

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JANUARY 14, 2003  
(9:00 A.M.)**

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

Present were: James E. Bryant, District 5, Chair  
Karen Stern, District 2, Vice Chair  
Nicholas Meiszer, District 1  
Marc Jacalone, District 3  
Bruce Maguire, District 4  
Ben W. Adams, Jr., County Administrator  
Michael Hunt, Assistant County Attorney  
Lenora Newsome, Deputy Clerk

Also present: Cheryl Strickland, Clerk of Courts; Allen MacDonald, Finance Director

(01/14/03 - 1 - 9:07 a.m.)  
Chair Bryant called the meeting to order.

(01/14/03 - 1 - 9:08 a.m.)  
The Invocation was given by Maguire. The Pledge of Allegiance was led by Bryant.

(01/14/03 - 1 - 9:08 a.m.)  
ROLL CALL

Bryant announced that all five Commissioners were present.

(01/14/03 -1 - 9:09 a.m.)  
PUBLIC COMMENT

Harry Waldron, 118 Colon Avenue, spoke on a representative from the Outlet Mall calling the surrounding businesses to look at a beautification project, filling out an application for a grant which is due at the end of February, and the Board assigning someone to assist them with filling out the grant. Bryant asked Adams to check into it.

(01/14/03 - 1 - 9:12 a.m.)  
DELETIONS TO CONSENT AGENDA

There were no deletions.

(01/14/03 - 1 - 9:12 a.m.)  
APPROVAL OF CONSENT AGENDA

**Motion by Jacalone, seconded by Stern, carried 5/0, to approve the Consent Agenda, as submitted.**

1. Approval of the Cash Requirement Report
2. Approval of Minutes:

12/10/02 – Regular BCC Meeting  
12/30/02 – BCC Special Meeting

3. Sheriff's Bonds:  
Approve: Albert P. Tesori, Jr.  
Approve: Fay K. Barnes
4. Motion to adopt **Resolution No. 2003-7**, authorizing the granting of an easement for utilities located in Gracy's Crescent Beach Subdivision

**RESOLUTION NO. 2003-7**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING AN EASEMENT FOR UTILITIES TO CORRECT AN ENCROACHMENT OF AN EXISTING LIFT STATION AND FORCE MAIN LOCATED IN GRACY'S CRESCENT BEACH SUBDIVISION**

5. Motion to schedule the public hearings for the Aberdeen DRI and the Durbin Crossing DRI for April 1, 2003 at 1:30 p.m.
6. Motion to allow the County Administrator, or his designee, to enter into contract under Bid No. 03-11, Construction of Dobbs Road Force Main with T. B. Landmark Construction, Inc., in the amount of \$210,677.00 (*See Attachment "A"*)
7. Motion to allow the County Administrator, or his designee, to enter into contract under Bid No. 03-36, Emergency Power Upgrade at the St. Johns County Road & Bridge Complex with Bemci Electric, Inc., in the amount of \$69,710.00 (*See Attachment "B"*)

(01/14/03 - 2 - 9:12 a.m.)

**ADDITIONS/DELETIONS TO REGULAR AGENDA**

Bryant requested to add, a *Resolution approving the execution of an Abandonment and Release of Easement as reserved in County Deed, which conveys certain land to Cobblestone Village*, as Item A1. Bosanko requested that Item 4, the purchase of Crescent Cove Water, Inc., be pulled and continued to January 28, at 1:30 p.m.

(01/14/03 - 2 - 9:13 a.m.)

**APPROVAL OF REGULAR AGENDA**

**Motion by Jacalone, seconded by Stern, carried 5/0, to approve the Regular Agenda, as amended.**

(01/14/03 - 2 - 9:13 a.m.)

- A1. RESOLUTION APPROVING THE EXECUTION OF AN ABANDONMENT AND RELEASE OF EASEMENT AS RESERVED IN COUNTY DEED, COBBLESTONE VILLAGE

Bosanko gave a brief overview of this item, stating that the Cobblestone Shopping Center Project asked the County if they could develop the property over the County's retention pond that drains Moultrie Road. He stated that the County Commission agreed to it on certain conditions; a new retention pond had to be built for the County,

and when that new pond was opened and operational, the County would release the easement on the old pond. (9:16 a.m.) Laurie Braddock, Real Estate Department, stated that they had found everything to be satisfactory to release the restriction that was reserved in the deed. Jacalone spoke on the old pond and the new pond. (9:19 a.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, for approval of Resolution 2003-8.** Hunt left the meeting and Daniel Bosanko, County Attorney, entered the meeting.

#### RESOLUTION NO. 2003-8

#### A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXECUTION OF AN ABANDONMENT AND RELEASE OF EASEMENT AS RESERVED IN COUNTY DEED

(01/14/03 - 3 - 9:19 a.m.)

1. CONSIDER A RESOLUTION DECLARING TRACT E-1 EAGLE CREEK SUBDIVISION SURPLUS PROPERTY AND AUTHORIZING THE APPRAISAL AND ADVERTISEMENT FOR SALE BIDS PURSUANT TO FLORIDA STATUTE 125.35

Mary Ann Blount, Real Estate Manager, illustrated with visual display of an aerial map, that Tract E-1 Eagle Creek Subdivision was acquired by the County for Utility Treatment Facilities and has been dismantled by the St. Johns County Utility Department who does not anticipate any future operational requirements for the abandoned utility site. The Utility Department was notified last week by DEP, who stated that before they could close out their file, the site should be left in a state that is protective of human health and safety, and requiring that four dry percolation ponds on the property be leveled and filled in and the fence repaired. The cost estimate for this work would be \$40,000. The Eagle Creek Homeowner's Association requested that the County surplus this property for use by their Association for amenity and recreational improvements for their community. They would also like to use the property for RV storage and boat and trailer parking. Discussion followed on the Engineering Department considering it for a possible retention site, the cost estimate amount of \$40,000, how appraisals are handled, and the County putting restrictions on the future use of the property. (9:29 a.m.) **Motion by Stern, seconded by Jacalone, to adopt Resolution No. 2003-9, declaring certain County owned property in Eagle Creek subdivision as surplus and authorizing the appraisal and advertisement for sale bids pursuant to Florida Statute 125.35.** Bosanko mentioned that the Board may want to include in the motion or another motion, the restoration issue. Bryant stated that they would cover that issue when it was time for the clean-up. Discussion followed on needing authorization to use County funds for the clean-up, researching needing that authorization and certain language being used for the request for quotes to actually put it out for bid.

