



AGENDA
FERNANDINA BEACH CITY COMMISSION
OCEAN HIGHWAY AND PORT AUTHORITY (OHPA)
JOINT SPECIAL MEETING
MARCH 26, 2019
6:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. DISCUSSION**
 - 4.1 **AMERICA'S MARINE HIGHWAY DESIGNATION** - *This item is placed on the agenda at the requests of Vice Mayor Kreger and Commissioner Ross.*
 - 4.2 **OCEAN HIGHWAY AND PORT AUTHORITY LIGHTING UPGRADES** - *This item is placed on the agenda at the request of Vice Mayor Kreger.*
 - 4.3 **CONSERVATION DESIGNATION** - *This item is placed on the agenda at the request of Commissioner Ross.*
 - 4.4 **OCEAN HIGHWAY AND PORT AUTHORITY (OHPA) LEGAL CORRESPONDENCE** - *This item is placed on the agenda at the request of Commissioner Ross.*
 - 4.5 **CHANNEL REALIGNMENT** - *This item is placed on the agenda at the request of Commissioner Ross.*
 - 4.6 **ZONING AUTHORITY OF THE CITY** - *This item is placed on the agenda at the request of Commissioner Ross.*
- 5. OTHER DISCUSSION ITEMS**
- 6. SCHEDULE NEXT JOINT OHPA MEETING**
- 7. ADJOURNMENT**

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Ocean Highway and Port Authority (OHPA) Legal Correspondence

ITEM TYPE: Discussion/Action Item

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Commissioner Ross.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Salvatore Cumella, Senior Planner

Date: March 18, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION:

JEB T. BRANHAM

MEMORANDUM

TO: OHPA Commissioners

FROM: Jeb T. Branham

DATE: March 5, 2019

REGARDING: *Comprehensive planning process and OHPA*

ISSUE: What is OHPA's role in the City of Fernandina Beach's comprehensive planning process?

BACKGROUND FACTS: The City of Fernandina Beach may be considering a complete re-write of the existing Port Facilities element of its comprehensive plan. The City posts the 2030 Comprehensive Plan as its current plan on its website. It appears the City adopted the plan in December 2011. The 2030 Comprehensive Plan contains a Port Facilities element. A proposed re-write of that element purports to heavily regulate and likely constrain OHPA's port operations.

ANALYSIS: The State of Florida requires local governments to engage in a comprehensive planning process. State statutes regulate the process and say what comprehensive plans must contain. Fla. Stat. § 163.3191(1) requires local governments to "evaluate [their] comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements . . ." at least every seven years. Updates to address "changes in local conditions" are not required, but they are encouraged. Fla. Stat. § 163.3191(3). There have not been changes in state requirements that would *require* Fernandina Beach to rewrite its Port Facilities Element.

Fla. Stat. § 311.14 governs port planning. It requires each port to "develop a strategic plan with a 10-year horizon . . ." Fla. Stat. § 311.14(2). OHPA created a Strategic Master Plan in 2014 and updated it via Resolution 2014-4. Fla. Stat. § 311.41(2)(e) says "[t]o the extent feasible, the port strategic plan must be consistent with the local government comprehensive plans."

Several state statutes address comprehensive planning as it pertains to ports. Fla. Stat. § 163.3177(6)(b)(2)(b) requires Fernandina Beach to address seaport planning within the transportation element of the City's comprehensive plan. Fla. Stat. § 163.3178(2)(k) also

requires the City to include OHPA's Strategic Master Plan within the coastal management element of its comprehensive plan. Under this statute, the port's strategic plan is supposed to include a map of land uses and habitats, an impact analysis of future development, a drainage systems analysis, hazard mitigation, beach and dune protection, safe development, public access to the shore, financial assurances for new development, and identification of techniques to mitigate development impacts. Some of these elements clearly do not apply to OHPA, such as beach and dune protection and public shore access. Others could perhaps be addressed more specifically. Regardless, OHPA's strategic plan generally complies with state statutes, and updates are not mandatory at this time.

In my view, the proposed Port Facilities Element is neither required by nor consistent with state comprehensive planning law. If OHPA and Fernandina Beach cannot agree on the contents of Fernandina Beach's comprehensive plan as it pertains to OHPA, Fla. Stat. § 163.3178(2)(k) requires the submission of the dispute to the North Florida Regional Council for mediation. Beyond that, Fla. Stat. § 163.3184(5)(a) requires that challenges to comprehensive plan amendments be filed with the Florida Division of Administrative Hearings within 30 days of adoption.