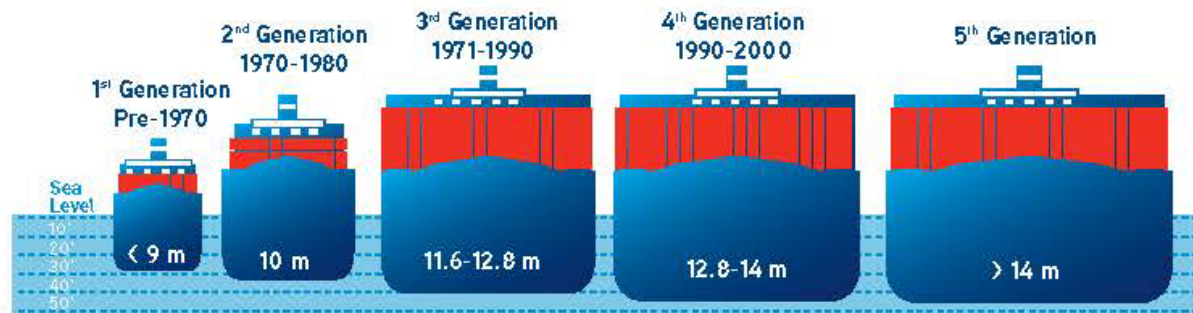


Opportunities & Constraints - Regional





Opportunities & Constraints – Port Expansion



- ❖ Proximity to ocean – short channel – military dredging – no air-draft limits
- ❖ Two-way ship movements - navigable waterway - rail to port
- ❖ Strong Charter to support Economic Development – but limited operations
- ❖ Land Constrained – City, CRA, Wetlands, Adjacent Industrial Development
- ❖ Competes with 14 Florida Ports for State/Federal Funding
- ❖ Underutilized Port/Business Volume for existing size & configuration
- ❖ Regional Industrial Development & Distribution Capability is growing
- ❖ Freight Market Adjustment of Post Panamax Ships

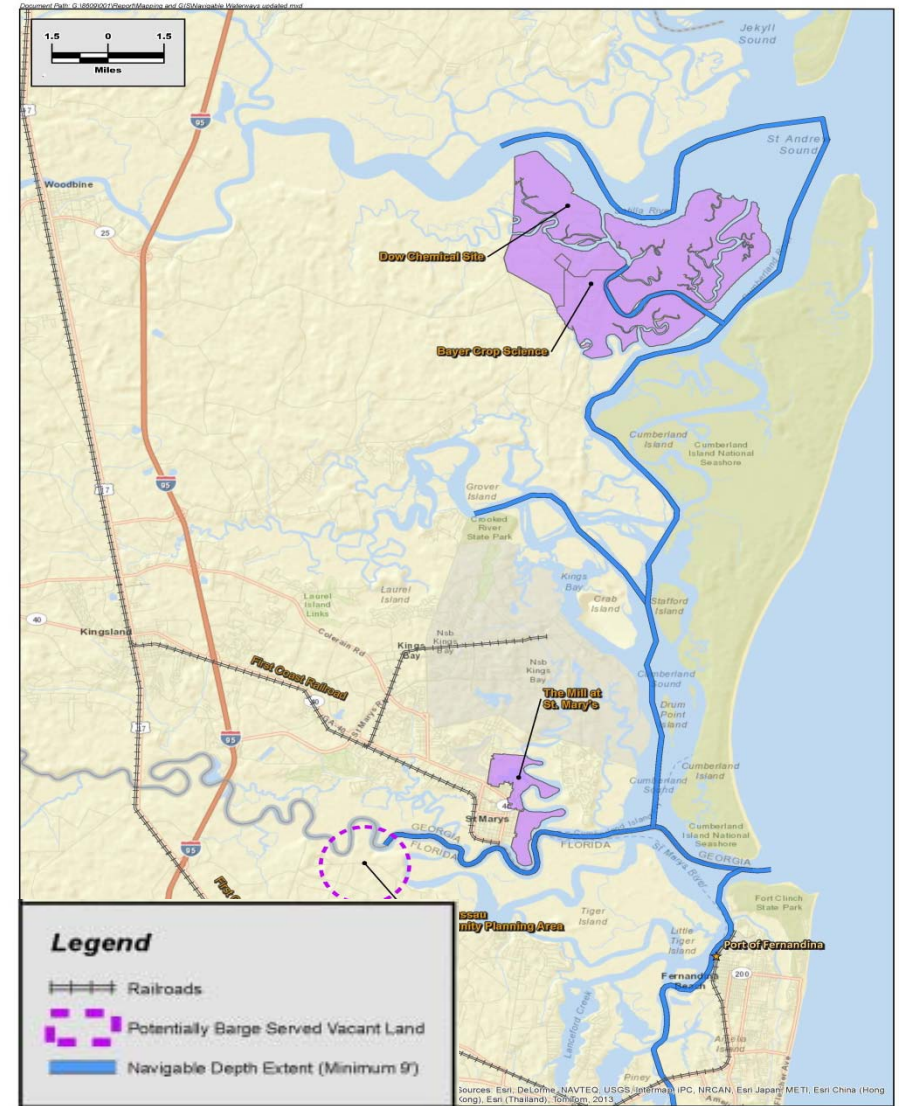


Existing Facilities & Operations – Near Port

- ❖ Despite barge navigational inland water, there is no active Barge based in-bound freight or out-bound freight movements.



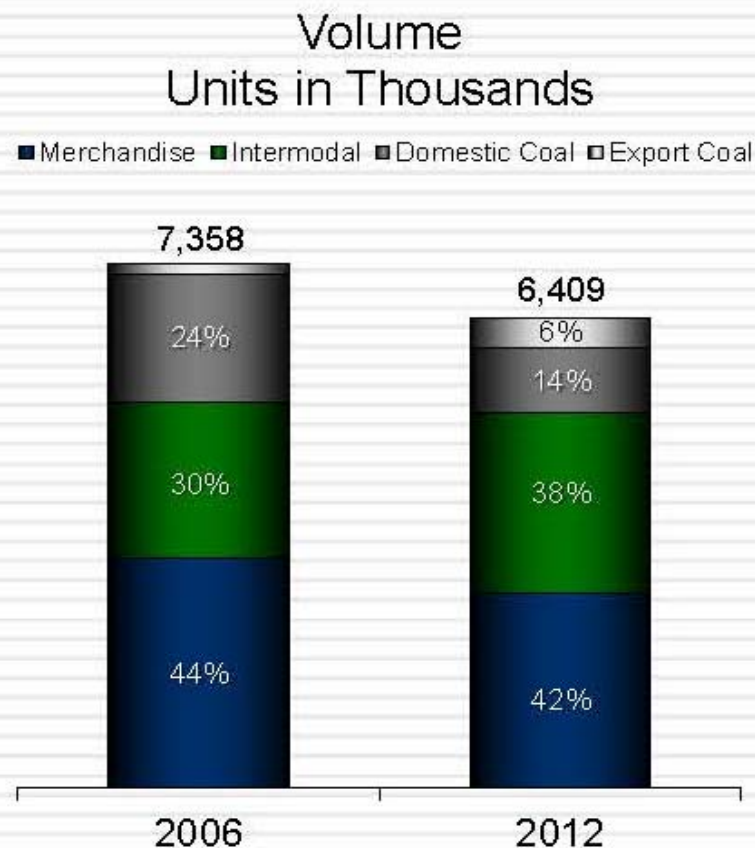
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Opportunities & Constraints - Global

- ❖ During the next 50 years, over 80% of all Global Economic Growth will occur outside of the United States. Significant local investment in large scale regional infrastructure may not find broader market support.
- ❖ Opportunities related to Freight Trade & Logistics will need to target market segments & support modes of travel that are projected to increase or become more locally relevant.
- ❖ As Post-Panamax ship calls increase along East Coast Ports, new servicing opportunities are created for smaller ships displaced by berthing schedules.