(9:33 a.m.) Bud Markel, 801 Sugar Cane Avenue, member of the Board of Directors of the Homeowner's Association, replied that they were willing to accept the recreation restriction on this. Jacalone stated that the intent was what Blount was looking for. Markel requested that it be turned over to the Homeowner's Association.

(9:37 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, amendment to the regular motion, stipulates that it be used for recreation only.** (9:38 a.m.) **The original motion carried 5/0.**

RESOLUTION NO. 2003-9

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING TRACT E-1 EAGLE CREEK SUBDIVISION SURPLUS PROPERTY AND AUTHORIZING THE APPRAISAL AND ADVERTISEMENT FOR SALE BIDS PURSUANT TO FLORIDA STATUTE 125.35

(01/14/03 - 4 - 9:38 a.m.)

2. DISCUSSION OF DUPLICATION OF EFFORT BY THE ST. JOHNS COUNTY ECONOMIC DEVELOPMENT COMMITTEE AND THE ST. AUGUSTINE/ST. JOHNS COUNTY CHAMBER OF COMMERCE EDC

Bryant mentioned that some of the Commissioners wanted to look at various committees that the Commission had put together to see if their continued existence is warranted. He stated the first committee for consideration was the Economic Development Committee and that he would like to hear some of the faults that the Commissioners had with it. Jacalone stated that he thinks it is a classic example of duplication of effort. Maguire questioned who the members were, when the last meeting was held, what was the last recommendation of this Board, how often do they meet, and if any of the results from these meetings have been productive over the course of the ten years of the existence of this organization. Bryant stated, in his personal opinion, that the Committee has provided a service to the County, but he didn't see a need to continue with the Committee. Patsy Heiss, Assistant to the County Administrator, submitted a copy of the list of Economic Committee members, Exhibit "A". Stern mentioned that there was a reason for establishing this Committee, but the purpose has now been met and there is no reason to continue with this Committee. Bryant stated that, if this Committee is dissolved, the members should be invited to join other committees. Jacalone mentioned that he would like to make a motion on this item. Bryant replied that this item was advertised for discussion only and he didn't think a motion could be made on it today. Bosanko recommended, if the Board wanted to proceed in the way Jacalone had stated, that he prepare a Resolution stating the positive things that the Committee had done in the past and indicating the desire of the Board to cancel it's future actions. (9:46 a.m.) **Motion by Jacalone, seconded by Stern, to direct the County Attorney to take the necessary steps to rescind Resolution No. 99-90.**

(9:46 a.m.) Don Beattie, 808 Mill Pond Court, gave a different perspective on the Committee, stating that it should stay and that it has it's useful purpose. Bryant suggested that Beattie might be a valuable asset to the Chamber's Committee. Beattie stated that he couldn't emphasize enough the importance that he sees in trying to help the farming and agricultural sectors. Bryant mentioned placing the proposed resolution on the Consent Agenda. (10:04 a.m.) **The motion carried 4/1, with Maguire opposed.**

(01/14/03 - 4 - 10:04 a.m.)

3. CONSIDER A RESOLUTION OF THE COUNTY'S OFFER OF SETTLEMENT IN EDWARD DALRYMPLE V. ST. JOHNS COUNTY, CASE NO. CA 02-1008

Bosanko stated that this Resolution was brought to the Board to implement the recommendation of the County Attorney regarding the case, Dalrymple vs. St. Johns County, that the Board was informed of during the Closed Door Meeting a week ago. He stated, based on that information, that it is their recommendation that an offer of settlement be made of \$25,000. The County believes it is not liable in this case, but there

are significant costs and risks in any litigation, therefore they are, after careful study and advice from outside counsel, making this recommendation. He mentioned that if the Board approved this Resolution, they would see that an offer is made to the other side and will report back to the Board if it is accepted. If it is not accepted, they will report back to the Board for advice. Jacalone questioned if the Board can comment at all on this case. Bosanko replied yes, as long as you do not go into the details of what happened in the case. Jacalone mentioned that the Board has to consider many factors when involved in litigation, and the number one consideration is the cost involved. He thinks it is a good solid offer and encouraged the Board to accept it. Maguire questioned if it would be possible for the plaintiff's heirs to come back later. Bosanko replied that it would be drafted to cover it and that this is not the final form of the release. (10:07 a.m.) **Motion by Jacalone, seconded by Stern, carried 5/0, to adopt Resolution No. 2003-10.**

#### RESOLUTION NO. 2003-10

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING ITS ATTORNEY TO MAKE A SETTLEMENT OFFER IN THE CASE OF EDWARD DALRYMPLE V. ST. JOHNS COUNTY, IN THE 7<sup>TH</sup> JUDICIAL 1008 AND AUTHORIZES PAYMENT OF THE OFFERED AMOUNT IF THE OFFER IS PROPERLY ACCEPTED**

(01/14/03 - 5 - 10:08 a.m.)  
COMMISSIONERS' REPORTS

Commissioner Meiszer:  
No report.

(10:08 a.m.)  
Commissioner Stern:  
No report.

(10:09 a.m.)  
Commissioner Jacalone:  
Jacalone spoke on the Board being conduits to the people who live in the County and the problems that they see. He stated that he had heard about several intersection problems. He asked Adams to direct Stephenson to have his people look at these intersections, or road conditions, and report back to him on what his recommendations would be. There is a serious deficiency at the entrance to St. Augustine Shores across from the twin banks at the Publix Shopping Center. People who leave the shopping center and want to head north have no stacking capability on U.S. 1, and it has been the scene of several very serious accidents recently and for some time. He suggested there be a no left turn out of that driveway so that the traffic would exit with the flow of traffic. He spoke on the County recently completing some transmission line crossings that involves the destruction of Mizell Road. He requested to expedite resurfacing that road. He mentioned that Mizell Road intersects with West 16<sup>th</sup> Street and West 16<sup>th</sup> Street connects to A1A. The speed limit on West 16<sup>th</sup> Street is 25 mph and he requested that it be raised to 30 mph.

(10:13 a.m.)

Jacalone mentioned receiving a request letter from Senator King asking the Board to give him their opinion on using some Guana property for other uses. There is a workshop on January 28, regarding that issue.

(10:13 a.m.)

Commissioner Maguire:

Maguire mentioned the ribbon cutting ceremony in the Northwest Territory over the weekend and gave his personal thanks to Stephenson and Staff for their help and quick responses to his questions.

