

**MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
AUGUST 14, 2001  
(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:        Marc Jacalone, District 3, Chair  
                         James E. Bryant, District 5, Vice Chair  
                         Nicholas Meiszer, District 1  
                         John Reardon, District 2  
                         Mary Kohnke, District 4  
                         Ben W. Adams, Jr., County Administrator  
                         Daniel Bosanko, Deputy County Attorney  
                         Doug Burnett, Assistant County Attorney  
                         Lenora Newsome, Deputy Clerk

Also present:        Allen MacDonald, Finance Director

(08/14/01 - 1 - 9:02 a.m.)

The meeting was called to order by Chair Jacalone.

(08/14/01 - 1 - 9:02 a.m.)

The Invocation was given by Kohnke. The Pledge of Allegiance was led by Bryant.

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

ROLL CALL

The roll was called by the Deputy Clerk.

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

PROCLAMATION DECLARING THAT AUGUST 27 - SEPTEMBER 3, 2001 BE PROCLAIMED AS ST. JOHNS COUNTY FIRE AND RESCUE APPRECIATION WEEK AND COMMEND ALL ST. JOHNS COUNTY CITIZENS FOR THEIR EFFORTS IN BEHALF OF THE MUSCULAR DYSTROPHY ASSOCIATION.

Meiszer read the proclamation. It was accepted by Bobby Hall, acting Fire Rescue Chief.

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

PUBLIC COMMENT

Penny Scott, 265 N. Roscoe, gave a status report on the speed limit changes on Roscoe Blvd.

(9:10 p.m.) Garry Phillips, 161 Roscoe Blvd, spoke on the speed limit on Roscoe Blvd and thanked the Board for their support.

(9:13 a.m.) Mary Ann Crowell, 49 Surf Drive, spoke on a new sewer project being installed in St. Augustine by the Sea and having lack of communication on questions asked about the project. Adams responded that Bill Young's memo dated August 13 will be sent out explaining the project. Jacalone mentioned if Crowell has questions about the project, then she needed to speak to Bill Young, Director of the Utility Department. Bryant stated that he sent out letters to all the residents in that community.

(9:17 a.m.) George Jacunski, 5650 A1A South, spoke on the proposed redistricting plan for the island and asked to move the line on Roscoe Ave.

(9:19 a.m.) Louise Thrower, 288 Orange Ave., spoke on putting mineral oil in retention ponds being a violation, The St. Augustine Record recording front page news on County e-mail being public record, and the County Attorney's Office Doug Burnett leaving the County. Discussion followed on if keeping track of who is requesting records is against the law, and needing to workshop that item.

(08/14/01 - 2 - 9:31 a.m.)

#### DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(08/14/01 - 2 - 9:31 a.m.)

#### APPROVAL OF CONSENT AGENDA

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

1. Approval of the Cash Requirement Report
2. Motion to adopt **Resolution No. 2001-168** approving a Final Plat for Marshall Creek DRI Unit C-One.

#### RESOLUTION NO. 2001-168

##### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS, COUNTY, FLORIDA, APPROVING A SUBDIVISION PLAT FOR MARSHALL CREEK DRI UNIT C-ONE

3. Motion to authorize the County Administrator to execute the Coastal Initiative Subgrant Agreement for a Waterfront Pavilion between St. Johns County and the State of Florida Department of Community Affairs, Florida Coastal Management Program.
4. Motion to approve the transfer of \$188,000 from the General Fund Reserve (0083-59920) to Commercial Paper Debt Service (2283-57100) for the purpose of funding the first principal payment due on the Vaill Property.
5. Motion to adopt **Resolution No. 2001-169**, recognizing unanticipated revenue in the amount of \$73,307 and appropriating it for use by the Fire Services Fund.

#### RESOLUTION NO. 2001-169

##### A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE AMENDMENT OF ITS FY 2001 FIRE SERVICES BUDGET TO RECEIVE UNANTICIPATED REVENUE FOR THE PURPOSE OF PROVIDING FIRE PROTECTION TO THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

6. Motion to designate the St. Johns County Board of County Commissioners as the Lead Agency for Community-Based Care initiatives and to recommend that staff apply for

the community partnership matching grant program from the Department of Children and Families.

7. Proofs:

- a. Proof, Certificate of Liability Insurance, OneSource Holding, Inc. and Affiliates.
- b. Proof, Certificate of Liability Insurance, Sunshine Companies, Inc.
- c. Proof, Certificate of Insurance, Privett - Niles & Associates, Inc.
- d. Proof, Certificate of Liability Insurance, Richard K. Schippers
- e. Proof, Certificate of Liability Insurance, Harry's Painting & Enterp, Inc.
- f. Proof, Notice of Canceled Joint Meeting of St. Johns County Board of County Commissioners and St. Johns County School Board, July 26, 2001
- g. Proof, Notice of Continued Public Hearing, Intercoastal's Motion to Abate Dockets, July 24, 2001
- h. Proof, Notice to Bidders, Bid No. 01-84.
- i. Proof, Notice to Bidders, Bid No. 01-80.
- j. Proof, Notice of Budget Workshop of the St. Johns County Board of County Commissioners, August 3<sup>rd</sup> & 6<sup>th</sup>, 2001.
- k. Proof, Notice of Cancellation, St. Johns County Water & Sewer Authority, August 1, 2001.
- l. Proof, Notice of Public Hearing, Petition to vacate Shady Lane, August 14, 2001.
- m. Proof, Notice of Continuation of Hearing, Establishment of Ordinance/Regulations Affecting the Use of Land, July 24, 2001.

(08/14/01 - 3 - 9:31 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Adams requested to move items 7 and 8 to the afternoon as item 17 and 17a because the advertisement was for 1:30 p.m. and to continue item 17, Sea Pines to September 4, 2001 at 1:30 p.m. because there was a notice problem with the application.

(08/14/01 - 3 - 9:34 p.m.)

APPROVAL OF REGULAR AGENDA

**Motion by Reardon, seconded by Kohnke, carried 5/0, to approve the Regular Agenda as amended.** Bosanko left the meeting.

(08/14/01 - 3 - 9:36 a.m.)

1. DISCUSSION OF THE ST. JOHNS COUNTY STRATEGIC PLAN BY THE ST. AUGUSTINE/ST. JOHNS COUNTY CHAMBER OF COMMERCE

Ted Zebrowsky, Director of Intergovernmental Relations, read the letter of June 25, 2001 that the BCC approved on strategic planning. Bryant asked questions about the meeting place, who would own the computer equipment when the visioning process was over, the Chamber wanting to be the umbrella organization and who the administrator would be. Ralph Kline, Chamber, responded to Bryant's questions and spoke on the plan. Lengthy discussion followed on how the administrator would be hired, the cost of the equipment and what it included, on the expense account, never discussing the budget before now, the funding the County was asked to allow, and not seeing the contract until the agenda was received and it not being discussed. Jacalone stated that the contract supports the discussions presented. Kohnke voiced concern about how everything will be accounted for. Burnett stated that they have not drafted or reviewed the contract and that they needed the Board's direction on their intent on who would own the equipment so that language could be placed into the contract. Zebrowsky stated that during the last presentation the decision was made between the Chamber and the BCC for the Chamber to draft a contract and bring it back for discussion and this is supposed to be the discussion for today. Kohnke mentioned that she would like to see the agreement redrafted to include

if the money goes into a 501c, who is going to keep track of the money that goes in, and wants to see accountability in the agreement. Jacalone suggested bringing back a draft contract, that everyone can support, to be reviewed. John Hewins, Chairman of the Economic Development Committee for the Chamber, spoke on the draft. Zebrowsky stated that it was his understanding that the money was needed up front. Jacalone stated that it was his understanding that the money was the County's commitment for the whole term of the process and part of it would be extended in year one and part of it in year two. Zebrowsky stated that the Chamber preferred having it all up front. Jacalone spoke on concerns being raised today needing to be addressed and included in this draft agreement.