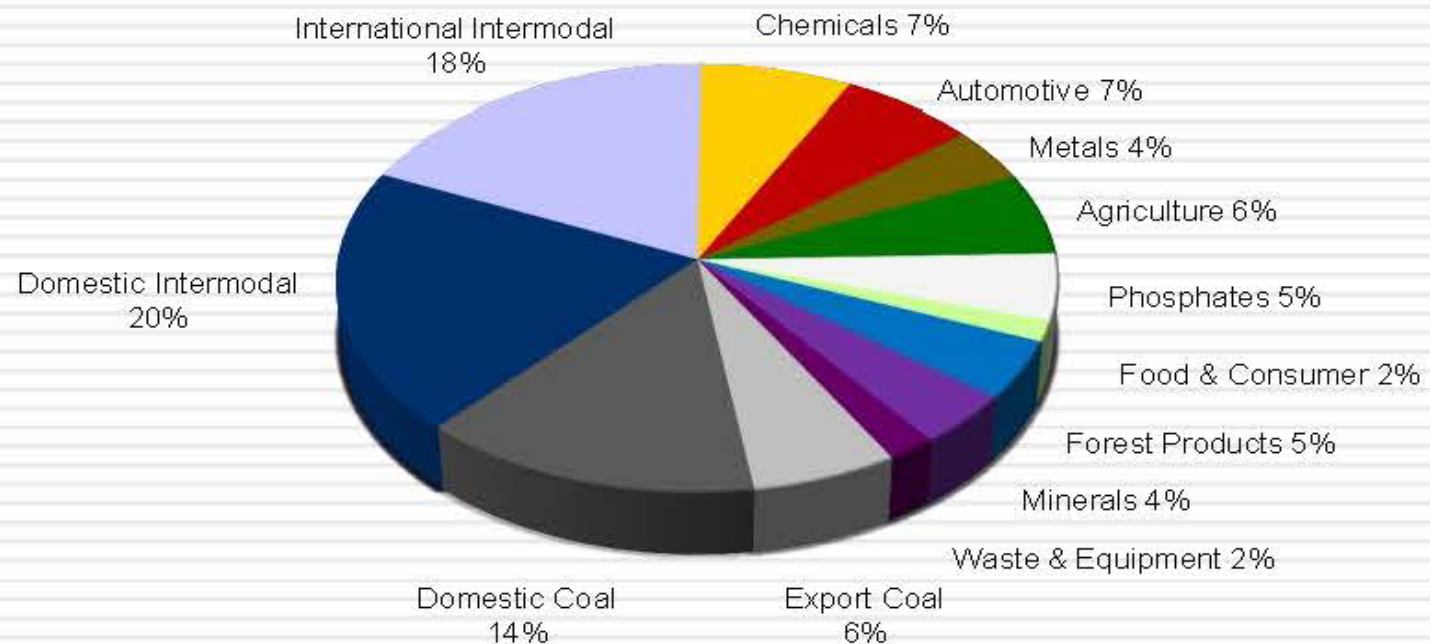
Opportunities & Constraints – National - Rail



- Merchandise decline
 - *Industrial and housing economies have suppressed recovery*
- Intermodal growth
 - *Driven by highway conversions and new customers*
- Domestic coal decline
 - *Driven by natural gas substitution*
- Export coal growth
 - *Driven by secular long-term global trends*

Opportunities & Constraints – National - Rail

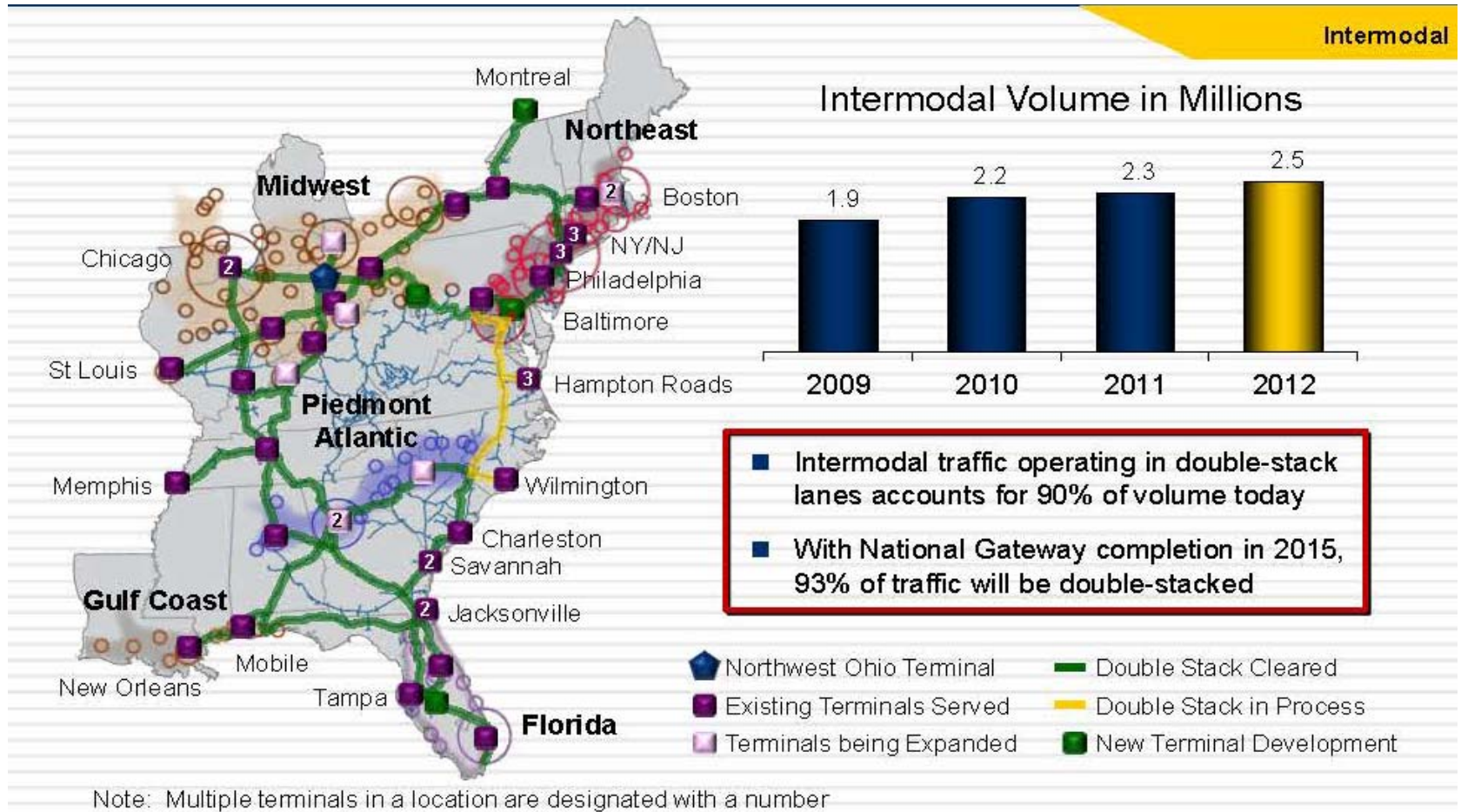
2012 Volume by Market
6.4 Million Units



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Opportunities & Constraints – National - Rail