(10:14 a.m.)

Commissioner Bryant:

Bryant stated that Jerry Cameron, one of the Board's appointees, had to resign from the Visioning Steering Committee to be able to serve on the PZA, which left a vacancy on the Visioning Steering Committee. (10:15 a.m.) **Motion by Bryant, seconded by Jacalone, carried 5/0, to appoint Syd Perry to the Visioning Steering Committee.**

Bryant mentioned a landscaping request for east of the SR 312 Bridge. (10:16 a.m.) Joe Stephenson, Public Works Director, mentioned that the County does not maintain the landscaping between U.S. 1 and the bridge and explained. Discussion followed on the landscaping.

(10:18 a.m.)

Meiszer requested that Stephenson check out the Northeast corner of the Gate Petroleum Station at Race Track Road on SR 13, prohibiting a left turn. He asked if Stephenson had the design of that area. Stephenson stated that he would go over the intersection design with Meiszer.

(10:20 a.m.)

Bryant mentioned that several months ago he asked the Board to speak with the members of the Industrial Development Authority about a problem with a member of that Board. He asked the Board to speak with the members before he made a recommendation on it. Stern requested a list of the members of that Board.

(01/14/03 - 6 - 10:22 a.m.)

COUNTY ADMINISTRATOR'S REPORT

Adams announced that the Joint School Board Meeting would be Wednesday, January 29, at 9:00 a.m. and the School Board is going to sponsor it at the Administration Building on Orange Street. He stated that he would like any agenda items that the Board would like to put on for that day.

(01/14/03 - 6 - 10:23 a.m.)

COUNTY ATTORNEY'S REPORT

Bosanko reminded the Board that the Growth Management Legislation of last year had a major component in it for addressing school needs and there were a number of things that have to happen in the next year regarding that legislation. He stated that he would prepare a package for the Board to look over before the Joint School Board Meeting.

(01/14/03 - 6 - 10:24 a.m.)

CLERK OF COURT'S REPORT

No report.

The meeting recessed at 10:24 a.m. and reconvened at 1:38 p.m. with Bryant, Stern, Jacalone, Meiszer, Maguire, Adams, Isabelle Lopez, Assistant County Attorney, and Robin Platt, Deputy Clerk, present.

4. PUBLIC HEARING - PURCHASE OF CRESCENT COVE WATER, INCORPORATED. THIS IS THE SECOND AND FINAL PUBLIC HEARING REQUIRED BY FLORIDA STATUTES. THE PURPOSE OF THIS HEARING IS TO CONSIDER THE COUNTY'S PURCHASE OF CRESCENT COVE WATER, INCORPORATED, A WATER SYSTEM SUPPLYING THE CRESCENT COVE SUBDIVISION. THE CRESCENT COVE SUBDIVISION IS LOCATED ON THE NORTH SIDE OF STATE ROAD 206 (EAST OF US1 & WEST OF THE MATANZAS RIVER). THE SYSTEM CURRENTLY SERVES 50 HOMES AND HAS THE POTENTIAL TO SERVE 40 ADDITIONAL HOMES. BASED ON THE ATTACHED ANALYSIS, THE NEGOTIATED PURCHASE PRICE IS SET AT \$65,000. THERE WILL BE AN ADDITIONAL \$35,000 NEEDED TO CONNECT THE CRESCENT COVE SYSTEM TO THE COUNTY SYSTEM, ABANDON THE EXISTING PACKAGE PLANT AND REPLACE THE WATER METERS WITHIN THE SUBDIVISION. THIS HEARING WILL ADDRESS THE ITEMS MANDATED BY FLORIDA STATUE 125.3401 TO DETERMINE PUBLIC INTEREST

*This item was postponed until January 28, 2003 at 1:30 p.m.*

(01/14/03 - 7 - 1:38 p.m.)

5. PUBLIC HEARING - PRD 2001-02, COLEE COVE LANDING NORTH. THE SUBJECT PROPERTY CONSISTS OF APPROXIMATELY 126.04 ACRES LOCATED AT 8500 COLEE LANDING NORTH. THE APPLICANT IS REQUESTING A ZONING CHANGE FROM OPEN RURAL (OR) TO PLANNED RURAL DEVELOPMENT (PRD) TO ALLOW FOR THE DEVELOPMENT OF SIXTEEN (16) LOTS WITH A MAXIMUM OF TWENTY-THREE (23) DWELLING UNITS, WITH SEVEN (7) UNITS BEING GUEST HOUSES. THE DEVELOPMENT WILL BE KNOWN AS COLEE COVE LANDING NORTH PLANNED RURAL DEVELOPMENT. OF THE TOTAL 126.04 ACRES, THERE ARE 11.54 ACRES OF DEVELOPMENT AREA, 114.5 ACRES OF RESERVE AREA AND 81.04 ACRES OF WETLAND AREA.

Proof of Publication regarding Colee Cove Landing North was received, having been published in *The St. Augustine Record* on December 27, 2002.

Laura Pierle with St. Augustine Court Reporters was in attendance.

Nicole Clayton, Planner II, presented the details relating to this item and illustrated the proposed development on the Master Development Plan Map, Exhibit A. She reviewed the requested waivers, including a waiver to the curb and gutter requirement of the Land Development Code, as well as, a waiver to use an easement for access to a sewage disposal system. A waiver is also being requested to the 30-day occupancy restriction on guest-quarters, as they are being counted as a unit for density purposes. Discussion followed regarding guesthouses, the number of lots in the development and roadway design.

(1:47 p.m.) Don Hallman, Development Review, addressed roadway design and explained that many of the turning radius and speed limit standards are derived from DOT standards. Turning radiuses for vehicles, including emergency vehicles, will be addressed during the construction plan approval process.

(1:51 p.m.) Maguire questioned how the estimated number of residents of the development was arrived at. Clayton explained that the information comes from the latest census data and explained how the figures are computed. Discussion followed on the requirements and the definition of a guesthouse. (2:00 p.m.) Stern requested that the waiver to use the open swale system, as opposed to curb and gutter as required by the Land Development Code (LDC), be addressed. (2:00 p.m.) Hallman commented that the LDC does allow swale systems in certain instances and addressed the issue of maintenance and drainage of a swale system. (2:02 p.m.) Jacalone stated that he is not in support of that requested waiver. (2:03 p.m.) Maguire questioned if this would be a private or a county road, what the speed limit would be and if there is a maximum time limit imposed on the guest-quarters. (2:06 p.m.) Joe Stephenson, Public Works Director, highlighted the differences in the curb and gutter system and the open swale system and stated that his department receives fewer complaints about curb and gutter systems in comparison to ditches. Discussion followed.

