

ORIGINAL  
FILE COPY

DOCKET NO.: 961321-WS - [Point Water and Sewer, Inc.]

WITNESS: Direct Testimony of Susan L. Fraser, Clay County, Appearing  
on Behalf of the Florida Public Service Commission

DATE FILED: May 19, 1997

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DOCUMENT NUMBER-DATE  
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FPSC-RECORDS/REPORTING

1 DIRECT TESTIMONY OF SUSAN L. FRASER

2 Q. Please state your name and business address.

3 A. Susan Luxton Fraser, P.O. Box 367, Green Cove Springs, FL 32043.

4 Q. Please give a brief description of your educational background and  
5 experience.

6 A. I have a Bachelors Degree in Landscape Architecture. In 1984 I worked  
7 as a Landscape Architect and Planner for the Haskell Company, a firm in  
8 Jacksonville. I then worked as a Planner for Bassett & Bassett, a  
9 Jacksonville surveying and engineering firm (1986-1989). I performed site  
10 design, master planning and local government project permitting at each of  
11 these positions, with progressing levels of responsibility.

12 Q. By whom are you presently employed?

13 A. I am presently employed by Clay County.

14 Q. How long have you been employed with Clay County and in what capacity?

15 A. I started with Clay County in September 1989 in the position of Senior  
16 Planner. I was promoted to Chief Planner in 1991 and to the Department  
17 Director in 1993. My responsibilities progressed from assisting in  
18 preparation of the County's Comprehensive Plan and review of development  
19 proposals to long range Transportation Planning, implementation of the  
20 County's Comprehensive Plan and policy recommendations to the Board of County  
21 Commissioners.

22 Q. Could you explain what your general responsibilities as Planning  
23 Director are, and specific responsibilities as they relate to implementing the  
24 Clay County Comprehensive Plan?

25 A. My responsibilities as Planning Director include, in addition to the

1 administration of the Department, management of Department staff in the  
2 maintenance and update of the adopted Comprehensive Plan for consistency with  
3 changing State Statutes and Rules. I also oversee implementation of adopted  
4 policies and interpretation of the policies with regard to their application  
5 to development proposals.

6 Q. What is the purpose of your testimony in this proceeding?

7 A. To testify as to the County's adopted Comprehensive Plan policy  
8 regarding mandatory sewer connections.

9 Q. Are you familiar with the location of the Point Water and Sewer, Inc.  
10 Utility?

11 A. Yes, I am.

12 Q. Are you also familiar with the application for water and wastewater  
13 service to the County filed by the Point Property Owners Association?

14 A. No, I am not familiar with the specific application but rather, more  
15 generally, that an application had been filed. An application for service  
16 would not come to the County but to the Clay County Utility Authority, an  
17 independent board that is not a part of the local government. Mr. Easterling,  
18 a member of the Point Property Owners Association (PPOA), called me and asked  
19 if the County would apply the policy in its Comprehensive Plan that speaks to  
20 the connection of package plants to central sewer service to stop the  
21 application for certification of the package plant serving the Point condos  
22 that was pending before the PSC. It was his interpretation of the Plan policy  
23 that connection to central service was required in this instance and that to  
24 certify the plant (allowing its continued use) would directly violate the plan  
25 policy.

1 I indicated to Mr. Easterling that application of the policy involved  
2 the distance to central service as well as a determination of availability.  
3 The policy is adopted in the Community Facilities Element of the 2001  
4 Comprehensive Plan. The policy states: "Clay County shall require the  
5 utilization of a central sewer system where connection to a central system is  
6 available. The use of existing septic tanks serving land uses within the  
7 planned urban sewer service areas may continue in a manner consistent with the  
8 requirements specified by Section 10D-6, Florida Administrative Code.  
9 Existing package treatment plants shall be connected to a central sewer system  
10 when those systems are within one-quarter mile." The County implements Policy  
11 4.1 by evaluating not only the measured distance to the closest existing sewer  
12 service but also the practical availability, involving an evaluation of the  
13 cost of extension and the condition of the existing facility providing  
14 service.

15 Q. When was this provision of the Comprehensive Plan enacted?

16 A. Upon adoption of the Plan in January, 1992.

17 Q. Has the PPOA requested that your office mandate a connection to Clay  
18 County Utility Authority (CCUA) under the Comprehensive Plan's provision for  
19 package plants?