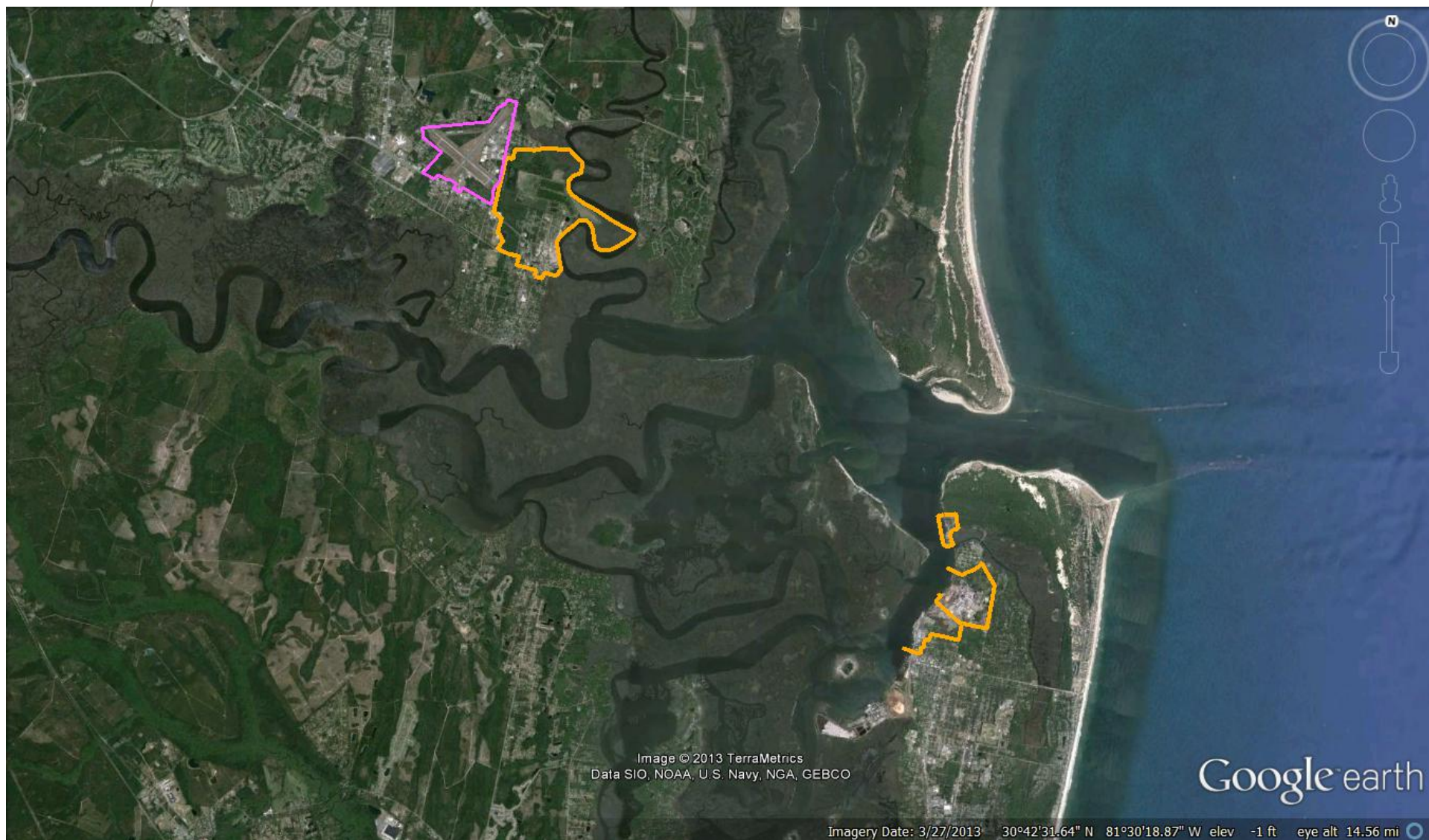


Opportunities & Constraints – Florida Context

- ❖ **Imbalance of trade flows** - The combination of a large consumer market and a small manufacturing base create an imbalance of trade flows. The Florida trade flow analysis indicates inbound freight tonnage (from other states or nations) is nearly 80 percent larger than outbound freight tonnage. This suggests nearly one half of all trucks, rail cars, ships, and cargo planes which bring goods to Florida return empty – adding to the cost of delivering goods in the state.
- ❖ **Location for Domestic Distribution** – 450 mile drive time coverage mapping indicates a superior location to be in North Florida to avoid limitations created by our geographic peninsula.



Opportunities & Constraints – Near Port





Opportunities & Constraints - Regional





Opportunities & Constraints – Near Port

- ❖ North Ancillary Property could be utilized for security & admin functions
- ❖ Barge staging & ship provisioning
- ❖ Cruise Ship Port of call - Cruise Home Port Terminal
- ❖ Environmental Constraints surround all working water front sites.





Future Markets & Business Development

National & Regional Short Sea Shipping



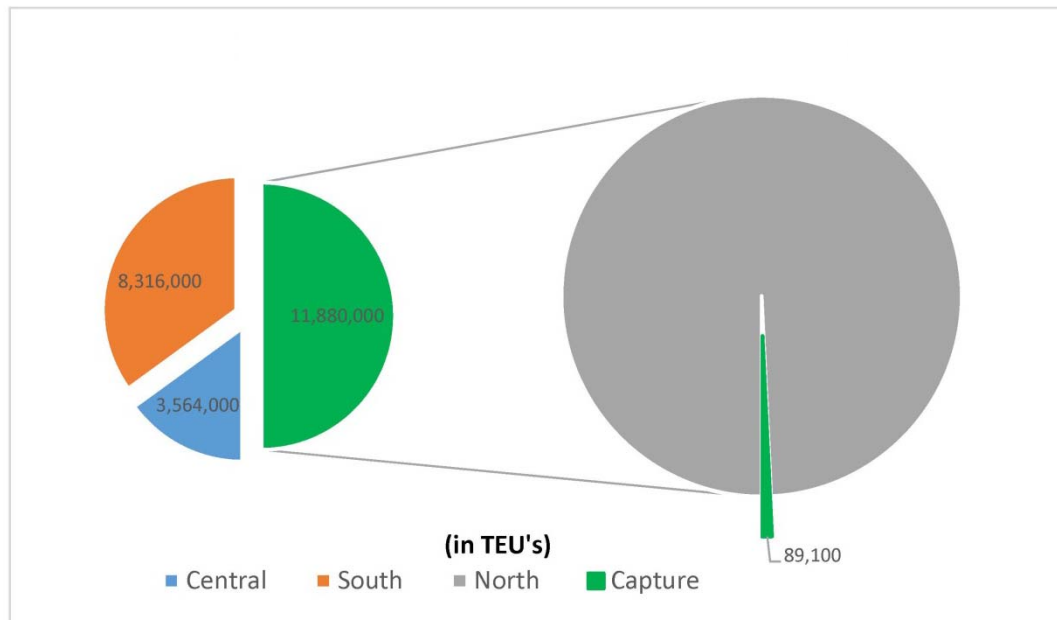
- ❖ 2005 Total Florida - S.S. Target Freight Market 12,283,699 TEU
- ❖ 2005 Total Georgia – S.S. Target Freight Market – 12,088,517 TEU
- ❖ 2014 – 2019 Projected Target Market Capture – 0 TEU
- ❖ Business Development Targets : I-95 Corridor Coalition, Florida Ports Council, Local & Regional Small Ship/Barge Operators





Future Markets & Business Development

Trans-shipment Hubs – North Caribbean



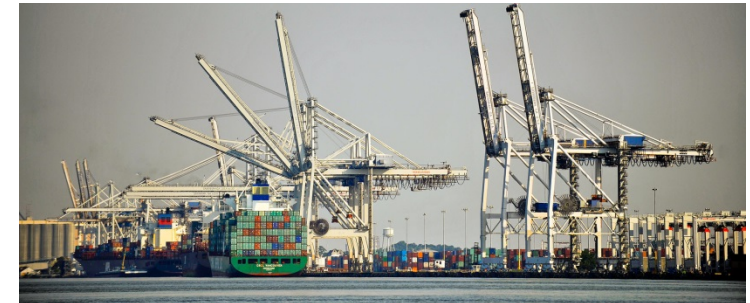
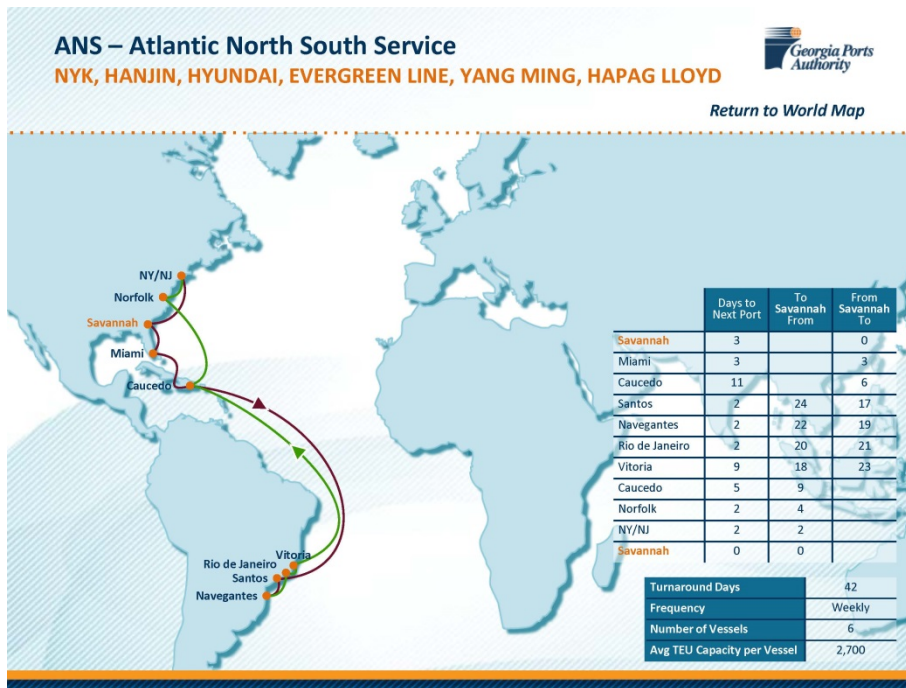
- ❖ 2017 Total Caribbean Container Market – 23,760,000 TEU
- ❖ 2017 Projected Northern Hub Market Capture – 89,100 TEU
- ❖ X-PRESS FEEDERS, Florida Caribbean Express (CASFCX), Sea Star Lines, National Shipping & Other existing carriers active in the region with small ship inventory.