(2:15 p.m.) John Bailey, Upchurch, Bailey and Upchurch, representing the applicant, spoke on the reasons for the requested waivers regarding guesthouses and the curb and gutter requirement. He illustrated the development and surrounding areas with an aerial map, Exhibit B. He also stated that they are proposing that the County accept the roadways, which would obligate the County to maintain them.

(2:21 p.m.) Jacalone stated that he has no problem with the requested waivers, with the exception of the curb and gutter waiver. Discussion followed regarding the roadway/drainage waiver request, utilities, the time limits imposed on guest-quarters and the preserve area.

(2:29 p.m.) **Motion by Jacalone, seconded by Maguire, carried 5/0, to enact Ordinance No. 2003-02, known as PRD 2001-02, Colee Cove Landing North, adopting Findings of Fact 1 through 5, to support the motion, including granting of the requested waivers other than the request for roadway design requirements (6.04.07.C.2) that requires roads to have curb and gutter.**

#### ORDINANCE NO. 2003-02

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS COUNTY, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PRD (PLANNED RURAL DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

(01/14/03 - 8 - 2:32 p.m.)

6. PUBLIC HEARING - PUD 2002-07, RING POWER AT WORLD COMMERCE CENTER. THE TOTAL PROPERTY THE APPLICANT SEEKS TO REZONE TO PUD IS 235 ACRES, WHICH IS LOCATED AT 4485 SOUTH FRANCIS ROAD, WITHIN THE WORLD COMMERCE CENTER DRI. THE PUD PROPOSES THE DEVELOPMENT OF 350 SINGLE FAMILY RESIDENCES, 30,000 SF OF COMMERCIAL SPACE AND 340,000 SF OF LIGHT INDUSTRIAL SPACE. THE FINAL CERTIFICATE OF CONCURRENCY (CONMAJ2002-01) WAS APPROVED ON MAY 10, 2002, FOR THE DEVELOPMENT OF 303,000 SQUARE FEET OF LIGHT INDUSTRIAL SPACE. THE FINAL CERTIFICATE OF CONCURRENCY (CONMAJ2002-01) MEETS THE REQUIREMENTS OF LDC SECTION 11.00.01 REQUIRING CONCURRENCY APPROVAL FOR A MINIMUM OF 1/3 OF THE MAXIMUM DEVELOPMENT ALLOWED BY THE

PROPOSED REZONING. ACCESS TO THE PROJECT WILL BE VIA SOUTH FRANCIS ROAD, INTERNATIONAL GOLF PARKWAY AND A FUTURE LOOP ROAD TO BE DEVELOPED BY THE PROJECT. WATER AND SEWER WILL BE PROVIDED BY ST. JOHNS COUNTY. UTILITIES WILL BE INSTALLED UNDERGROUND. THE PROJECT WILL BE DEVELOPED IN TWO PHASES OVER SIX YEARS. COMMENCEMENT SHALL BE DEFINED AS THE HORIZONTAL/VERTICAL DEVELOPMENT OF LAND AS APPROVED BY COUNTY PERMIT. COMPLETION SHALL BE DEFINED AS APPROVAL OF AS-BUILTS.

Proof of Publication regarding PUD 02-07, Ring Power was received, having been published in *The St. Augustine Record* on December 18, 2002.

Laura Pierle with St. Augustine Court Reporters was in attendance.

Nicole Clayton, Planner II, presented the item and detailed the requested waivers. She also reviewed a special request that has to be approved by the Board, as Staff does not have the authority to approve the special request. She responded to questions from Maguire regarding the DRI process versus the PUD process, concurrency and signage. Clayton further clarified the DRI/PUD approval process. (2:49 p.m.) Jacalone questioned the waiver that would allow roadway construction to begin prior to utilities being brought to the site and where traffic would access the development. (2:51 p.m.) Teresa Bishop, Planning Director, explained how the project obtained concurrency and pipelining. Jacalone requested that some language be incorporated into the PUD that states that the entrance to Ring Power will be at IGP, where it is signalized. Bishop stated that the language that addresses the entrance that is in the DRI Development Order could be placed in the PUD. (2:52 p.m.) Stern questioned if the affordable housing portion of the DRI is included in this phase. Clayton responded that that will be part of the Master PUD.

The meeting recessed at 2:55 p.m. and reconvened at 3:02 p.m.

(3:02 p.m.) Anthony Robbins, Prosser-Hallock, 13901 Sutton Park Dr., representing the applicant, addressed the concerns raised by the Board regarding the DRI/PUD process, concurrency and roadway construction. He stated that the Development Order contains language (Item 23 B, Special Conditions) that addresses the entrance commitment. Ring Power will pay the County \$30,000 to go toward housing. He thanked everyone who worked so hard to help get this project through in such an expeditious manner. He explained the building height in relation to the location of the elevators and stairwells, reviewed some of the changes that have been made to the PUD and DRI to date and discussed the reasons for the requested waivers. Additionally, the timing of the South Francis Road improvements was addressed. (3:21 p.m.) Jacalone responded to a comment made by Robbins that the project was delayed, by stating that the County has given this development a lot of support to aid in the approval process. Discussion followed regarding the level of detail in the PUD and the location of the entrance to Ring Power. (3:28 p.m.) Maguire inquired about the definition of a development edge and Robbins explained that it is a type of set back that helps the development blend in with the surrounding area. There was also discussion regarding the fire suppression system and the Fire Safety Code. (3:33 p.m.) Robbins addressed the active recreation details, signage and when South Francis Road would be completed.

(3:42 p.m.) Richard Reese, 3950 South Francis Rd., addressed the current condition of South Francis Rd. He continued by stating that he may file an appeal with the State of Florida, dependent upon the comments received back from DCA after they review the DRI. (3:47 p.m.) Michael Hunt, Assistant County Attorney, entered the meeting.

(3:49 p.m.) **Motion by Jacalone, seconded by Bryant, to enact Ordinance No. 2003-03, known as PUD 2002-07, Ring Power at World Commerce Center, adopting Findings of Fact 1 through 6, to support the motion, and including language pertaining to the entrance to the Ring Power site that is consistent with the language in the already approved DRI.**

(3:51 p.m.) Joe Stephenson, Director of Public Works, stated that he is more concerned with the traffic that will be generated on South Francis Rd. by the employees of the development than the impact made by it's customers. He is comfortable with the roadway being addressed in the Master PUD. He explained the process by which the road will need to be improved and stressed the importance of getting a commitment to making the improvements.