(10:19 a.m.) George Jacunski, 5650 A1A South, spoke on expenditure of funds and what it is going for, supporting the visioning statement and voiced concern of lack of guidance by County Government.

(10:24 a.m.) Sacha Martin, 133 Hollow Circle, spoke on visioning projects.

(10:28 a.m.) Dan McDonald, 24501 Deer Trace Drive, commended the Board on going forward with the County-wide Strategic Plan. He voiced concern about the Chamber being the umbrella and coordinating the entity. He spoke on the Board considering a couple of changes to the contract.

(10:32 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd., stated that strategic planning comes out of a vision, and voiced his concerns.

(10:35 a.m.) Louise Thrower, 288 Orange Avenue, spoke on the changes being made and stated that this is Chamber oriented and she doesn't like it.

(10:38 a.m.) Sarah Bailey, 2202 Bishop Estates Road, spoke on the strategic plan. Bryant spoke on his extended conversation that he had with Mr. Luke last week. Reardon suggested making sure it is a community plan. Zebrowsky mentioned that Staff had no intention of recommending to the Board that the County sign this contract, just wanted to share the process with the Board.

The meeting recessed at 10:45 a.m. and reconvened at 10:52 a.m. Jim Sisco, County Attorney, entered the meeting.

(08/14/01 - 4 - 10:53 a.m.)

## 2. DISCUSSION OF THE INTERCOASTAL UTILITY PURCHASE

Jacalone reviewed this item, stating that he has requested that the Board have a discussion on the status of the acquisition. Sisco stated, basically in his opinion, there is no contract. Jacalone spoke on the resolution that was passed deleting the section that referred to how the contract was to be executed, and the whereas that stated the purchasers right to terminate the agreement. Jacalone questioned, if the Board does not take further action to execute the agreement, then the contract is non existent. Sisco replied yes, that is his opinion. Discussion followed on if the Board is still contemplating buying the utility, a form that has not been signed or accepted by either party, still doing due diligence, the last direction given by the Board being to move forward with the acquisition, and the Board not knowing that JEA was in negotiations to purchase United Water. Jacalone spoke on rate structures and that he didn't think it was in the County's best interest to move forward with purchasing Intercoastal right now. Meiszer commented on cost base rates, needing a county-wide utility plan, and favoring a plan that delineates service areas. Reardon suggested for County's Utility to review the proposal by JEA for the north part of the County. Jacalone stated that this item needed to be addressed today because of the changes to the utility scene in the north part of the County. Bryant questioned if there were any legal challenges to the remark by Sisco regarding there being no contract. Sisco

responded that he can't predict whether a lawsuit will be filed or not, but in his opinion, there is no contract. Jacalone questioned if the Board needed to do a motion to reconsider the resolution that directed the acquisition of Intercoastal and to rescind that resolution. Sisco stated that the Board could rescind that resolution and also draft a letter that the Board is no longer interested in pursuing the acquisition. Sisco explained that the original resolution made findings of fact about it being required by the Florida Statutes at a public hearing, it approved the form of the contract, and it directed the Chairman to sign it immediately upon receiving a signed copy from Intercoastal provided that it was given to them before August 1. The second resolution rescinded the portion of the original resolution that authorized the chairman to sign the contract and specifically said that he could not sign it unless another resolution said he could, and it also rescinded a portion of the resolution that the County would authorize and direct the County to do all things necessary to complete the transaction being the purchase. Kohnke requested for Sisco to come up with some kind of resolution today, that it is no longer in the best interest of the public to pursue the acquisition. Sisco responded that he could. Motion by Reardon to rescind Resolution No.2001-115 with Intercoastal Utilities. Kohnke said that she had no problem with the motion, but asked if Sisco could the same motion with Findings of Fact. Motion died for lack of a second.

(11:31 a.m.) Michael Korn, 6620 Southpoint Drive #200, Jacksonville, representing the Sawgrass Association, urged the Board to consider the motion by Reardon favorably. This item will be continued to the afternoon, whenever Sisco is ready to present it.

(08/14/01 - 5 - 11:38 a.m.)

3. CONSIDER THE REMOVAL OF SEMI-TRAILERS FROM THE HASTINGS EQUESTRIAN CENTER

Dan Weimer, Director of Recreation and Parks, reviewed this item, using visual display. Burnett stated that he had ongoing conversation with Mr. Glenn dating back to March, 2001 and with the County as far back as 1995. He stated that there are two alternatives; to ask Mr. Glenn to remove the trailers or ask Mr. Glenn for permission to move the trailers because the County cannot remove them without his permission or without going to court. Bryant stated that he had long conversations with Mr. Glenn on this subject and asked Burnett if there was a place that Glenn could legally store them. Bryant mentioned that if there was somehow the County could help this man move his trailers to a suitable site, then he was all for it and if he cannot find a place and is not willing to move them, than proceed with litigation. Need to get them off of County property. **Motion by Kohnke, seconded by Meiszer, carried 5/0, to recommend that the County Attorney's Office bring civil action against Mr. Glenn to remove the trailers or whatever he can do to get those trailers off of County property.**

(08/14/01 - 5 - 11:50 a.m.)

4. DISCUSSION OF PROPOSED GOLF COURSE FEES FOR FISCAL YEAR 2002

Weimer stated that this item was requested from the Budget Department. Wes Tucker, Golf Course Manager, mentioned that if there are not any price increases, than the Golf Course will have some shortfalls and explained why, using visual display. He stated that they have done a comparison based on peak and non peak on twilight fees with other area courses and reviewed the fees. Discussion followed on what the shortfall was based on, the proposed new fee schedule, rewarding locals for playing on the County golf course, being presented with an increase without any kind of incentive, and the need to raise rates. Jacalone stated that he would support the increase of the rates with the caveat that the County monitor play monthly and Tucker report to the Supervisor monthly on the numbers after the increase takes affect because it may have to be readdressed to adjust the rates. The opening of the nine-hole should be around Memorial Day.

(12:20 a.m.) Alfred Guido, 104 Dogwood Drive, spoke on raising the rates and stating that something should be done for the County residents. **Motion by Kohnke, seconded by Bryant, carried 5/0, to direct an increased Golf Course fee schedule to be included in the Fiscal Year 2002 Fee Schedule Resolution.**

(08/14/01 - 6 - 12:25 a.m.)