Future Markets & Business Development

Relocated Small Ships - Eastern U.S.



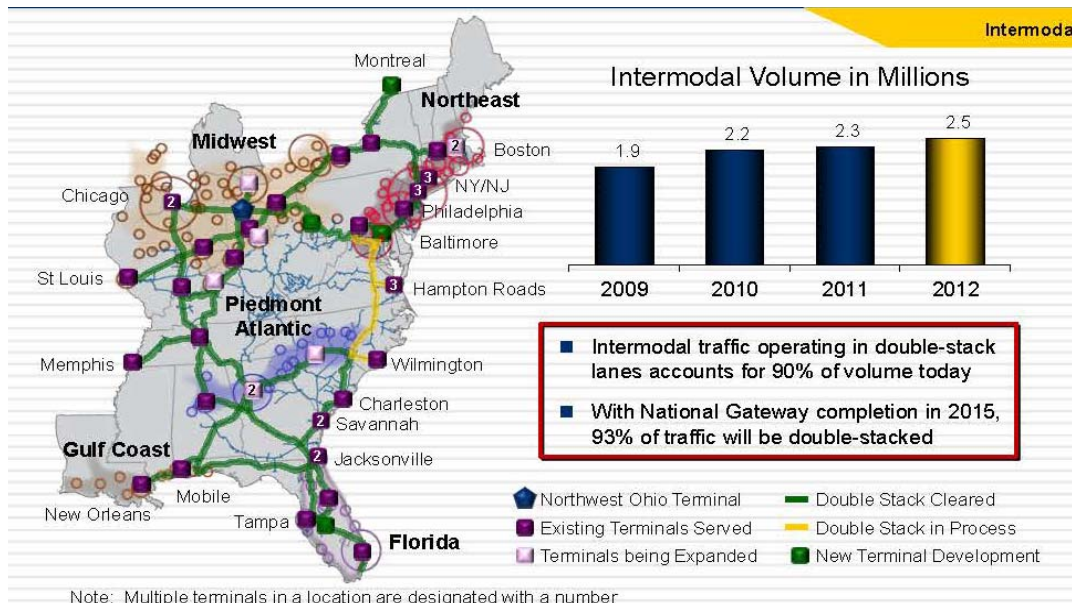
Target Shippers include:
 HANJIN, COSCO, K LINE, YANG MING
 GRAND ALLIANCE - HAPAG LLOYD,
 NYK, & OOCL, ACL CMA CGM, ANL,
 MARFRET, NYK, HYUNDAI,
 EVERGREEN LINE, MAERSK LINE

- ❖ 2019 Total Relocated Freight Market – 360,000 TEU
- ❖ 2019 Projected Target Market Capture – 72,000 TEU



Future Markets & Business Development

National & Regional Partners



Target Shippers include:

CMA/CGM, MSC,
CROWLEY, APL, ZIM,
HAMBURG/SUD, MOL
MAERSK, HAPAG/LLOYD,
HYUNDAI,

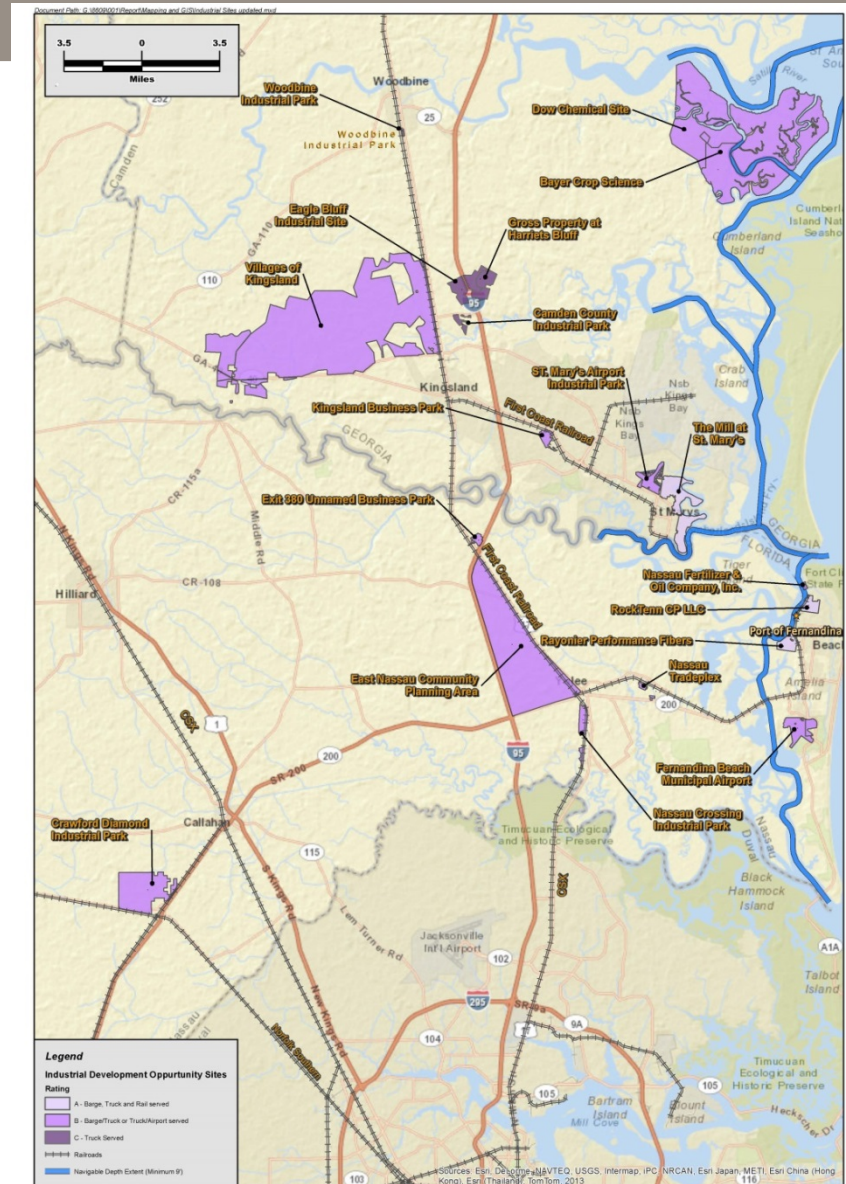
- ❖ 2012 Total CSX Rail-Port Freight Market – 6,400,000 TEU
- ❖ 2014 Projected Target Market Capture – 0 TEU
- ❖ Business Development Targets : CSX, Genesee & Wyoming, Boatright Co.



Future Markets & Business Development

Local Area - Barge

- ❖ Barge Connected Waterways to Port Total 71 miles
- ❖ 2014 – 2019 Projected Target Market Capture – 4,555 TEU
- ❖ Business Development Targets : Independent Container Line, Crowley Barge Services, Trailer Bridge Barge Services, Coil-Tainer, Banacol

