

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
NOVEMBER 7, 2002
(5:30 P.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, began and held at the St. Johns County Ponte Vedra Branch Library, 101 Library Boulevard , Ponte Vedra Beach, Florida.

Present were: James E. Bryant, District 5, Chair
Nicholas Meiszer, District 1, Vice Chair
John Reardon, District 2
Marc Jacalone, District 3
Mary Kohnke, District 4
Ben W. Adams, Jr., County Administrator
James Sisco, County Attorney
Lenora Newsome, Deputy Clerk

Also present: Joe Vonasek, Director of Management & Budget; John Schwab, Special Projects Manager; Christopher Traber, Nabors, Giblin & Nickerson; Gregory Perrine, JEA; and Laura McKinley, Government Services Group, Inc.

(11/07/02 - 1 - 1.0000)

The meeting was called to order by Chair Bryant. He stated this was the second Special Hearing on the MSD sewer project.

(11/07/02 - 1 -1.0004)

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

(11/07/02 - 1 - 1.0010)

ROLL CALL

Bryant stated that all five Commissioners were present.

(Agenda Item #1 and #2 were reversed.)

(11/07/02 - 1 - 1.0565)

1. PUBLIC HEARING - ADOPT A PONTE VEDRA WASTEWATER ASSESSMENT AREA FINAL ASSESSMENT RESOLUTION. THIS IS THE SECOND OF TWO (2) PUBLIC HEARINGS OBLIGATED BY STATUTE TO INFORM, EXPLAIN AND RESPOND TO QUESTIONS PERTAINING TO THE COUNTY'S ADOPTION OF THE ATTACHED FINAL ASSESSMENT RESOLUTION THAT, AMONG OTHER THINGS, CREATES THE NON AD VALOREM WASTEWATER COLLECTION SPECIAL ASSESSMENT AREA FOR THE WASTEWATER COLLECTION FACILITIES THAT ARE PROPOSED TO BE CONSTRUCTED IN THE PONTE VEDRA AREA; ESTABLISHES THE MAXIMUM AMOUNT OF THE ASSESSMENT FOR EACH ASSESSMENT UNIT AND APPROVES AND ADOPTS THE FIRST ANNUAL ASSESSMENT ROLL FOR THE AREA

Proof of publication of Notice of Public Hearing on adopting Ponte Vedra Wastewater Assessment Area Final Assessment Resolution, was received having been published in *The St. Augustine Record* on October 10, 17, 24, & 31, 2002.

(1.0560) Motion by Kohnke, seconded by Jacalone, carried 5/0, to adopt Resolution No. 2002-245 imposing the first annual non ad valorem wastewater collection special assessments within the Ponte Vedra assessment area.

RESOLUTION NO. 2002-245

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, STATING ITS INTENT TO USE THE SECTION 197.3632 FLORIDA STATUTES UNIFORM METHOD FOR COLLECTION NON AD VALOREM SPECIAL ASSESSMENTS TO LEVY, COLLECT AND ENFORCE THE NON-AD VALOREM WASTEWATER COLLECTION SPECIAL ASSESSMENTS THAT WILL BE LEVIED ON CERTAIN DESCRIBED REAL PROPERTY THAT IS LOCATED WITHIN THE MUNICIPAL SERVICE DISTRICT OF PONTE VEDRA BEACH; STATING A NEED FOR SUCH LEVY; PROVIDING INSTRUCTIONS TO THE COUNTY ADMINISTRATOR; PROVIDING THAT THE CLERK SHALL MAIL A COPY OF THIS RESOLUTION TO THE TAX COLLECTOR, PROPERTY APPRAISER AND FLORIDA DEPARTMENT OF REVENUE; AND PROVIDING AN EFFECTIVE DATE

(11/07/02 - 2 - 1.0016)

2. PUBLIC HEARING - ADOPTION A NOTICE OF INTENT RESOLUTION PERTAINING TO THE COLLECTION OF NON AD VALOREM WASTEWATER COLLECTION ASSESSMENTS. SECTION 197.3632, FLORIDA STATUTES, REQUIRES THAT THE COUNTY ADOPT THE ATTACHED RESOLUTION IF IT WISHES TO COLLECT THE COUNTY'S ANNUAL NON AD VALOREM WASTEWATER COLLECTION SPECIAL ASSESSMENTS THAT IT INTENDS TO LEVY AGAINST CERTAIN REAL PROPERTY IN THE MUNICIPAL SERVICE DISTRICT OF PONTE VEDRA BEACH BY USING THE TAX COLLECTOR PROCEDURE FOR COLLECTING AD VALOREM TAXES COMMENCING IN THE FALL OF 2003

Proof of publication of Notice of Public Hearing on adopting a Notice of Intent Resolution pertaining to the collection of Non Ad Valorem Wastewater Collection Assessments, was received having been published in *The St. Augustine Record* on October 10, 17, 24, & 31, 2002.