5. REVIEW OF THE WEST KING STREET LANDSCAPING PROJECT.

Joe Stephenson, Public Works Director, gave this presentation, using visual display. Frederick Halback, Halback and Associates, using visual display, reviewed the project design details, and typical sections. (12:30 p.m.) Katherine Pordeli, Water Conservation Program Manager, using visual display, reviewed the St. Johns River Water Management District, and partners in the water-conservation landscape demonstration cost share program. (12:33 p.m.) Walter Kelly spoke on project concept and the community support it has developed. (12:34 p.m.) Nathaniel Jackson spoke on not liking the grass, that he wanted to be in on the design and that he wasn't asked for his opinion. Stephenson spoke on the West King Street Landscaping Budget and was requesting the Commission's approval of the use of County's funds estimated at \$18,230 for this project and specify the source of those funds. Discussion followed on doing a Corridor Study, during the plan, if they will tear out any of the landscaping, encumbering the grant so it wouldn't have to be used right away, having community support for this, and this being a project long over due. **Motion by Kohnke, seconded by Reardon, carried 5/0, to approve the use of County in-kind resources for this project and to appropriate \$18,230 from the General Fund Reserves for implementation of the project, contingent upon formal commitment of Water Conservation Demonstration funds by the St. Johns River Water Management District, with the contingent that Reverend Jackson have input into this.**

(12:55 p.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to move the rest of the items to the afternoon.**

The meeting recessed for lunch at 12:55 p.m. and reconvened at 1:30 p.m. with Jacalone, Bryant, Kohnke, Meiszer, Reardon, Sisco, Adams, and Deputy Clerk Judy Hamilton present.

(08/14/01 - 6 - 1:33 p.m.)

2. DISCUSSION OF THE INTERCOASTAL UTILITIES PURCHASE

Jacalone stated they would resume Item #2. Sisco informed the Board that a resolution, distributed to the Board, had been prepared, which rescinded Resolution #2001-115. (1:35 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to adopt Resolution No. 2001-170.**

**RESOLUTION NO. 2001-170**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA MAKING FINDINGS CONCERNING THE POTENTIAL PURCHASE OF THE WATER AND WASTEWATER ASSETS OF INTERCOASTAL UTILITIES, INC. AND RESCINDING ST. JOHNS COUNTY RESOLUTION 2001-115**

*The next item discussed was Item #9.*

(08/14/01 - 7 - 1:35 p.m.)

9. CONSIDER A RESOLUTION FOR SHADY OAKS AT PONTE VEDRA BEACH PHASE II FINAL PLAT

Kathy Nielsen, Applications Review Coordinator, addressed the Board, stating this plat consisted of approximately four acres to be developed with eight single-family homes. Phase I was platted in 1999 with access to the development being provided by Shady Lane, which is a County road, and the roads within Phase I were developed as private. The applicant desired to develop Phase II as a private development; therefore, the roads would be privately maintained. This required a vacation of the County interest in Shady Lane. The adoption and dedication of the plat, per Phase II, would then dedicate the roadway as private. Nielsen stated that, at the advice of the County Attorney, they had scheduled the plat first, but noticed the Board that #6 on the Resolution would not allow the plat to take effect until the vacation had been finalized. The Planning and Zoning Agency made a recommendation of approval at its July 19, 2001 meeting.

(1:37 p.m.) **Motion by Kohnke, seconded by Bryant, carried 5/0, to adopt Resolution No. 2001-171, approving a Final Plat for Shady Oaks at Ponte Vedra Beach, Phase II.**

**RESOLUTION NO. 2001-171**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING A SUBDIVISION PLAT FOR SHADY OAKS AT PONTE VEDRA BEACH, PHASE II**

Sisco left the meeting and Burnett entered the meeting.

(08/14/01 - 7 - 1:37 p.m.)

10. PUBLIC HEARING - VACROA 1999-004 - VACATION OF SHADY LANE ROAD. THIS IS AN ADVERTISED PUBLIC HEARING FOR THE VACATION OF SHADY LANE ROAD. APPROXIMATELY 334 LINEAR FEET OF SHADY LANE OFF OF NECK ROAD IS A COUNTY RIGHT-OF-WAY. THE REMAINING PORTION OF SHADY LANE IS PRIVATE. IF THE COUNTY PORTION IS VACATED, THE SHADY OAKS AT PONTE VEDRA BEACH PHASE II PLAT WILL REPLAT THIS RIGHT-OF-WAY AS PRIVATE RIGHT-OF-WAY. CURRENTLY, THE ONLY LOTS ACCESSED VIA SHADY LANE ARE LOCATED WITHIN THE SHADY OAKS AT PONTE VEDRA BEACH PHASE I PLAT AND ALL LOT OWNERS HAVE PROVIDED WRITTEN CONSENT REQUESTING THE CHANGE TO A PRIVATE RIGHT-OF-WAY. STAFF HAS NO OBJECTION TO THIS ROAD VACATION PROVIDED THAT THE SHADY OAKS AT PONTE VEDRA BEACH PHASE II PLAT IS APPROVED

Proof of publication on the notice of public hearing in the matter of Petition to Vacate Shady Lane was received, having been published in *The St. Augustine Record* on July 28, 2001.

Darrell Locklear, Development Review Engineering Manager, presented this vacation for the Board's consideration. He stated approximately 334 linear feet of Shady Lane, off of Neck Road, was currently County right-of-way. Approval of Phase II (See Item #9) would replat this as private right-of-way. The only lots accessed via Shady Lane are located within Phase I, and all lot owners had provided written consent requesting the change to a private right-of-way. Staff had no objections to the road vacation.

(1:39 p.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to adopt Resolution No. 2001-172 to vacate Shady Lane Road.**

RESOLUTION NO. 2001-172

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, VACATING SHADY LANE ROAD AS MORE FULLY DESCRIBED BELOW

(08/14/01 - 8 - 1:39 p.m.)

11. PUBLIC HEARING - NZVAR - 001-0014 SOUTH FRANCES ROAD IMPROVEMENTS. THIS APPLICANT IS SEEKING A NON-ZONING VARIANCE TO SECTION 6.04.07. (ROADWAY DESIGN) OF THE LAND DEVELOPMENT CODE TO ALLOW THE SUBSTANTIAL IMPROVEMENTS TO A MINOR COLLECTOR ROADWAY (SOUTH FRANCES ROAD) WITH LESS THAN AN 80' RIGHT-OF-WAY AND ELIMINATE THE REQUIREMENT FOR SIDEWALK ALONG BOTH SIDES OF THE ROAD. THE ROADWAY WAS CLAIMED BY MAINTENANCE BY THE BCC ON MAY 22, 2001 AND IS APPROXIMATELY 2.2 MILES LONG, BEGINNING AT INTERNATIONAL GOLF PARKWAY AND ENDING AT SR 16. THE EXISTING RIGHT-OF-WAY VARIES FROM 59 TO 66 FEET WITH 9 TO 10 FEET WIDE TRAVEL LANES. IMPROVEMENTS TO THIS SECTION OF ROADWAY ARE A REQUIREMENT OF THE FDOT LEVEL OF SERVICE (LOS) VARIANCE GRANTED FOR I-95. THE PROPOSED IMPROVEMENTS INCLUDE MILLING AND OVERLAYING THE EXISTING PAVEMENT AND WIDENING TRAVEL LANES TO 12 FEET WIDE. STAFF REQUESTS A DECISION BY THE BCC PRIOR TO PROCEEDING WITH THIS PROJECT

Proof of publication on notice of public hearing in the matter of NZVAR 01-0014, South Francis Road Improvement, was received, having been published in *The St. Augustine Record* on August 2, 2001.