(3:55 p.m.) Scott Clem, Director of Growth Management Services, stated that the traffic volume on South Francis Rd. is very low and the issue is that the roadway design is substandard.

(3:56 p.m.) Mr. Steinemann stated that they are working with the County to develop a collaborative solution to address the southern portion of South Francis Rd. and who and to what degree the developer and the County would be responsible for the improvements.

(3:59 p.m.) **Amendment to the motion by Maguire, seconded by Meiszer, to include in the Phase B approval, a resolution to the southern South Francis Road detail, and a direction to Staff to bring back to the Board the results of the negotiations prior to approval, with the amounts of the contribution by both parties be presented at that time.**

(4:00 p.m.) Jacalone stated that the County never intended to add curb and gutter to South Francis Rd., but to widen the driving lanes and resurface the road. He stated that Staff needs direction as to what degree the developer would be responsible for the improvements as it will be up to them to approve the rest of the PUD.

(4:03 p.m.) Stephenson stated that the improvements should meet the County's collector road standards as there is no capacity problem with the road, just a features problem.

(4:07 p.m.) **The amendment to the motion to enact Ordinance No. 2003-03, carried 5/0, and the motion to enact Ordinance No. 2003-03, carried 5/0.**

#### **ORDINANCE NO. 2003-03**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

(01/14/03 - 10 - 4:07p.m.)

7. PUBLIC HEARING - ZADMAPL 2002-001, APPEAL OF SUPMIN 2002-26, CHANNEL MARKER 71 BARRIER ISLAND BED & BREAKFAST. THE REQUEST IS AN APPEAL TO THE ORDER OF THE PLANNING AND ZONING AGENCY APPROVING A SPECIAL USE PERMIT REQUEST TO ALLOW THE SALE OF ON-PREMISES CONSUMPTION OF BEER AND WINE

UNDER THE REGULATIONS OF STATE OF FLORIDA TYPE 2-COP LICENSE IN CONNECTION WITH A RESTAURANT AS AN ACCESSORY TO A BED & BREAKFAST ESTABLISHMENT LOCATED ON THAT PORTION OF LOT 28 LYING WEST OF HIGHWAY A1A IN BOYS WORK SUBDIVISION. THE PLANNING AND ZONING AGENCY ON OCTOBER 3, 2002, CONSIDERED THE REQUEST AND AS A RESULT APPROVED THE SPECIAL USE PERMIT REQUEST. THE STAFF REPORT PREPARED ON SEPTEMBER 21, 2002, PROVIDES DETAILS OF THE REQUEST AND FINDINGS BY STAFF. SUPPLEMENTAL MATERIALS WERE PRESENTED AT THE HEARING AND WERE MADE PART OF THE PUBLIC RECORD. ON OCTOBER 4, 2002, IN A TIMELY MANNER AS PRESCRIBED BY THE CODE AND THE LAW, THE APPLICANT FILED AN APPEAL.

Proof of Publication regarding ZADMAPL 2002-01 (SUPMIN 2002-26) at 7601 A1A South was received, having been published in *The St. Augustine Record* on December 26, 2002.

Rachael Bennett, Assistant Zoning Manager, presented the item and handed out a package of correspondence that was received. Deputy Clerk, Robin Platt left the meeting and Clerk, Cecelia Aldrich entered.

(4:10 p.m.) Lopez left the meeting and Michael Hunt was present.

(4:10 p.m.) Steve Alexander, 19 Old Mission Avenue, St. Augustine, introduced himself as the attorney representing the applicant, Greg Kostka. He stated that Kostka resides within 1,000 feet of the subject property and he had filed the appeal on behalf of Kostka. He reviewed the previous attempts by the Michael's to acquire a liquor license for their Bed & Breakfast establishment and the related denials by the Planning and Zoning Agency (PZA), BCC and the Courts. Alexander said he would file both Court Orders, dated June 18, 2002 and November 26, 2002, as evidence for this hearing. He read from several documents; the Special Use Code, a similar court case and Judge Traynor's decision. Alexander argued that circumstances had not changed, that the Michaels had just modified the application, and he did not understand how they could come before the Board on the same issue. He read a letter from Kostka expressing his concerns and asking the Board to place restrictions on the Special Use Permit. Alexander referred to a letter dated September 23, 1999 from Teresa Bishop, Assistant Planning Director, to George McClure, attorney for the Michaels, and read an excerpt from the letter relating to uses of the property. (4:33 p.m.) Jacalone asked who Alexander was representing and established that he was only representing Kostka. Documents submitted by Alexander are labeled Exhibit A. (4:32 p.m.) Lopez returned. (4:32 p.m.) Jacalone commented that the PZA approved the current request because it is different. He said it is not for a full liquor license and restricts it to on-site only. (4:35 p.m.) Bryant asked about beer and wine being offered at no charge. (4:35 p.m.) Alexander said he thought that was in violation of the law, but they [the Michaels] were, prior to October 3<sup>rd</sup>, providing it free. (4:36 p.m.) In response to questions about the signage, Bennett said the existing, permanent sign, was issued a sign permit. She said they were cited for an illegal banner/sign, the issue was resolved and it is no longer an outstanding issue. She said there is an application in for a temporary banner, but it is being handled by Code Enforcement, not Zoning. (4:37 p.m.) Bryant asked if it was legal to give wine and beer free to people staying at the Bed & Breakfast. (4:37 p.m.) Bennett said it was not legal and they had contacted the owner's attorney. (4:38 p.m.) Hunt advised the Board that issues of, or related to, the signage are not part of the Board's consideration. (4:39 p.m.) Maguire asked if there have been any complaints about conduct at the establishment. (4:39 p.m.) Alexander said people living in the area would address those issues.

(4:41 p.m.) Bryant commented that the format is somewhat unusual, and that he would try to give equal time to both sides.