20 A. Yes.

21 Q. Have you had an opportunity to research the PPOA's request?

22 A. Yes.

23 Q. Would you please describe the result of your investigation?

24 A. In the case of the Point Condominiums, the Clay County Utility Authority  
25 has existing sewer lines located in the westerly right of way of U.S. Highway

1 | 17, essentially across from the Point Condos. Extension of service to the  
2 | Point would require jack and boring under U.S. 17, construction of a lift  
3 | station and service lines to all condo units and the Marina currently served  
4 | by the on-site package plant. In my conversation with Mr. Easterling I  
5 | inquired as to whether he was aware of the cost of extension. I understood  
6 | the magnitude of the cost and was concerned that the PPOA may not. Mr.  
7 | Easterling indicated that indeed the residents were aware, that  
8 | representatives of the Point had met with Mr. Ray Avery of the Clay County  
9 | Utility Authority who has provided an estimate in excess of \$200,000. Our  
10 | conversation continued and Mr. Easterling identified the current number of  
11 | residential connections at 19. He indicated that Whitney's Marina also was  
12 | served by the existing package plant.

13 | Mr. Easterling continued, indicating that the existing package plant  
14 | operated within the conditions of its permit. I confirmed this fact later  
15 | with the Florida Department of Environmental Protection.

16 | Mr. Easterling indicated that he wanted a letter representing the  
17 | County's position for use in a meeting with the PSC that was to occur later  
18 | in the week. I indicated that the letter would not support a mandatory  
19 | connection in this case due to the cost for extension and the satisfactory  
20 | performance of the existing plant, but that I would be happy to put the  
21 | interpretation in writing. A letter was faxed to Mr. Easterling on March 25,  
22 | 1997 for his immediate use, and a hard copy was placed in the mail the same  
23 | day. (Copy of letter attached, Exhibit SLF-1)

24 | Q. Did the PPOA concur with your decision not to mandate a connection due  
25 | to the excessive cost?

1 A. No. In fact, Mr. Easterling wrote a letter to the Clay County Board of  
2 County Commissioners asking it to direct its staff to require connection and  
3 to intervene in the petition for certification before the PSC. The letter was  
4 discussed by the Board of County Commissioners at its April 8 meeting, the  
5 letter having been placed on the agenda for that meeting under Letters For  
6 Action.

7 Q. Did the Commissioners discuss this item on April 8, or was it deferred  
8 to another meeting?

9 A. I was not present during the Board of County Commissioners discussion  
10 of this item on April 8. However, the May 18, 1997 Board of County  
11 Commissioners agenda included confirmation of the interpretation of Policy 4.1  
12 contained in the letter to Mr. Easterling under the County Manager's Status  
13 Report. No direction contrary to the interpretation was given. The minutes  
14 of the meeting are attached as Exhibit SLF-2.

15 Q. Does this conclude your testimony?

16 A. Yes, it does.

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**BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY**

PLANNING DEPARTMENT  
POST OFFICE BOX 367  
GREEN COVE SPRINGS, FLORIDA 32043-0367

JOHN KEENE  
CLERK OF THE CIRCUIT COURT  
ROBERT M. WILSON  
COUNTY MANAGER

AREA CODE 904  
TELEPHONES: 284-6300 GCS  
269-6300 OP/MBG  
533-2111 KL  
(352) 473-3711 KH  
827-1378 SUNCOM  
289/284-6360 FAX

DALE S. WILSON DISTRICT 1  
PATRICK D. MCGOVERN DISTRICT 2  
GEORGE A. BUSH DISTRICT 3  
CHARLES "BUDDY" GRIFFIN DISTRICT 4  
LARRY R. LANCASTER DISTRICT 5

March 25, 1997

Mr. Mark Easterling  
Point Property Owners Association  
311 Scenic Point Lane  
Orange Park, FL 32073

RE: Extension of Central Sewer Service

Dear Mr. Easterling:

In response to your request regarding the County's interpretation of a policy within its comprehensive plan that deals with the extension of central water and sewer service I offer the following:

Clay County adopted Policy 4.1 of its Community Facilities Element in 1992 as part of the original adoption of its comprehensive plan. Policy 4.1 requires the utilization of a central sewer system where it is available. Policy 4.1 also states that existing package treatment facilities shall be connected to a central wastewater system when such a system lies within one quarter mile of the property to be served.

The Point Condominiums lies within the Urban Service Area adopted in the Clay County 2001 Comprehensive Plan. The Clay County Utility Authority, an independent authority within Clay County, has recently extended its service lines to within one quarter mile of the Point Condominiums. The Point Condominiums is located on the east side of U.S. Highway 17 and the central sewer line is located on the west side of U.S. Highway 17. Extension of the existing sewer service would require crossing U.S. Highway 17, at a cost that would exceed \$200,000.