Darrell Locklear, Development Review Engineering Manager, made a presentation to the Board of this non-zoning variance request, utilizing visual display. Locklear stated the Applicant was seeking a non-zoning variance to Section 6.04.07 (Roadway Design) of the Land Development Code, to allow the substantial improvements to a minor collector roadway (South Frances Road) with less than an 80-foot right-of-way and to eliminate the requirement for sidewalk along both sides of the road. The roadway was claimed by maintenance by the BCC on May 22, 2001 and is approximately 2.2 miles long, beginning at International Golf Parkway and ending at SR 16. The existing right-of-way varies from 59-66 feet, with 9-10 feet wide travel lanes. Improvements to this section of roadway are a requirement of the Florida Department of Transportation Level of Service variance granted for I-95. The proposed improvements include milling and overlaying the existing pavement and widening travel lanes to 12-foot wide. Staff requested a decision by the Board prior to proceeding with this project. Written responses had been received: 9 in opposition and 1 in favor.

Discussion was held on the County Engineering Department being the applicant; FDOT LOS rule variance granted for I-95; and, inadequate right-of-way for sidewalks. Public comment was then received. (1:42 p.m.) Mario J. Patruno, 3840 So. Francis Road, spoke in support of sidewalks on So. Francis Road. (1:43 p.m.) Wayne Rushworth, 3895 So. Francis Road, spoke in favor of sidewalks. (1:44 p.m.) Stephanie Friedman, 3925 So. Francis Rd., Lot A, spoke in favor of sidewalks. (1:46 p.m.) Jeff Lindsey, 4185 Corbin Rd., spoke in favor of widening the road. (1:48 p.m.) Almarie Colee, 4080 So. Francis Rd., spoke in favor of leaving the road like it was now, with ditch improvement. (1:50 p.m.) Deborah Andrews, 11 N. Roscoe Blvd., spoke on behalf of Richard Reese, a resident of 395 So. Francis Rd., in opposition to the requested variance, and handed out some proposed findings of fact and conclusions of law.



(1:54 p.m.) Discussion was held on the County granting a variance to itself; appropriate Land Development Code procedures; claiming right-of-way, back of ditch to back of ditch, by active maintenance by the County; and, FDOT mandate of December 31 for road to be improved as to capacity. (1:59 p.m.) Reardon disclosed ex-parte communication with Mr. Rushworth, Mr. Lindsey and County Staff, specifically Joe Stephenson. Further discussion ensued on bike paths; condition of the current roadway; necessary drainage facilities; Water Management District thresholds; cost of additional right-of-way; volunteering of right-of-way not being given. (2:07 p.m.) Nick Perpich, Project Engineer, passed out a letter he received last Friday from FDOT, after reviewing the County's 90% design plans, and they agreed it was in compliance with their LOS variance granted. Bryant stated when the Board did that rule variance, the developments along I-95 and the Belz Outlet Mall agreed to participate in some mechanism for financing these improvements, whether it be an MSTU, MSBU, special assessments, etc. Staff needed to go back and check the PUD ordinance and to investigate that as a funding source for making those improvements. Perpich will work with Planning in that investigation. Reardon stated he would like every effort to be made in the future to provide bicycle lanes on each side of the roadway in future Capital Improvement Projects, so that issue is taken care of. Further discussion ensued. (2:12 p.m.) **Motion by Kohnke, seconded by Bryant, carried 3/2 with Reardon and Meiszer dissenting, to approve NZVAR 2001-0014 based on the evidence provided for in all of the five Findings of Fact in the attached Staff Report.** Stephenson stated Staff would create a candidate project for bringing the road up to standards, with donation of rights-of-way investigated, and will bring the report back to the Board.

(08/14/01 - 9 - 2:14 p.m.)

12. PUBLIC HEARING - NZVAR 01-005 - REQUEST FOR A NON-ZONING VARIANCE FOR ST. MARK'S POND BLVD. BY HIDDEN ACRES FARM LLC. THE SUBJECT PROPERTY IS LOCATED AT 1410 ST. MARK'S POND BLVD. (OFF OF INTERNATIONAL GOLF PARKWAY). THE APPLICATION IS FOR THE LAND DEVELOPMENT CODE. THE APPLICANT (HIDDEN ACRES FARM LLC) WISHES TO CONVERT 112-ACRE TRACT OF PROPERTY INTO A HORSE FARM, PASTURE LAND, HAY PRODUCTION AND OTHER AGRICULTURAL USES. THE PROPERTY IS ACCESSED VIA ST. MARK'S POND BOULEVARD WHICH IS A 2-1/4 MILE UNIMPROVED DIRT ROAD WHICH IS ALSO THE ACCESS ROAD TO SEVERAL RESIDENTIAL UNITS. BASED ON THE FACTS THAT THIS IS A COMMERCIAL USE ON A DIRT ROAD AND THE LAND DEVELOPMENT CODE REQUIRES IMPROVING ACCESS TO CURRENT STANDARDS (I.E. PAVING), STAFF CANNOT SUPPORT THIS NON-ZONING VARIANCE

Proof of publication regarding notice of public hearing in the matter of NZVAR 01-005 St. Marks Pond Blvd. was received, having been published in *The St. Augustine Record* on August 2, 2001.

Darrell Locklear, Development Review Engineering Manager, made presentation of this issue to the Board with visual display. Discussion was held on condition of road; videotaping of road; who paved the road and paid for that paving; and, other various aspects of the request. John R. Salassa, Hidden Acres Farm, answered questions of the Board. Further discussion ensued on length of special use permit; continuation of operations; site plan; road ownership; road maintenance; and, access easement.

(2:36 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve NZVAR 2001-005, based upon the evidence provided for all of the five Findings of Fact.**

(08/14/01 - 9 - 2:38 p.m.)