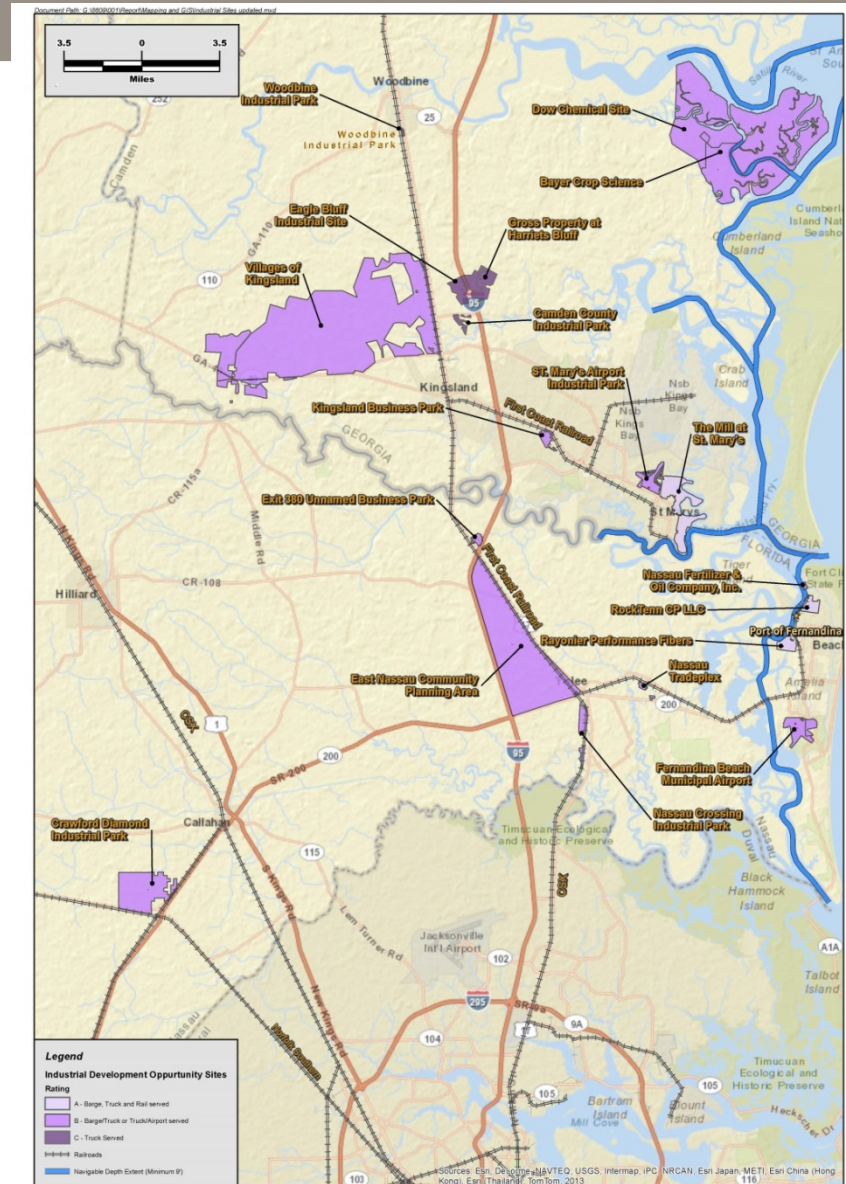




Future Markets & Business Development

Local Area Industrial - Intermodal

- ❖ Rail & Highway Connected Industrial Land Parcels Strategic to Port – 3,495 ac.
- ❖ 2019 Projected Total Target Market = 2,391,085 TEU via Truck
- ❖ 2019 Projected Total Target Market = 422,760 TEU via Rail
- ❖ 2019 – 2023 Projected Market Capture = 239,108 TEU via Truck
- ❖ 2019 – 2023 Projected Market Capture = 42,276 TEU via Rail





	Products	Food 2%	Agriculture 6%	Minerals 4%	Metals 4%	Phosphates 5%	Automotive 7%	Chemicals 7%	Energy 20%	Forrest 5%	Intermodal 38%	Waste Equipment 2%
Typical Transport Modes	Container	Green	Light Green				Light Green	Green	Green	Light Green	Green	Light Green
	Bulk		Green	Green	Green	Green		Green	Yellow-Green	Yellow-Green		Green
	Break Bulk		Light Green				Light Green	Green	Green	Green		Green
	RO/RO						Green					



	Products	Food 2%	Agriculture 6%	Minerals 4%	Metals 4%	Phosphates 5%	Automotive 7%	Chemicals 7%	Energy 20%	Forrest 5%	Intermodal 38%	Waste Equipment 2%
Typical Transport Modes	Container	Blue box									Blue box	
	Bulk		Green box		Blue box	Blue box		Green box	Blue box	Blue box	Blue box	Green box
	Break Bulk		Green box				Green box	Green box	Green box	Green box		Green box
	RO/RO						Green box					



Future Markets & Business Development

Market Capture Projections – Mode Split

	<i>2014-2015</i>	<i>2016-2018</i>	<i>2019-2023</i>
Container-Rail		145,930	61,200
Container-Truck	42,010	218,894	291,600
Containers-Barge			1,141
Bulk-Rail			239,108
Bulk-Truck			42,276
Bulk-Barge			n/a
Break-Bulk	100	150	250
Ro-Ro			n/a

- ❖ All values stated in TEU
- ❖ Values do not include existing Port freight business volume beyond 2013
- ❖ Values are not cumulative across time periods



Future Cargo Opportunity Forecast

Cargo Summary	2015	2018	2023
Containers			
Throughput Number	18,002	74,180	139,324
Container Tons	113,032	547,855	1,348,657
Total Equivalent Units (TEUS)	23,327	100,515	203,376
Breakbulk Cargo			
Kraft Liner Board (KLB)	125,000	87,500	75,000
Lumber	3,500	3,500	3,500
Rebar	74,000	85,750	96,500
Steel	100,000	135,750	158,000
Woodpulp	9,000	6,912	11,500
Misc. General Cargo	22,500	27,313	30,000
Bulk Cargo	845	1,095	1,250
Total General Tons	334,845	347,820	375,750
Total Tons	447,877	895,675	1,724,407



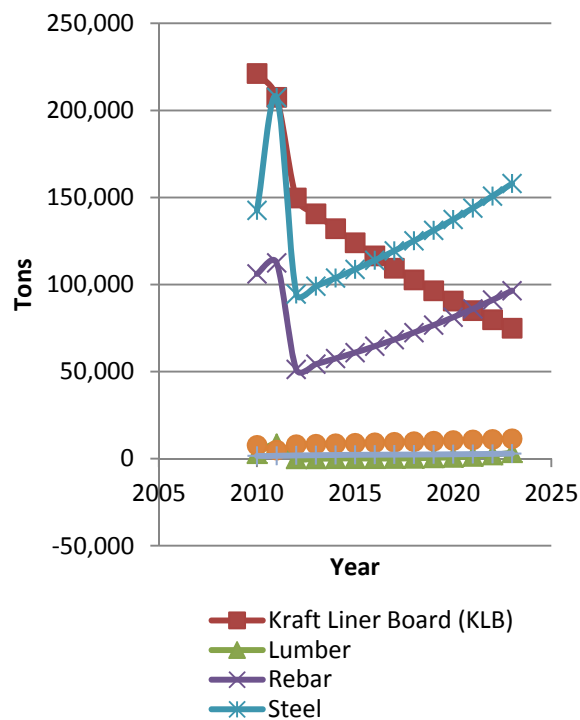
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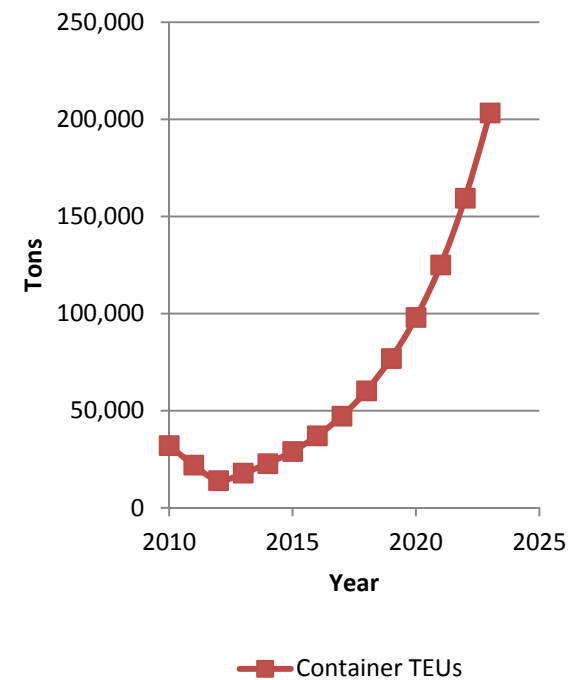


Breakbulk Opportunities Will Be Steady While Container Opportunities will be Growing