(4:41 p.m.) George McClure, 170 Malaga Street, Ste. A, addressed the Board on behalf of Warren and Heather Michael. He clarified that his area of law is Land Use. He said he was bothered by the implication that this was a minor change in request, and went on to explain that it was a drastically different request. McClure addressed the banners that were hung out in October and noted that it was an error on the part of the owners and it has since been resolved. He went on to say that this was the owners' home and described the layout. McClure used the overhead photo (Exhibit B), to indicate the subject property and neighboring properties within a 300-foot radius, for notification purposes. He said that Alexander provided notices, to the County [Staff], to notify people 1,000 feet away in each direction, beyond the 300-foot radius requirement. He also noted that several people within the radius who were not in opposition, were not notified. McClure noted that the Kostka residence is outside the 300-foot radius. He stated that the code limits people living within 300 feet as being adversely affected. McClure said he doesn't believe Kostka has established burden. He stated that he felt the case law is abundantly clear even though a Circuit Judge might have made a different decision, based upon the same evidence. He said the only thing that the Circuit Judge looks for is substantial evidence in the record to support what was done. McClure commented on how the Board could make its' decision and asked the Commissioners to confirm that the PZA took appropriate action in passing the application for the Special Use Permit. (4:52 p.m.) Bryant reassured McClure that the Board was astute enough to realize the different issues. Bryant said his concern is clients driving on the highways after having too much alcohol. He said he doesn't have so much of a problem if beer and wine is solely for clients staying there. (4:53 p.m.) McClure noted that the restaurant does serve people who are not staying there. (4:55 p.m.) In response to a legal question by Bryant, McClure read the Law regarding notification and persons being adversely affected. (4:55 p.m.) Hunt urged the Board to keep to the issue of the Special Use Permit. (4:58 p.m.) McClure noted that the Board could apply conditions if it desired. (5:00 p.m.) Bennett referred to a passage in the Zoning Program/Development Services Program Staff Report (pages 112-114) defining on-premise and where the guests are allowed to consume alcohol. She also noted that there was language pertaining to special use as it was made part of the approval. (5:02 p.m.) Bryant deferred to Hunt as to whether Kostka is considered an aggrieved party within 300 feet.

(5:02 p.m.) Stacy Vaughn, 10130 East Deep Creek Blvd., Hastings, introduced herself as Greg Kostka's assistant and said she was donating her time to Judy.

(5:03 p.m.) Judy Ginn, 6784 A Avenue, St. Augustine, announced that she wanted to make some comments and had slides to show. She read from several documents that were composed by the Michaels: one entitled 'Barrier Island Marina Description,' a letter to neighbors, and also a letter to St. Johns County Zoning. She indicated she would show pictures that would not follow the written intent. She talked about a full service restaurant vs. a 'little kitchen.' Ginn displayed pictures with detailed signs and banners. She gave a brief history of the transformation of the Bed & Breakfast since its' inception. Ginn expressed her dissatisfaction about the establishment operating as a "Bikers' Bar" and referred to signage including the term "ta-tas." She expressed strong opposition to the operation in the neighborhood.

(5:14 p.m.) Terry Ustaski, 7578 A1A, stated he lives within the 300-foot radius. He said he agreed with Kostka except he didn't agree with having any beer or wine. He stated that almost everyone who signed the petition to get the Bed & Breakfast approved does not live in this area. Ustaski said he had professionals look at the property. He spoke to

the building height and commented that there were no set-backs. He said a commercial development for a condominium, that wanted to construct two stories and reduce the setback from 30 feet to 20 feet, was turned down last month by the County. He said the building in question is twice as high with a 15 foot, or less, setback. He also mentioned that two lots to the north had been cleared and 150 dump trucks of fill were deposited on the wetlands and uplands. Ustaski said he hasn't been able to get information on it yet. He stated that he was told his property value decreased by 20% and it would decrease more if there were a bar. He indicated that appraisals take quality of life into consideration and compared a photo with a water view, to the view of the Bed & Breakfast (Exhibit D).

(5:21 p.m.) Arthur Gannon, 7566 A1A South, St. Augustine, introduced himself and stated that he lived diagonally across the street from the Bed & Breakfast. He said they were assured by the Michaels that their operation would be upscale. He submitted several photos of the building and marsh/water views (Exhibit E). He talked about parking that had been used by a construction site which has not been restored as it was supposed to be. Gannon indicated he felt harm had been done to them, as a beautiful pristine area is gone.

(5:24 p.m.) JoAnn Lohman, 7648 A1A South, St. Augustine, stated that she and her husband also own three lots on the Intracoastal. She asked the Board to support the appeal and reverse the decision of the PZA. She submitted photographs (Exhibit F) and described the neighborhood of owner-occupied single family homes. She also talked about the nearby commercial area. Lastly, she said the B&B was purported to be a high-class operation and it has had big signs advertising keg parties, ta-tas, and inviting bikers.

(5:29 p.m.) Doris Davis, 31 Orange Avenue, introduced herself as the President of the South Anastasia Community Association. She commented that they are committed to preserving the beach area. Davis described the area, said she is opposed to a bar and asked the Board to deny the Special Use Permit.

(5:30 p.m.) Dennis Chipman, 5400 Atlantic View, stated that he emailed a letter to the Board (Exhibit G). He stated that he did not know Mr. Kostka, but his comments were similar, including the possibility of a compromise. He said he thought most people have a fear of what's to come and referred to music and alcohol.

(5:32 p.m.) Rita and Mat Kenyon, 7612 A1A South, Mat stated that they were building a beach house 100' south of the subject property. He stated they have been part of the Kostka team and don't want their dream home to be devalued by beer and ta-ta parties. Kenyon said he had received threatening calls to his business from the Michaels, which he said speaks to their integrity. Kenyon expressed frustration that his investment is being degraded by the situation. He urged the Board to deny the sale of alcohol at the Bed & Breakfast.

(5:38 p.m.) Maguire asked about the threatening phone calls. Kenyon responded that his secretary had received a phone call from someone purporting to be Heather Michael and there was a threat to burn his (Kenyons) house down if her phone call wasn't returned. He gave details of other annoying or problematic happenings while building his house.

(5:39 p.m.) Bryant temporarily recessed the meeting and opened the 5:30 p.m. Public Hearing. At 5:40 p.m. Bryant called the 5:30 p.m. Public Hearing regarding Amendments to the Ponte Vedra Zoning District Regulations, Ordinance 2000-63 to order, and then recessed and went back to Agenda Item #7.

(5:40 p.m.) Patrick Hamilton, 201 Owens Avenue, stated his length of time in the area and noted he has been practicing real estate for over 20 years in Crescent Beach. He stated that Crescent Beach is also his home and he was involved with a vision plan for South Anastasia. He also expressed his dissatisfaction with the operation and feels it will degrade property values. He asked the Board to deny this Appeal.