13. CONSIDER A WAIVER TO LAND DEVELOPMENT CODE 9.04.05.A BY PONTE VEDRA POINTE. THE APPLICANT REQUESTS A WAIVER TO SECTION 9.04.05.A OF THE LDC, WHICH STATES THAT "WHENEVER THE BOARD OF

COUNTY COMMISSIONERS HAS, BY AMENDMENT TO THIS CODE, CHANGED THE ZONING CLASSIFICATION OF LAND, THE PLANNING AND ZONING AGENCY SHALL NOT THEN CONSIDER ANY APPLICATION FOR REZONING OF ANY PART OR ALL OF THE SAME LAND FOR A PERIOD OF ONE YEAR FROM THE EFFECTIVE DATE OF SUCH AMENDMENT TO THE CODE." THE REQUESTED WAIVER OF THE TIME LIMIT BETWEEN REZONING IS PURSUANT TO SECTION 9.04.05.C OF THE LDC WHICH STATES "THE TIME LIMITS IN SECTION 9.04.05.A AND B ABOVE MAY BE WAIVED BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD OF COUNTY COMMISSIONERS WHICH SUCH ACTION IS DEEMED NECESSARY TO PREVENT INJUSTICE OR TO FACILITATE PROPER DEVELOPMENT OF THE COUNTY." THE SUBJECT PROPERTY, LOCATED AT 258 SOUTH ROSCOE BOULEVARD AND ORDINANCE 2001-10 TO RS-1 REZONING ENCOMPASSING 9.5 ACRES. THE APPLICANT IS REQUESTING THAT THE PROPERTY BE REZONED TO RS-2 TO ALLOW FOR 25-FOOT FRONT SETBACKS, AS OPPOSED TO THE 40-FOOT REQUIRED BY RS-1. IN ORDER TO PROCEED WITH THIS REZONING REQUEST, THE APPLICANT NEEDS A WAIVER FROM THIS BOARD

Teresa Bishop, Planning Director, addressed the Board, stating this was a request to waive Section 9.04.05.A of the Land Development Code, which establishes that once property has been rezoned, the Planning and Zoning Agency may not consider another rezoning application for the same property within one year. She further stated that Section 9.04.05.C of the Code, however, provides that the Board may waive that one year time period when such waiver is deemed necessary to prevent injustice or to facilitate proper development of the County. The subject property, located at 258 South Roscoe Boulevard, is currently zoned RS-1. If the requested waiver is approved, the applicant plans to request a rezoning to RS-2. Discussion was held regarding the requested rezoning, lot sizes, and setbacks of the buildings. Gary Davenport, 3266 Pacetti Road, representing the applicant, explained the reasons for the request, with visual display of the site plan. Discussion was held on S-curves, bigger lots, lower densities, wider stacking lanes, larger lots, and wetlands. (2:46 p.m.) **Motion by Reardon, seconded by Bryant, carried 3/2 with Kohnke and Meiszer dissenting, to approve a waiver to Section 9.04.05.A of the Land Development Code for Ponte Vedra Pointe.**

(08/14/01 - 10 - 2:48 p.m.)

14. PUBLIC HEARING PLNAPPL 2001-000003 - APPEAL OF THE PLANNING DIRECTOR'S DETERMINATION REQUIRING A MAJOR MODIFICATION TO THE JULINGTON CREEK PLANTATION PUD TO CONSTRUCT A TOWNHOME PROJECT ON PARCEL 43 WITHIN THE JULINGTON CREEK PLANTATION PUD. PLANNING DIVISION ISSUED A DETERMINATION THAT IN ORDER FOR A TOWNHOME PROJECT TO BE CONSTRUCTED IN JULINGTON CREEK PLANTATION A MAJOR MODIFICATION TO THE PUD IS REQUIRED. THIS DETERMINATION WAS BASED UPON THE SETBACKS ESTABLISHED IN THE JULINGTON CREEK PLANTATION PUD AND THE NATURE OF THE TOWNHOME DEVELOPMENT. STAFF REVIEWED THIS ISSUE WITH THE APPLICANT ON SEVERAL DIFFERENT OCCASIONS, TRYING UNSUCCESSFULLY TO OBTAIN A WAY TO ALLOW THIS DEVELOPMENT TO DEVELOP UNDER THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND THE PUD. FINALLY, IT WAS DETERMINED A MAJOR MODIFICATION IS REQUIRED. FOR THE BOARD'S INFORMATION, STAFF HAS NO OBJECTION TO THE TYPE OF MULTI-FAMILY THAT IS PROPOSED BUT IS CONCERNED THAT IT IS NOT ALLOWED WITHIN THE JULINGTON CREEK PLANTATION PUD OR THE LAND DEVELOPMENT CODE. AN APPROVED MODIFICATION TO THE PUD WILL ELIMINATE THESE CONCERNS AND STAFF IS PREPARING A CHANGE TO ARTICLE VI

Proof of publication on the notice of proposed rezoning in the matter of File #PLNAPPL 2001-03, Fortress Homes Appeal, was received, having been published in *The St. Augustine Record* on July 31, 2001.

Teresa Bishop, Planning Director, made a presentation of the requested townhome construction to the Board and the reasons behind the Planning Department's findings. She stated Staff had no objection to the project itself; however, the use is not allowable in the current development plan.

Meiszer disclosed ex-parte communication as meeting with George McClure, attorney for the applicant, who explained the project. Bishop answered questions of Reardon about townhomes. Bryant disclosed ex-parte communication, as meeting with George McClure, and their conversation went on the lines of Bishop's presentation. Kohnke stated sometime ago, she met with the new people at Julington Creek Plantation and urged them to start putting in what she considered affordable housing; something in the \$80,000 to \$90,000 range; and they discussed townhomes. (2:53 p.m.) George McClure, 170 Malaga St., representing Fortress Homes in this matter, presented their appeal to the Board, with visual display. They found that the intent of the Code was met and that townhouses are permitted through multi-family. Brief discussion ensued. (3:06 p.m.) **Motion by Reardon, seconded by Kohnke, carried 5/0, to approve Appeal of the Planning Director's Determination requiring a Major Modification to the Julington Creek Plantation PUD to construct a Townhome Project on Parcel 43 within the Julington Creek Plantation PUD, overturning the Planning Director's determination.**

The meeting recessed at 3:07 p.m. and reconvened at 3:15 p.m.

(08/14/01 - 11 - 3:17 p.m.)

15. PUBLIC HEARING - 2001-000002 - APPEAL OF A VESTING DETERMINATION FOR LORELIE AND STEPHEN HELD. THE PLANNING DIVISION DENIED A VESTING FOR LORELIE AND STEPHEN HELD. THE HELDS ASKED THAT THEIR PROPERTY (LOCATED AT 2245 COUNTY ROAD 13 SOUTH) BE VESTED FROM THE BUFFER PROVISIONS OF SECTION 4.01.06.A.1.2 OF THE LAND DEVELOPMENT CODE REQUIRING A 50 FOOT BUFFER. THE SUBJECT PROPERTY IS DESIGNATED AS RURAL/SILVICULTURE ON THE FUTURE LAND USE MAP AND ZONED OPEN RURAL. AFTER A REVIEW OF THE REQUEST, IT WAS DETERMINED THE SUBJECT PROPERTY WAS NOT VESTED. THIS DETERMINATION WAS BASED UPON THE INFORMATION PROVIDED IN THE APPLICANT'S REQUEST AND COUNTY RECORDS. THIS INFORMATION PROVIDED THAT THE SUBJECT PROPERTY WAS NOT A LEGAL OR DOCUMENTED LOT OF RECORD PRIOR TO SEPTEMBER 15, 1999 (THE EFFECTIVE DATE OF THE LAND DEVELOPMENT CODE). ALTHOUGH THE HELDS PURCHASED THE PROPERTY IN NOVEMBER, 1999, IT WAS NOT A LEGAL LOT OF RECORD UNTIL THE COUNTY ISSUED A FAMILY FARM AFFIDAVIT. THE HELDS OBTAINED THIS AFFIDAVIT IN OCTOBER, 2000

Proof of publication regarding a notice of proposed rezoning in the matter of PLNAPPL 2001-02 Lorelie Held, was received, having been published in *The St. Augustine Record* on July 27, 2001.