Breakbulk Cargo Opportunities



Containerized Cargo Opportunities



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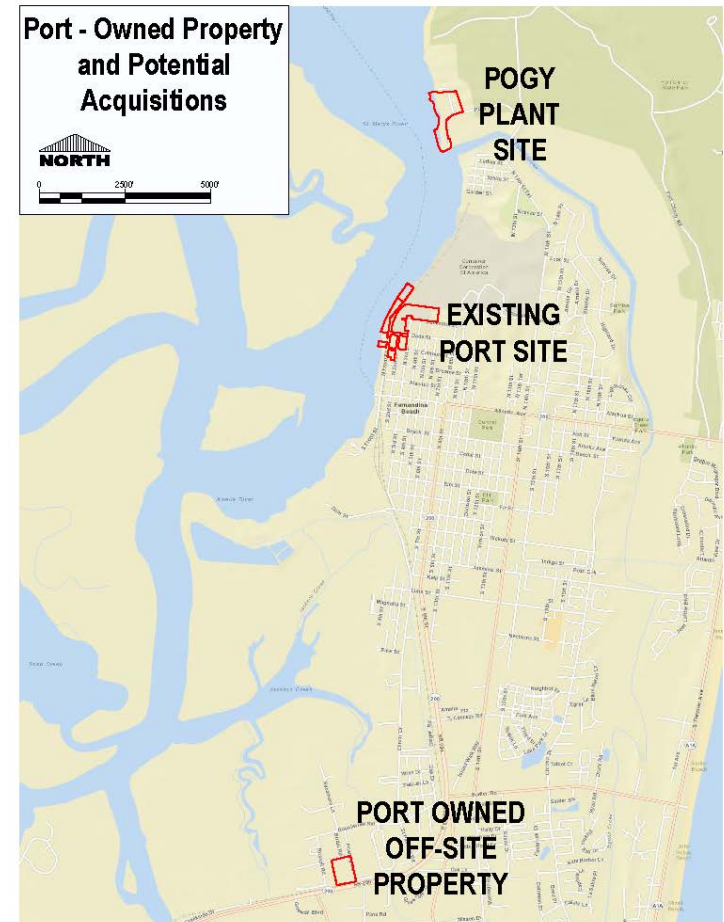
Future Port Capacity Is Site Constrained

- Existing annual container handling capacity of between 35,000 to 55,000 TEUs/year;
- Existing Breakbulk Capacity of:
 - 500,000 Tons per Year Cover Storage;
 - 400,000 Tons per year Open Storage
- Constraints To Expansion At Existing Port Site Include:
 - Historic District
 - Residential neighborhoods;
 - Industrial Development (RockTenn)
 - Environmental Conservation Areas
- **If operations remain unchanged, the port will not have the capacity to handle the projected container cargo volumes beyond the next several years and substantial market opportunities will be lost to other regional ports.**



OHPA Will Need To Look At Off-Site Properties to Increase Modal Capacity & Efficiency

- Use “Off-Port” properties for empty staging, chassis storage or other non-critical operations to increase cargo storage capacity at the Port Site;
- Evaluate new purchase of off-port sites for new opportunities such as:
 - Barge Transfer or Cruise type activities at Pogy Site;
 - Rail intermodal activities near Crawford Diamond;
 - Other potential properties

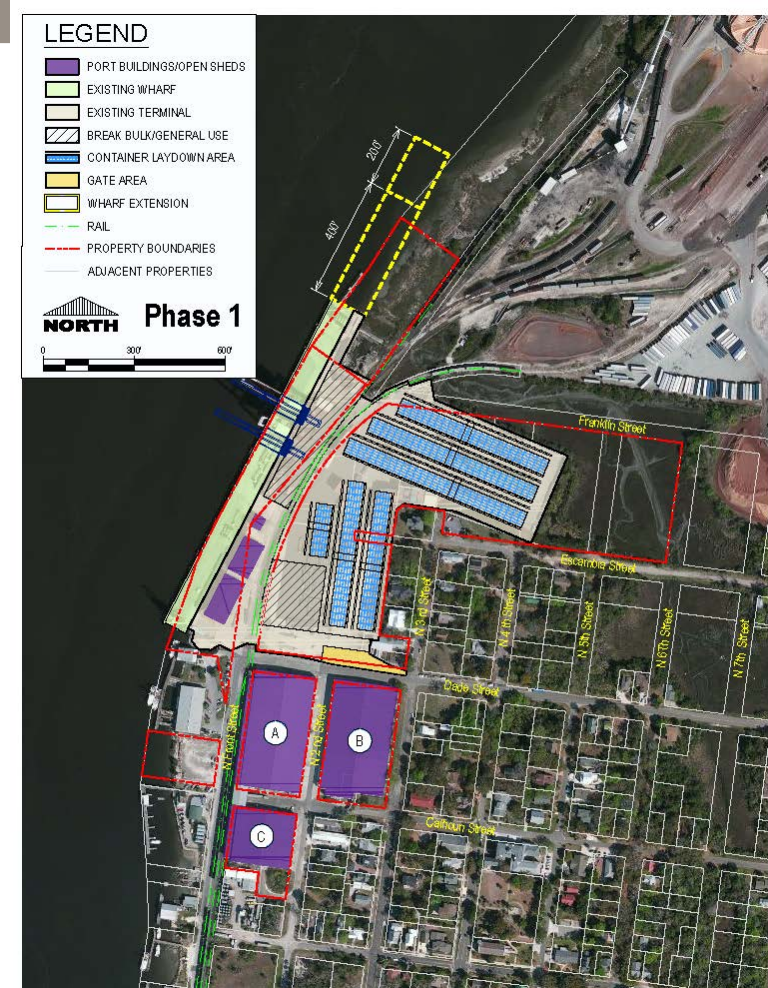




10-Year Facility Improvements

Phase 1: Facility Reallocation

- Relocate some of the open breakbulk storage to other areas with Port and expand container storage area:
 - Use open storage areas behind wharf as breakbulk cargo storage;
 - Develop additional RTG Container Storage at existing breakbulk areas;
 - Container capacity reaches 60 – 65,000 TEUs per year
 - Capital Costs - \$620k, plus equipment costs



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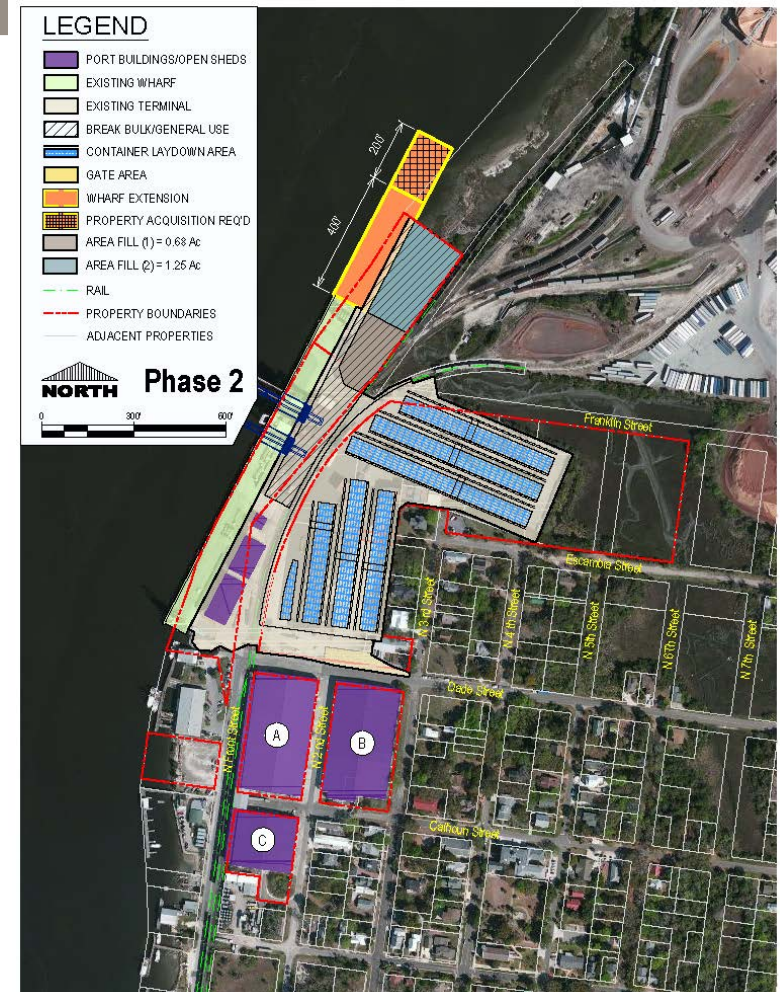




10-Year Facility Improvements

Phase 2 – Develop Available Expansion Projects:

- Fill in .7 ac. area behind existing wharf (Cap Cost \$500k)
- Extend existing wharf 400-ft, including STS crane rails (Cap Costs up to \$15million)
 - Possibly extend additional 200-ft
- Fill 1.25 ac. area behind new wharf extension (Cap Costs \$1 million)
- Relocate breakbulk to new fill areas behind wharf;
- Expand Container Storage on existing terminal (Cap Cost \$650k plus equipment costs)
- Container storage capacity increases to 75-85,000 TEUs/yr.