(1.0016) Christopher Traber, of Nabors, Giblin & Nickerson, P.A., introduced himself and explained that his law firm serves as Special Assessment Counsel for the project. He summed up that the first Resolution puts the Tax Collector and Property Appraiser on notice to impose special assessments. He added that it only expresses intent and is not binding.

(11/07/02 - 2 - 1.0036)

PUBLIC COMMENT

Walter Arnold, 8 San Diego Road, asked who decided to exempt homes on Ponte Vedra Boulevard and on what grounds the decision was based. He also asked why a Bond

Issue wasn't being floated by St. Johns County to pay for the installation instead of taxing property owners. (1.0047) Vonasek responded to the exemption and commented that every property owner serviced by the project will be assessed. He added that the MSD made the decision about which properties and/or area would be included.

(1.0064) Bryant noted that the MSD would need to respond to certain questions, rather than Board members or Staff. (1.0095) In response to the Bond Issues question, Vonasek noted that the project was not large enough for Bonds. (1.0115) There was discussion about the various utilities serving the area. It was clarified that United Water is privately owned and JEA is municipally owned.

(1.0125) Carol Olsen, 517 Rutile Drive, addressed the Board and expressed her frustration regarding lack of disclosure relating to the cost of the project. She referred to a newsletter from MSD and a conflicting newspaper article on cost. She also asked why St. Augustine by the Sea got free sewers. (1.0138) Bryant responded to the second question stating that, St. Augustine by the Sea is in the St. Johns County Utilities service area, a DEP grant was received from the State, and the county matched the grant to put the system in. He added that a connection fee was waived to encourage people to hook up.

(1.0168) Olsen asked if anyone could clarify the cost. (1.0171) Schwab stated the project is set at \$7,600,000 and went on to give a breakdown. He commented that the construction cost is estimated at \$7,000 to \$7,200 and the general estimated cost to hook up from curb to house is \$3,500 to \$5,000 and could be financed through JEA .

(1.0205) Rob Becker, 32 Ponte Vedra Circle, thanked the Commissioners for their work on the project and asked that they continue to consider the single parents and elderly that are affected by the cost of the project.

(1.0239) Susie Kelley, 467 Golf View Circle, shared research she had conducted as to the costs to homeowners, associated with the project. She noted that she had spoken with some septic contractors and gave a breakdown of costs to cap and/or abandon existing septic systems.

(1.0344) Virginia Simpson, 37 Ramona Street, asked that the Board members put themselves in homeowners' shoes in making decisions related to cost. She said she is confused as to whether this is an environmental issue or if it's just wants of the community.

(1.0428) Mack McCuller, 28 Monterey Street, thanked the Commissioners for their presence. He stated that he has been opposed to the project since the start and gave his reasons. He also commented that he had reviewed all the surveys related to the project and stated that 70% did not want the project.

(1.0536) Motion by Kohnke, seconded by Jacalone, carried 5/0, to adopt the Notice of Intent Resolution No. 2002-244, pertaining to the collection of the County's annual non ad valorem wastewater collection assessments in the Ponte Vedra Beach MSD.

RESOLUTION NO. 2002-244

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION FACILITIES; CREATING THE PONTE VEDRA WASTEWATER ASSESSMENT AREA; IMPOSING SPECIAL ASSESSMENTS AND ESTABLISHING THE MAXIMUM

ANNUAL AMOUNT FOR EACH EQUIVALENT RESIDENTIAL CONNECTION; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; REQUIRING THE COUNTY COORDINATOR TO PERFORM TASKS THAT ARE SET FORTH IN SECTIONS 9 AND 10 HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADJUSTMENTS TO THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE

(1.0567) Motion by Reardon, seconded by Kohnke, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 6:20 p.m.

Approved _____ November 19 _____, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

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

ATTEST: CHERYL STRICKLAND, CLERK

By: Ugonne King
Deputy Clerk