Teresa Bishop, Planning Director, addressed the Board, stating this was a request for an appeal on an administrative decision on a vesting request. The Helds contended that they have worked on this property since they purchased it and came to the County many times, but that the new Code provisions and buffer provisions were never provided to them. Lorelie Held and Stephen Held, the applicants, presented their concerns and considerations to the Board. Staff answered questions of the Board. Jan Brewer, Environmental Division,

spoke on wetland buffer impacts and upland buffer impacts. The Helds responded. Discussion was held on consent order; wetlands, buffers, tree clearing permits; DEP replanting agreement; 50-foot buffers; natural growth; upland buffer replanting plan; and various other aspects of the request for appeal.

**(4:03 p.m.) Motion by Kohnke, seconded by Meiszer, carried 5/0, to deny the Appeal of Vesting Determination for Lorelie and Stephen Held (File No. 2001-00002); and they have signed an Upland Buffer Replanting Plan, in which they do not have to replant all 50 feet; they only have to replant 25 feet; reaffirming her motion was to deny the vesting and further stating that of the land that they have cleared, that 25 feet can grow back naturally, and 25 feet can be replanted.**

(08/14/01 - 12 - 4:06 p.m.)

16. PUBLIC HEARING - PV-APPEAL, APPEAL OF A DECISION BY THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE. THE APPLICANT APPEARED BEFORE THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE ON APRIL 11, 2001 FOR DESIGN REVIEW OF A COMMERCIAL GROUND SIGN, 60 SQUARE FEET IN SIZE AND 8 FEET IN HEIGHT FOR MICKLER'S LANDING LOCATED ON A1A NORTH. THEIR PROPOSAL WAS FOR AN INTERNALLY ILLUMINATED SIGN, WHICH THE ARCHITECTURAL REVIEW COMMITTEE RECOMMENDED EXTERNAL ILLUMINATION AND MADE THIS A CONDITION OF THE ORDER OF APPROVAL. THE APPLICANT IS APPEALING THE DECISION OF THE ARCHITECTURAL REVIEW COMMITTEE AND WISHES TO PROCEED WITH AN INTERNALLY ILLUMINATED SIGN

Proof of publication regarding the notice of appeal of a decision of the PV-Appeal 2001-01 Mickler's Landing, was received, having been published in *The St. Augustine Record* on July 31, 2001.

Meiszer asked for clarification of the illuminated sign; Bishop responded it was an internally illuminated sign that the applicant was seeking. Randall Whitfield, 13571 Atlantic Beach Blvd., Jacksonville, representing the owner of the property, explained their request for partial relief from the order granted approval dated April 27, 2001, by the Ponte Vedra/Palm Valley Coastal Corridor Overlay District ARC Committee. (4:18 p.m.) **Motion by Kohnke, seconded by Reardon, carried 5/0, to deny the PV Appeal 2001-01, known as Mickler's Landing appeal, adopting no findings of fact, just supporting the Architecture Review Committee.**

(08/14/01 - 12 - 4:18 p.m.)

17. PUBLIC HEARING - RECONSIDERATION OF A ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ORDER RENDERED ON MAY 3, 2001 FOR SEA PINES. ON APRIL 3, 2001, THE BOARD OF COUNTY COMMISSIONERS HEARD AND DENIED A PROPOSED REZONING FOR A PROJECT KNOWN AS SEA PINES. THE SEA PINES PROPERTY IS LOCATED OFF SR 206, ADJACENT TO THE HIDDEN CREEK SUBDIVISION. THE APPLICANT FOR THE PROJECT PROPOSED TO REZONE THE SUBJECT PROPERTY FROM RS-2 WITH CONDITIONS TO RS-2 REMOVING THE CONDITIONS. BASED UPON THESE FINDINGS, THE BOARD DENIED THE PROPOSED REZONING REQUEST. THE APPLICANT APPEALED THE BOARD'S DECISION. ON JULY 12, 2001, THE COUNTY ATTORNEY'S OFFICE RECEIVED A LETTER FROM THE APPLICANT THAT INDICATED HE HAD BEEN WORKING WITH THE ADJACENT NEIGHBORHOOD, HIDDEN CREEK HOMEOWNERS ASSOCIATION TO REACH AN AGREEMENT. ON JULY 8, 2001, A SETTLEMENT AGREEMENT WAS EXECUTED BETWEEN THE HIDDEN CREEK HOMEOWNERS

ASSOCIATION AND MR. ROBERT HAHNERMANN, THE APPLICANT FOR SEA PINES. BY ORDER OF CIRCUIT COURT JUDGE, J. MICHAEL TRAYNOR, DATED JULY 17, 2001, THE BOARD OF COUNTY COMMISSIONERS IS ASKED TO RECONSIDER ITS DENIAL OF SEA PINES. THEREFORE, THE APPLICANT AND THE HIDDEN CREEK HOMEOWNERS ASSOCIATION RETURN THIS MATTER TO THE BOARD FOR CONSIDERATION OF A REZONING ORDINANCE FOR THE SUBJECT PROPERTY THAT INCLUDES CERTAIN CONDITIONS AGREED TO. THESE CONDITIONS ARE SET OUT IN SECTION 2 OF THE PROPOSED ORDINANCE

Proof of publication on notice of meeting in the matter of Reconsideration Sea Pines was received, having been published in *The St. Augustine Record* on August 2, 2001.

*This item was continued to September 4, 2001.*

(08/07/01 - 13 - 4:18 p.m.)

17a. CONTINUED PUBLIC HEARING - PUD 2001-09, PREVIOUSLY R-PUD-00-008 - WINCHESTER PLANNED UNIT DEVELOPMENT. THIS ITEM WAS CONTINUED FROM THE AUGUST 7, 2001 COUNTY COMMISSION MEETING. THIS REQUEST SEEKS TO REZONE 250.34 ACRES FROM OPEN RURAL TO PLANNED UNTIL DEVELOPMENT TO ALLOW THE DEVELOPMENT OF NOT MORE THAN 194 SINGLE-FAMILY RESIDENTIAL UNITS. THE SITE IS LOCATED ON THE NORTH SIDE OF GREENBRIAR ROAD EAST OF SR 13 IN THE NORTHWEST AREA OF THE COUNTY. AT THE MAY 4, 2000 PUBLIC HEARING, THE PLANNING & ZONING AGENCY FAILED TO REACH A MAJORITY VOTE ON A MOTION TO RECOMMEND APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS, THEREFORE CONSTITUTING A RECOMMENDATION OF DENIAL. SINCE THE PZA HEARING, THE APPLICANT HAS SUBMITTED A MASTER DEVELOPMENT PLAN MAP, WHICH IS SUBSTANTIALLY REVISED FROM THE MDP MAP ROUTED THROUGH THE REVIEW PROCESS, AND CONSIDERED AT THE PLANNING AND ZONING AGENCY HEARING. THE APPLICANT HAS ALSO REMOVED A REQUEST FOR A WAIVER TO ALLOW DEAD-END STREETS TO EXCEED 1800 FEET, ALTHOUGH THE SCALE OF THE MDP MAP DOES NOT CLEARLY DEMONSTRATE THIS CHANGE. THE NEW MASTER DEVELOPMENT PLAN (MDP) MAP AND TEXT DATED JULY 13, 2001 IS THE RESULT OF THE ADDITIONAL REVIEW REQUIRED BY STAFF OF THE MODIFIED PLAN OF DEVELOPMENT SUBMITTED AFTER THE INITIAL BCC HEARING SOME OF THE MAJOR CHANGES ARE THE NUMBER OF UNITS, WETLAND ACREAGE TOTALS, FRONT YARD SETBACKS, REVISED MDP, AND WAIVER ADJUSTMENTS

Proof of publication on the notice of proposed rezoning, in the matter of File # R-PUD-00-008, Winchester Development 915 Greenbriar Road, was received, having been published in *The St. Augustine Record* on May 22, 2000, June 12, 2000, and July 20, 2001.