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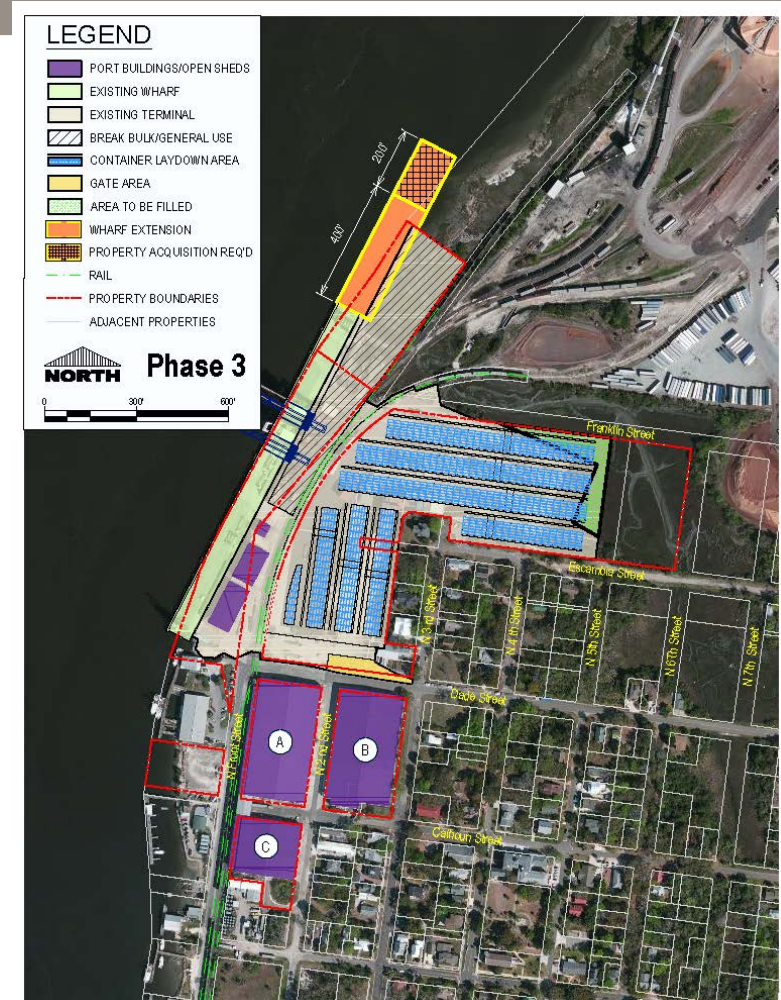




10-Year Facility Improvements

Phase 3 – Footprint Expansion

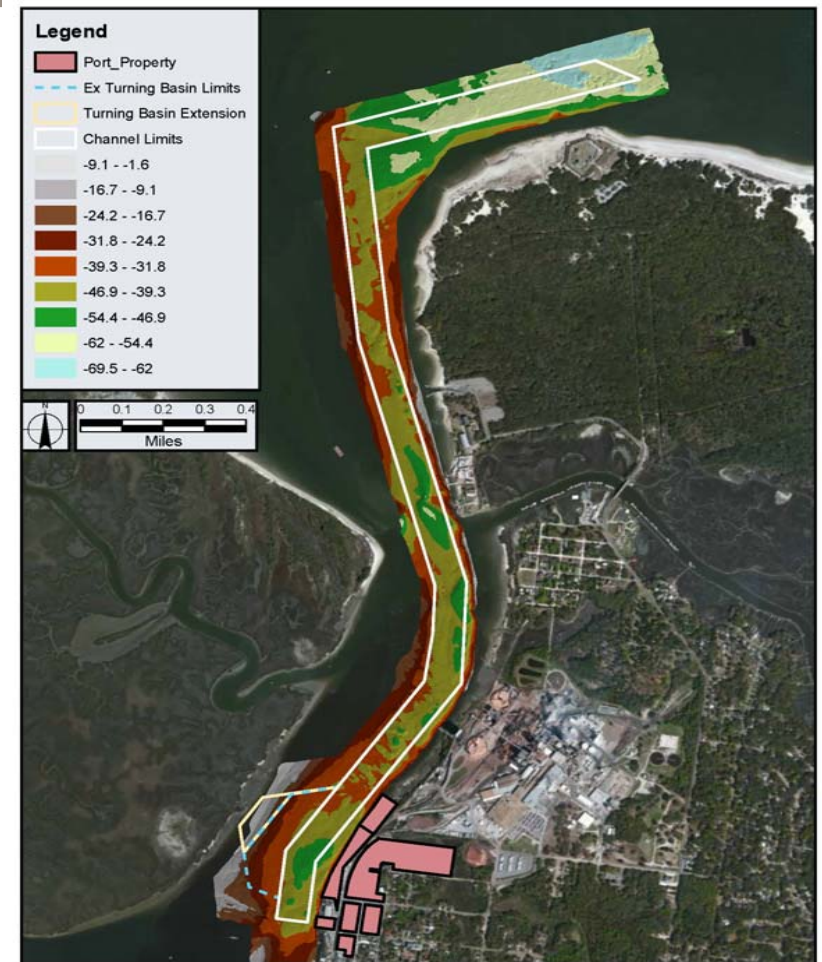
- Any future Phase 3 expansion would likely require expanding the Port into the Environmental Conservation Areas east of the container yard;
- This would provide only marginal increase in Container throughput capacity;
100,000 TEUs/yr.
- The ability to permit such an expansion is considered unlikely





Dredging –Detailed Analysis

- Class C Feeder Vessel Will Required substantial dredging
- Navigational Channel will need to be deepened to -45 feet;
- Turning Basin will need to be widened and deepened;
 - Design standard is 1.5 LOA or 1,200-ft for 800-ft vessel
- Berths will need to be deepened to -40 to -42 feet
- Total Dredging costs range from \$22.7 million to \$30.3 million
- Depending on USACE funding, OHPA may have to pay 100% of dredging costs
- Economic Returns are marginal given other landside constraints





Future Traffic Projections (2023)

- **Traffic Projections Based on FDOT Historical Trends**
 - Locations where the historical trend indicates $< 1.0\%$ annual growth, then 1.0% annual growth was assumed.
 - Locations where the historical trend indicates $> 1.0\%$ annual growth, then the calculated historical annual growth was used.
- **Port of Fernandina Truck Traffic**
 - Future Port truck traffic will continue to use 8th Street / SR 200 (SR A1A) as the primary route from US 17 and I-95.
 - Truck traffic anticipated to increase from 134 daily trips to 603 daily trips.
- **Roadway Level of Service**
 - With the capacity improvements (4L to 6L) to portions of SR 200, no additional roadway segments become deficient due to the addition of port-related traffic at build out.
- **Railroad Traffic**
 - Existing Port rail traffic: 6-11 rail cars per day.
 - Future (2023) POF rail traffic: 15-21 rail cars per day.



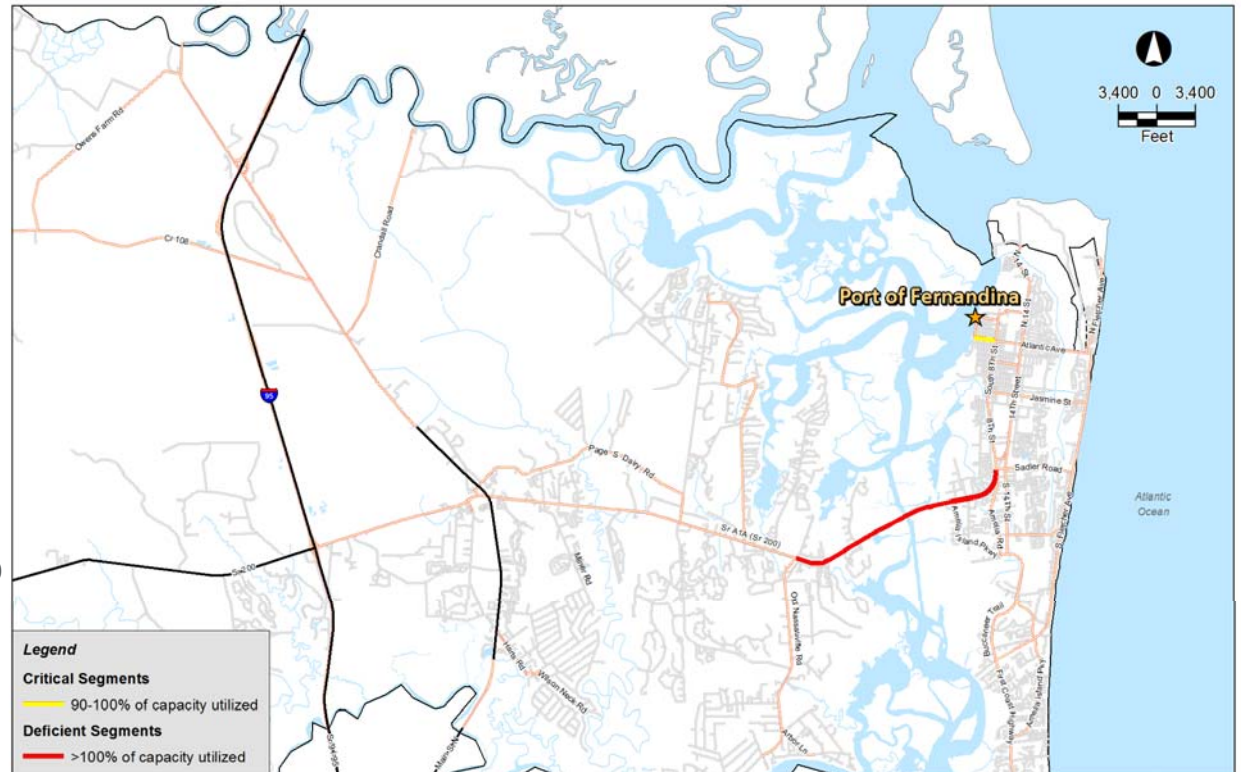
Existing & Future PM Peak Roadway Level of Service (LOS)