(5:44 p.m.) Bill Davidson, 272 Fleming Drive, Green Cove Springs, stated he has been a property owner in St. Johns County for 20+ years and spoke in support of the Bed & Breakfast. He said it was a 12-foot bar with three stools and does not lead to a lot of people having a major party.

(5:45 p.m.) Joyce Davidson, 272 Fleming Drive, Green Cove Springs, stated that she had bought two homes here. She noted that there is a sign inviting bikers in front of the Methodist Church in Green Cove Springs. She spoke in favor of the Michaels and the Bed & Breakfast. Davidson noted that she and her husband do not drink, had been to the Bed & Breakfast and really enjoyed it. Davidson said she didn't think the \$259 a night rate would attract the type of crowd that wants to carouse around. She queried how many of the neighbors had been inside the Bed & Breakfast to see how nice it is. She said they may have made mistakes, but that they would be the first to correct them.

(5:49 p.m.) Warren Michael, 7601 A1A South, owner of the Bed & Breakfast, addressed the Board. He talked about the signs, said he paid a fine and is now in compliance. He said their mortgage is about \$13,000 per month. He said not one of the neighbors have been in the building or approached them, in person, with any questions or concerns. He responded to Kenyon's and Kostkas's statements, and said that the communications from his side had been to resolve any problems. In response to property values going down, Michael said that according to the County Property Appraisers Office, property values have increased. He said there were 23 neighbors who they had to notice, only seven wrote letters in opposition. Michael said he had 259 signatures collected from people who had visited, and were in support of, the Bed & Breakfast. He submitted documentation on the sign and also a copy of a Police Report which indicated no loud noise, no action taken, and nothing to report. (All submissions included as Exhibit H.)

(5:58 p.m.) Heather Michael, 7601 A1A South, addressed the Board next, she explained she had received an SBA loan and elected to invest in St. Johns County. She said they donated .97 acre for a conservation easement. She addressed the ta-tas and explained that they are "nice little perky breasts" on tiles in the Men's' Room. Michael submitted the Barrier Island Bed & Breakfast brochure (Exhibit I). She talked about the publications the Bed and Breakfast has been featured within. She said they are trying to practice eco-tourism, to encourage exchange of humans and their natural environment. She said the room prices range from \$189 to \$298 with breathtaking views. She also noted that the Florida Statute would allow them to have a much larger commercial venture. Michael asked the Board to allow them to sell beer and wine in order for them to make their mortgage payment.

(6:04 p.m.) Stern stated that she had personally attended several functions at the Bed & Breakfast and was impressed. She expressed disappointment that people within the neighborhood haven't visited the Bed & Breakfast, or communicated personally, with the Michaels.

**(6:06 p.m.) Motion by Stern, seconded by Jacalone, to deny the appeal 2002-001, upholding the decision of the Planning and Zoning Agency approving the Special Use Permit, adopting Findings of Fact which are contained in the packet to support the motion and Conditions 1 through 10.**

(6:06 p.m.) Bryant noted that he would allow Alexander and McClure equal time to respond.

(6:07 p.m.) Alexander thanked the Board for paying attention to all the information. He asked the Board to look at the credibility issue of the Michaels and referred to a letter by Mr. Michael. Alexander talked about activities in the backyard of the property and illustrated the area on the overhead (Exhibit J). He asked that the Board deny the use of alcohol, change some of the conditions originally granted and uphold his appeal.

(6:12 p.m.) McClure insinuated that since there weren't any pictures of bikes [motorcycles] they probably weren't an issue. He said if you visit the property, you will not find the conditions that have been proposed. McClure said the picture shown by Alexander was a maze in the back yard and not the conservation area. He said the decision of the PZA should be upheld.

(6:14 p.m.) Bryant asked Bennett for the rule on parking as he was concerned about the 14 parking spaces. Bennett said parking for this use has to be within the limits of the lot line.

(6:15 p.m.) Bryant referred to Hunt on the notification radius and time constraints of the appeal. Hunt responded that it was a timely appeal and was filed a day or two after the original decision of the PZA. Hunt said Alexander's appeal for Kostka was correct and within the scope and confines of the Land Use Code. Hunt added that the County form does not say that you can't appeal if you're outside the 300-foot radius. He said maybe consideration should be given to amending the County form.

(6:16 p.m.) Jacalone said he thought maybe some things have been overblown. He said they haven't seen much more than banners hanging on a wall. He noted that the County does have Ordinances that can be enforced. Jacalone said he thinks the PZA made a good decision. He pointed out that the adjacent homeowners could probably do more on their properties than the Michaels can because of restrictions. Referring to property values going down, Jacalone said the building is striking. He said he supported the motion.

(6:19 p.m.) Regarding exparte communication, Maguire reported both Warren and Heather Michael had contacted him but he really didn't get a chance to talk to them. He said he agreed that neighbors should talk and not run to the police. In response to a question from Maguire, (6:21 p.m.) Hunt said that a number of the items mentioned deal with an issue subsequent to the permit process. Maguire said he wouldn't want a bar next to him, and he had been to the Michael's place and didn't consider it a bar. He said he doesn't think there will be a loss of value.

(6:24 p.m.) Meiszer said it was unfortunate that this matter had gotten to this point. He said because none of the residents are in support, he would agree with those most affected by it. He also said he heard nothing to support changing the Court decision and would not support the motion.

(6:24 p.m.) Bryant referred to Hunt and confirmed that, as stated in Condition #9, any violations of the Special Permit shall render it invalid. Bryant called the vote.

(6:25 p.m.) Roll call vote:

**Meiszer**      **nay**  
**Stern**         **aye**

Jacalone     aye  
Maguire     aye  
Bryant     aye

**The motion to deny the Appeal carried 4/1, with Meiszer dissenting.**

At 6:25 p.m. Bryant called a recess and the meeting reconvened at 6:34 p.m.

(01/14/03 -16 - 6:34 p.m.)