Laura Pierle, Court Reporter, was in attendance.

Teresa Bishop, Planning Director, introduced this item to the Board. This was a continuation of the August 7, 2001 BCC hearing. (4:19 p.m.) Ex-parte communications were disclosed. Kohnke turned in numerous e-mails, had spoken with Mr. Richards, had received letters, and the general conversation was that they did not want to have this development. Jacalone stated he had e-mail correspondence and written correspondence; no oral conversations with anybody on this item since the last hearing. Bryant had received various e-mails, had an upsetting phone call with Mr. Richards that a majority of the Commissioners did not understand density and urban sprawl, that one Commissioner

was trying to educate them, Bryant stated he had a good grasp of the Comprehensive Plan, and therefore understood density and urban sprawl, for any Commissioner to educate him on the Comp Plan, he thought he had a long way to go. Meiszer disclosed receiving numerous e-mails, regular mail and phone calls, most in opposition, some containing threats, if he were a vindictive person, he would vote the opposite, but disregarded those. Reardon stated he had received a lot of e-mails. Kohnke stated she had talked with Ms. Thrower concerning the overall development and the density. Bishop then proceeded with changes: reduction in units from 194 to 143, density decreased from 1.5 units per upland acre to 1.1, increased minimum lot width from 60 feet and 70 feet to 85 feet, increased minimum lot depth from 110 feet to 130 feet, increased minimum lot area from 6600 and 7700 square feet to 11,050 square feet, still providing a minimum 25 foot buffer around contiguous wetlands as required by the Code, also providing a minimum of 20 foot buffer around the isolated wetlands, providing an average 25 foot, so some lots on the isolated wetlands that would have a greater buffer, revising the phasing as requested from four phases to three phases, beginning in the year 2002 with completion by 2013. Dedication of the right-of-way on Greenbriar Road was still being provided in the PUD. Further discussion was held on the requested rezoning, with visual display. (4:27 p.m.) Allen MacDonald, Finance Director, Clerk's Office, entered the meeting. (4:28 p.m.) Beth Breeding, 7865 Southside Blvd., Jacksonville, representing the applicant, commented on the buffers and water and sewer provision. (4:35 p.m.) Gary Silverfield, 7865 Southside Blvd., Jacksonville, addressed the Board, stating they had met with representatives of the surrounding communities last evening and discussed some things they had done at their suggestion.

Public comment was then received. (4:37 p.m.) Stacey Pilinko, 2695 Foxhunt Tr., Switzerland, spoke in opposition to Winchester PUD, utilizing visual display. (4:44 p.m.) Susan Kellum, 2768 Fox Hunt Trail, Switzerland, stated she was opposed to the development. (4:50 p.m.) Allison Tison, 2655 SR 13, stated she was opposed to the development if it was more than two houses per buildable acre. (4:51 p.m.) Diane Martin, 2282 Janet Dr., Switzerland, spoke in opposition to the PUD. (4:53 p.m.) Bobbi Nelson, 2046 Orange Cove Rd., Jacksonville, spoke in opposition to Winchester PUD. (4:57 p.m.) Myrna Fitzgerald, 1954 Grove Bluff Cir. West, Switzerland, spoke in opposition to the PUD variance. (4:59 p.m.) Marjorie Winchester, 1367 Fruit Cove Rd. S., opposed the development. (5:00 p.m.) Mary Cornwell, 2652 SR 13, Switzerland, spoke on environmental concerns and questions. (5:06 p.m.) Richard Healer, 752 Nottingham Forest Circle, with visual display, spoke in opposition to the PUD. (5:16 p.m.) Matthew Skenes, 749 Worth Rd., Switzerland, was opposed to the Winchester PUD. (5:19 p.m.) Sally Douglas, 854 Worth Road, Switzerland, spoke in opposition to the Winchester PUD. (5:21 p.m.) Ross Jensen, 746 Worth Road, spoke in opposition to Winchester. (5:23 p.m.) Jerry Pace, 1832 Swiss Oaks, raised points of law and referenced correspondence and moratorium. (5:32 p.m.) Sarah W. Bailey, 2202 Bishop Estates Rd., spoke on mistakes the engineers had made; referenced the Soil Conservation Board, talked about flooding, silviculture, not using the wetlands, final certificate of concurrency, nor more than 100, and, two accesses to the development. (5:38 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. S., Fruit Cove, spoke in opposition. (5:41 p.m.) Louise Thrower, 288 Orange Avenue, utilizing visual display, spoke on compatibility, character in the existing area, and half acre lots. (5:52 p.m.) John Metcalf made rebuttal for the applicant. Further discussion was held by the Board and questions answered by Staff and the applicant.

(6:09 p.m.) **Motion by Reardon, seconded by Meiszer, failed 2/3, via roll call vote:**

<b>Jacalone</b>	<b>no</b>
<b>Kohnke</b>	<b>no</b>
<b>Bryant</b>	<b>no</b>
<b>Meiszer</b>	<b>yes</b>
<b>Reardon</b>	<b>yes</b>

to deny Rezoning Application PUD 2001-09, previously R-PUD-00-008, adopting findings of fact to support the motion, where Item #2, "The Winchester PUD does not meet the standards and criteria of Part 5.03.02 of the Land Development Code with respect to location, minimum size, compatibility, where the smaller lot sizes as proposed does not fit with the surrounding character of established neighborhood patterns.

Further discussion ensued. (6:30 p.m.) Motion by Bryant, seconded by Jacalone, carried 3/2 via roll call vote:

Kohnke	yes
Bryant	yes
Meiszer	no
Reardon	no
Jacalone	yes

to enact Ordinance No. 2001-50, known as Winchester PUD (PUD 2001-09, previously R-PUD-00-008), adopting findings of fact to support the motion on page 2, 1 through 4.

#### ORDINANCE NO. 2001-50

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

(6:36 p.m.) Reardon was excused from the meeting to attend the Special Election Canvassing Board at the Supervisor of Elections Office.

(08/14/01 - 15 - 6:36 p.m.)