Roadway Segment	Existing Conditions (2012)	Future Background Conditions (2023)	Future Conditions with Improvements (2023)	Future Conditions POF Build out (2023)	Future Conditions with Near Port (2023)
SR 200 (Amelia Is. Pkwy to Sadler)	Critical	Deficient	Deficient	Deficient	Deficient
SR 200 (US 17 to Rubin Lane)	OK	Deficient	OK	OK	OK
SR 200 (Rubin Lane to Chester Road)	Critical	Deficient	OK	OK	OK
SR 200 (Chester Road to Blackrock Road)	Deficient	Deficient	OK	Critical	Critical
SR 200 (Blackrock Road to Old Nassauville Road)	Deficient	Deficient	OK	Critical	Critical
SR 200 (Old Nassauville Road to Amelia Is. Pkwy)	OK	OK	OK	OK	OK
Centre Street (Front Street to 8 th Street)	OK	Critical	Critical	Critical	Critical
14 th Street (Hickory Street to Jasmine Street)	OK	OK	OK	OK	Critical
14 th Street (Jasmine Street to Lime Street)	OK	OK	OK	OK	Critical



2023 Roadway LOS (with Improvements)

- Deficient Segments:
 - SR 200: Amelia Island Pkwy to Sadler Rd.
- Critical Segments:
 - Centre Street: Front Street to 8th Street





50% to I-95/SR 17 North

50% to I-95 South



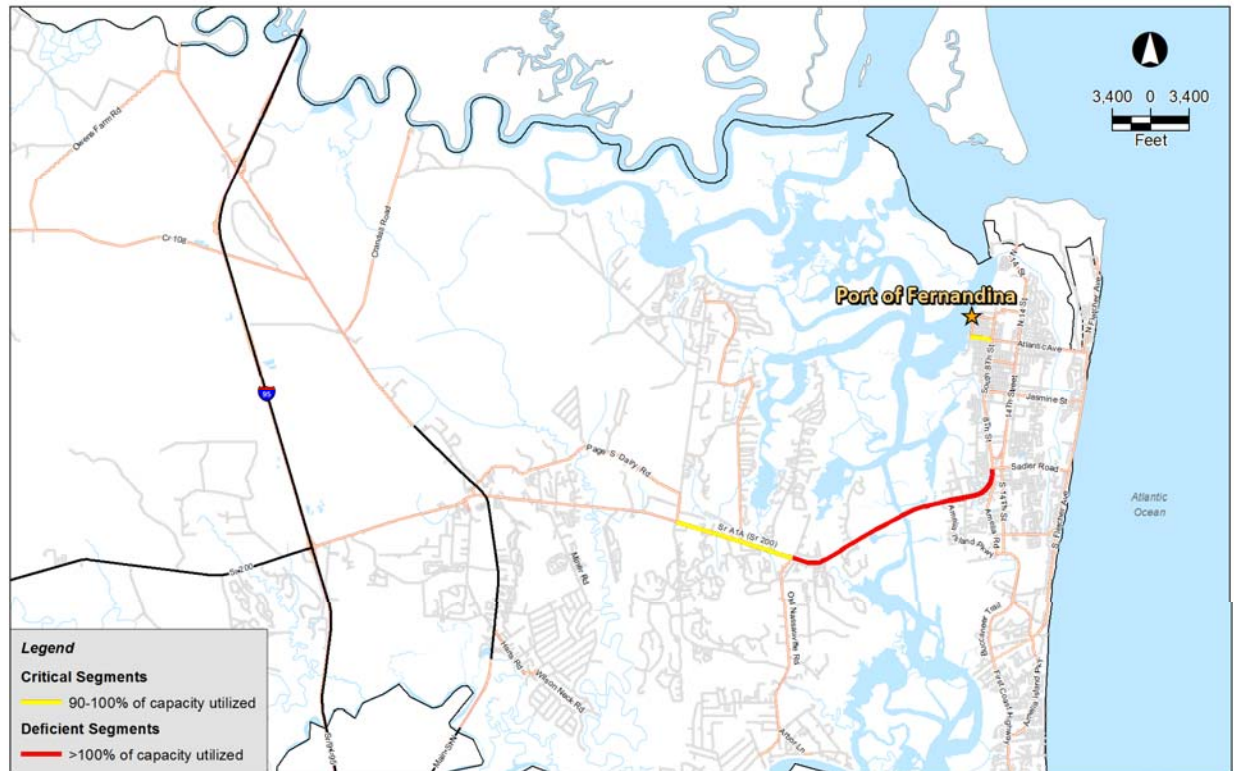
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2023 Roadway LOS (with Improvements + POF Traffic)

- Deficient Segments:
 - SR 200: Amelia Island Pkwy to Sadler Rd.
- Critical Segments:
 - SR 200: Chester Road to Blackrock Road
 - SR 200: Blackrock Road to Old Nassauville Rd.
 - Centre Street: Front Street to 8th Street



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Economic Return to Region – Jobs

- **Local Manufacturing & Distribution Opportunities Require Logistics & Infrastructure**
- **Established Ports produce Direct, Local, City/County Jobs at the rate of 1 Job per 2,103 tons of freight volume.**
- **Established Ports create regional (3-5 Counties) support Jobs at the rate of 1 job per 199 Tons of freight volume.**
- **Established Ports induce up/down stream Jobs at the rate of 1 job per 45 Tons of freight volume.**

Local Agency Adoption

- ☒ **OHPA Board Adopted Master Plan (Transmittal Draft June 2014)**
- ☐ **163.3177(1)(b) Local gov't may include, documents adopted by reference but not incorporated verbatim into the plan; identify title, author, edition**
 - **City of Fernandina submittal for September Planning Advisory Board**
 - **Will be working with Nassau County to incorporate appropriate policies, components.**
 - **Expedited State Review (approx. 4 -5 months from submittal)**



FDOT Seaport Office Ocean Highway & Port Authority Strategic Master Plan Planning Advisory Board Briefing

Stephen Berry – Cardno TEC
Brian Wheeler – Genesis Group
Joseph Strain – Marshal Strain
Enterprises

James Hunt – Cardno TEC
Sharon Niemczyk – Cardno Entrix
Allen Skinner – Genesis Group
Beth Carson - Genesis Group

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT: Presentation

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION:

SYNOPSIS: The Telecommunications Master Plan is a County-wide (including municipalities) Plan that identifies and assesses existing wireless communication facilities, determines gaps in existing coverage and provides recommendations for design and siting of future facilities. The analysis will facilitate the development of a wireless telecommunications network that is efficient and will meet the future needs of Nassau County.

The purpose of the plan is to provide adequate network service while minimizing visual impacts of the telecommunications infrastructure and maintaining the aesthetics of the community. The plan will also serve as a guide for developing policy for future wireless infrastructure. For more information, please see the Nassau County Telecom Master Plan page on the Nassau County Department of Planning & Economic Opportunity website.

Nassau County will provide a presentation on the findings of the County-wide Telecommunications Master Plan. The PAB is not expected to render any recommendations at this meeting.

CITY ATTORNEY COMMENTS:

Submitted By: Kelly Gibson, AICP, Planning Manager Date: March 16, 2018