8. PUBLIC HEARING - AMENDMENTS TO THE PONTE VEDRA ZONING DISTRICT REGULATIONS, ORDINANCE 2000-63. THIS IS THE FIRST HEARING TO CONSIDER AMENDMENTS TO ALL SECTIONS OF THE PONTE VEDRA ZONING DISTRICT REGULATIONS, ESTABLISHING REQUIREMENTS FOR THE PONTE VEDRA ZONING DISTRICT AND THE PONTE VEDRA OVERLAY DISTRICT. THESE SUGGESTED CHANGES ARE PROPOSED FOLLOWING THE DIRECTION OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD TO CLARIFY CROSS REFERENCES TO THE FLORIDA STANDARD BUILDING CODE, OVERLAY SIGNAGE ILLUMINATION AND THE ADDITION OF A NON-ZONING VARIANCE PROCESS. IN ADDITION, THESE PROPOSED CHANGES WOULD PROVIDE GREATER CONSISTENCY WITH THE LAND DEVELOPMENT CODE. THESE CHANGES WERE WORKSHOPPED BEFORE THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD IN AUGUST 2002, AND ALSO AT THE MONDAY, DECEMBER 9, 2002 MEETING. THE PROPOSED CHANGES ARE A RESULT OF THE TWO WORKSHOPS

Proof of Publication of the Notice of Public Hearing regarding Amendments to the Ponte Vedra Zoning District Regulations was received, having been published in *The St. Augustine Record* on January 4 and 7, 2003.

Danielle Mayoros, Planner II, explained that this is the first meeting for revisions to the Ponte Vedra Zoning Regulations. She noted she handed out a packet of addendum pages and would highlight the major changes. Referring to definitions, Mayoros noted that 'Nature Blending' has been replaced with 'Earth Tone.' Another change she noted is the addition of a Non-Zoning Variance which includes a chart depicting types of variances. She then referred to the parking and noted that the language has changed since the Ponte Vedra Board (PVB) reviewed it and she handed out separately what the Ponte Vedra Board saw. She said the PVB has been working on parking for years. (6:38 p.m.) Jacalone noted the new language states the existing parking shall be treated as a legal non-conforming use. (6:39 p.m.) Danielle suggested modifying the wording to say "ratified before" or "issued after" regarding the effective date. (6:40 p.m.) Jacalone indicated it was okay with him since this is the first hearing. Mayoros said there was an issue with the word "arterial" and they would like to remove it. Discussion followed relating to Mickler's Landing.

(6:41 p.m.) Bruce Kendeigh, 240 Redfish Creek Drive, St. Augustine, stated that he has been a resident of St. Johns County for 30+ years. He said the closing of Ponte Vedra Boulevard would have far reaching effects. He talked about the danger to children, and the lack of parking and beach access.

(6:48 p.m.) Bryant stated that the Board supports not losing any beach access and continually seeks parking. (6:49 p.m.) Jacalone commented that the Board is not going to close Ponte Vedra Boulevard. He said the issue is parking along the rights-of-way and safe parking. (6:51 p.m.) Maguire stated that parking and beach access are two different issues.

(6:53 p.m.) Gary Jurenovich, 536 Morningside Drive, Ponte Vedra Beach, stated he was present to address support for a parking ban for safety reasons, increased traffic and impact on business.

(6:55 p.m.) Carl Bloesing, 12 La Vista Drive, Ponte Vedra Beach, stated he is the President of the Ponte Vedra Community Association, which includes about 700 families. He said they have no qualms about opening access to the beach, but due to environmental, economical and safety issues, they ask to ban parking on Ponte Vedra Boulevard.

(6:56 p.m.) Ebbie Le Master, 135 Ponte Vedra Boulevard, Ponte Vedra Beach, addressed the Board and said he has been involved in the development and management of Ponte Vedra for over 50 years. He indicated he is in support of banning some of the parking, not including Mickler's Landing. Le Master talked about prior Zoning Board actions and related some historical stories. He said he supported approval.

(7:00 p.m.) Janet Piercy, 79 Ponte Vedra Boulevard, said parking would be a safety issue due to the walkers, joggers, and bicyclers in the area.

(7:01 p.m.) Irene Lombardo, 1133 Salt Creek Drive, Ponte Vedra Beach, stated she is the President of the Salt Creek Homeowner's Association and a Director of the Salt Grass Players Club Association. She expressed the need to maintain open beach access and not to ban parking on Ponte Vedra Boulevard. She expressed concern that the proposal would further limit beach access under the guise of safety. She asked the Board to vote down the proposal.

(7:02 p.m.) Maguire said he promised to open up beach access up and down the County. He said he doesn't concur with just opening up parking without a logical plan.

(7:05 p.m.) Stern noted that parking on Ponte Vedra Boulevard does not address beach access and agreed with opening up beach access points all along the County to include access for pedestrians and bicyclists. She said she agreed that the east side of Mickler's should be pulled out of the language.

(7:07 p.m.) There being no more public comment, Bryant scheduled the second Public Hearing for January 21, 2003 at 1:30 p.m.

(7:07 p.m.) Bryant stated that Sisco's last day was yesterday and Bosanko's contract doesn't start until January 19, 2003. **Motion by Bryant, seconded by Jacalone, carried 5/0 to appoint Dan Bosanko as Acting County Attorney from January 14<sup>th</sup> to January 19<sup>th</sup> of this year.**

(7:08 p.m.) **Motion by Bryant, seconded by Stern, carried 5/0, to adjourn the meeting.**

#### REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check No. 329146 through 329167 totaling \$2,467.27 (01/02/03).
2. St. Johns County Board of County Commissioners Check Register, Check No. (329168 VOID) 329169 totaling \$99,123.48 (01/06/03).
3. St. Johns County Board of County Commissioners Check Register, Check No. 329170 through 329323 totaling \$409,307.17 (01/07/03).
4. St. Johns County Board of County Commissioners Check Register, Check No. 329324 through 329325 totaling \$25,258.35 (01/07/03).

5. St. Johns County Board of County Commissioners Check Register, Check No. 329326 through 329345 totaling \$40,723.48 (01/09/03).
6. Browning-Ferris Industries of North America, Inc., Jacksonville District, St. Johns County Contract Operations, Financial Statements and Schedules as of September 30, 2002, with Auditors' Report.

CORRESPONDENCE:

1. Letter dated January 7, 2003 to Misty Pearson, Bureau of Administrative Code, forwarding copies of Ordinance Nos. 2002-76 and No. 2002-78.
2. Letter dated January 7, 2003 to Mr. Latshaw, Patterson, Bond & Latshaw, forwarding original agreement between St. Johns County and the Cultural Center at Ponte Vedra Beach.
3. Letter dated January 8, 2003, to Max Royle, City Manager, City of St. Augustine Beach, forwarding a certified copy of the Second Amendment to the Interlocal Agreement.

Approved February 4, 2003

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Juanne King  
Deputy Clerk