17b. CONSIDER AN IMPACT FEE AGREEMENT FOR THE WINCHESTER PLANNING UNIT DEVELOPMENT

Teresa Bishop, Planning Director, and Dan Bosanko, Deputy County Attorney, introduced the proposed resolution and agreement. Bosanko pointed out changes: it does provide that impact fee credits can be used to prepay impact fees to extend the concurrency; page 2-add to end of paragraph 2: "... which may be accepted by the County Administrator." -add to beginning of paragraph 3: "Upon acceptance of the right-of-way, the ...." Discussion ensued on impact fees, mitigation, and wetlands.

(6:53 p.m.) Motion by Kohnke, seconded by Meiszer, failed 2/2 with Bryant and Jacalone dissenting, to reconsider the previous action that the Board just took on the rezoning.

The meeting recessed at 6:57 p.m. and reconvened at 7:05 p.m.

(7:08 p.m.) Motion by Bryant, seconded by Kohnke, carried 4/0 with Reardon absent, to adopt Resolution No. 2001-173, authorizing the County Administrator to execute the Impact Fee Agreement with Winchester Development, RLLP, for Road Impact Fee Credits, with language as amended, that the developer/landowner, their successors or assigns, will provide the mitigation necessary for the wetland impacts of the road; adding to Sentence #2, "which may be accepted by the County Administrator" and adding to the beginning of Sentence #3 "Upon acceptance of the right-of-way ..." .

RESOLUTION NO. 2001-173

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH WINCHESTER DEVELOPMENT, RLLP**

(08/14/01 - 16 - 7:10 p.m.)

18. UPDATE ON THE AGREEMENT BETWEEN JEA AND UNITED WATER, INC.

Jacalone introduced Scott Kelly, the representative from JEA, who advised the Board that due diligence was beginning and wanted the support of St. Johns County prior to instigation of due diligence. Plans are to close by year's end. Discussion ensued on interlocal agreements and the proposed purchase.

**(7:15 p.m.) Motion by Kohnke, seconded by Bryant, to not object to the pending sale of the water and wastewater assets of United Water Florida, Inc. In St. Johns County to JEA, provided that JEA first enters into an Interlocal Agreement with St. Johns County that amends and merges all existing JEA/St. Johns County Interlocal Agreements into one master JEA/St. Johns County Agreement, under terms acceptable to St. Johns County.**

Public comment was received. (7:20 p.m.) Ellen Whitmer, 1178 Natures Hammock Rd. S., spoke against JEA coming into St. Johns County as water and wastewater provider. (7:23 p.m.) Louise Thrower, 288 Orange Avenue, voiced her concerns about the proposed purchase and interlocal agreement. (7:24 p.m.) Sarah Bailey, Bishop Estates Road, spoke on how long JEA had been in the water business and asked what had to be done to let the people vote on this.

**(7:27 p.m.) Bryant called the question. Roll call vote was taken:**

<b>Bryant</b>	<b>yes</b>
<b>Meiszer</b>	<b>no</b>
<b>Reardon</b>	<b>absent</b>
<b>Jacalone</b>	<b>yes</b>
<b>Kohnke</b>	<b>yes</b>

**Motion carried 3/1.**

(08/14/01 - 16 - 7:29 p.m.)

19. CONSIDER SEVERAL PROPOSED CHANGES TO ST. JOHNS COUNTY'S RECOMMENDED FY 2002 COUNTY BUDGET

Joe Vonasek, Director of Management and Budget, presented this issue to the Board. Discussion ensued on the summary of proposed changes. No action was taken by the Board.

(08/14/01 - 16 - 8:00 p.m.)

6. CONSIDER AN APPOINTMENT TO THE AMPHITHEATER BOARD OF DIRECTORS

Patsy Heiss, Assistant to the Administrator, presented this appointment to the Commission. **Motion by Kohnke, seconded by Bryant, carried 4/0 with Reardon absent, to reappoint Darlene Schnittker as the Recreation Advisory Board representative to the Amphitheater Board of Directors for a two-year term, scheduled to expire August 7, 2003.**



(08/24/01 - 17 - 8:02 p.m.)  
COMMISSIONERS' REPORTS

Commissioner Kohnke:

Kohnke stated she would be on vacation for the next two weeks. She asked Adams to investigate the purchase of new Commission chairs. Adams will have demos ready when they come back from vacation.

(8:03 p.m.) Commissioner Jacalone:

Jacalone stated a letter was prepared to Committee members, stressing the importance of attendance at meetings, and asked Staff to keep the Board apprised of attendance on the ARC committees. Jacalone spoke on an MPO letter which informed them of the changed structure of membership. Jacalone selected himself as an alternate member from the Board. Jacalone spoke on e-mail availability at kiosks and did not recommend any serious money be used to make inter-county e-mails available to general public.

(8:07 p.m.) Commissioner Bryant:

Bryant stated they should have alternates for the ARC Committees. Bryant stated he had sat in on mediation with St. Augustine Beach regarding annexation of the boat slip on the northwest quadrant, with Assistant County Attorney Isabelle Lopez, and they were working out an agreement which would be brought to the Board soon. Bryant spoke on density and urban sprawl in relation to the Winchester PUD.

(8:12 p.m.) Commissioner Meiszer:

Meiszer spoke on concerns of the southern boundary of District 1 and 5; it was recommended he check with County GIS Office to investigate.

(08/14/01 - 17 - 8:14 p.m.)  
COUNTY ADMINISTRATOR'S REPORT

Adams stated August 29 was the proposed date for the dedication on the golf course. Adams stated a special meeting might be necessary during the BCC vacation for payment of bills. A date would need to be advertised. The County Administrator will take care of the necessary advertising and meeting date.

(08/14/01 - 17 - 8:16 p.m.)  
COUNTY ATTORNEY'S REPORT

No report was given.

(08/14/01 - 17 - 8:16 p.m.)  
CLERK OF COURT'S REPORT

No report was given.

**Motion by Kohnke, seconded by Bryant, carried 4/0 with Reardon absent, to adjourn the meeting.** There being no further business to come before the Board, the meeting was adjourned at 8:16 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, dated 08/14/01, Check Number 307694 through 307996, totaling \$4,060,621.35
2. St. Johns Board of County Commissioners check Register, dated 08/10/01, Check Number 307670 through 307693, totaling \$32,513.12
3. St. Johns Board of County Commissioners Check Register, dated 08/07/01, Check Number 307110 through 307669, totaling \$1,485,679.97

CORRESPONDENCE:

1. Loyalty Oath of Ralph J. DePasquale, A1A Scenic Highway Committee, dated July 30, 2001
2. Acceptance of Appointment of Ralph DePasquale, to Scenic Highway A1A Committee, dated July 27, 2001
3. Statement of Acceptance of Appointment of Keith Clarke, for Scenic Highway A1A Committee, dated July 23, 2001
4. Loyalty Oath of Keith Clarke, A1A Scenic Highway Committee, dated July 23, 2001
5. Acceptance of Appointment, Michael J. Greenberg, Scenic Highway A1A Committee, dated July 24, 2001
6. Loyalty Oath of Michael J. Greenberg, Chairman, Scenic Highway Committee, dated July 24, 2001

Approved, September 4, 2001

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Marc A. Jacalone, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: \_\_\_\_\_  
Deputy Clerk