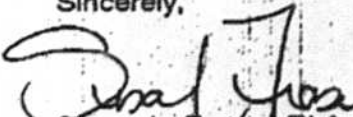


Mr. Mark Easterling  
Extension of Central Sewer Service  
March 25, 1997  
Page Two

The County weighs the cost of the extension in its determination of availability of service. Due to the cost related to the extension across U.S. Highway 17 versus the development to be served (19 existing residential units and an existing marina), the County does not determine that service is available and would not require the extension under either policy.

If the extension were to be financially feasible, service by central sewer clearly represents the County's desired direction as it relates to the provision of sewer service. Until service is available, continued use of the existing package facility is not inconsistent with the adopted Clay County 2001 Comprehensive Plan.

Sincerely,



Susan L. Fraser, PLA  
Planning Director

c. Ray Avery, Clay County Utility Authority



THESE MINUTES ARE NOT  
OFFICIAL UNTIL ADOPTED  
BY THE BOARD OF COUNTY COMMISSIONERS

Effective Date

**MINUTES  
BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA  
APRIL 8, 1997  
GREEN COVE SPRINGS, FLORIDA**

The Board of County Commissioners of Clay County, Florida, met in Regular Session in the Commission Meeting Room, County Administration Building, on the above-stated date. The meeting was called to order at 2:10 P.M. by Chairman Wilson.

The following were present: Commissioners Dale S. Wilson, Chairman, Larry R. Lancaster, Vice-Chairman, George A. Bush, Charles R. Griffin, Patrick D. McGovern; County Attorney Mark Scruby; County Manager Robert Wilson; Finance Director Don Moore, representing Clerk of Courts.

The INVOCATION was led by Chairman Wilson.

The PLEDGE OF ALLEGIANCE was led by Commissioner Bush.

**APPROVAL OF MINUTES**

Commissioner Lancaster moved, seconded by Commissioner McGovern, and carried 5-0, to approve the minutes of the March 25, 1997 meeting of the Board of County Commissioners of Clay County, Florida.

**APPROVAL OF PAYMENT OF BILLS**

Commissioner Lancaster moved, seconded by Commissioner Griffin, and carried 5-0, to approve payment of Warrant Numbers 138041 through 138421, totaling \$3,273,869.57.

**ART WORK**

County Manager Wilson presented art work from students of Orange Park High School; contributing artists being Becky Bengal, Vicky Burns, John Campbell, Eric Chen, Susanna Ho, Andy McClain, Susie Noe, Paula Satchwell, Hope Stewart, Holly Tolson.

**CONSENT AGENDA**

After discussion, Commissioner Griffin moved, seconded by Commissioner McGovern, and carried 5-0, to approve the Consent Agenda.

COUNTY ATTORNEY

1. Approval of contracts for acquisition of right of way for the widening of CR-220 between CR-224 and a point 2,000 feet west of the Swimming Pen Creek Bridge
2. Review of Order Taxing Costs in *Clay County v. Ham, et ux., et al.*, condemnation proceedings as to parcels 108/713, consideration of opinion not to pursue appeal and request for approval of recommendation to pay amount adjudged due into the registry of the Court
3. Approval to discard updated or superseded Law Library book

BUDGET ANALYST

4. Approval of budget transfers for merit pay

ENGINEERING

5. Approval of Acceptance of Streets and Drainage - Bridgewater

HUMAN RESOURCES

6. Approval of budget transfers

LIBRARY

7. Approval of staff recommendation for ranking vendor RFP'S, RFP 96/97-11, Library Automated System, and permission to enter into contract negotiations with the top-ranked vendor, SIRSI Corporation

PLANNING

8. Approval of budget transfers

SHIP

9. Approval to post Notice of Intent & Award Bid #96/97-21, #29-A and Contract in the amount of \$4,315.00, to Pete Morgan, Builder, immediately following the 72 hour posting period.
10. Approval to post Notice of Intent & Award Bid #96/97-21, #29-C and Contract in the amount of \$ 12,740.00, to Black Creek Contracting, immediately following the 72 hour posting period
11. Approval to post Notice of Intent & Award Bid #96/97-21, #29-D and Contract in the amount of \$7,070.00, to Gruentzel Construction, immediately following the 72 hour posting period.
12. Approval to post Notice of Intent & Award Bid #96/97-21, #29-E and Contract in the amount of \$10,347.00, to Pete Morgan, Builder, immediately following the 72 hour posting period.

COMMITTEES REPORTS

13. Budget, Finance & Personnel Committee Report of March 27, 1997 [See Addendum #1 to these minutes.]

CLERK'S BUSINESS

Finance Director Moore addressed the Board, advising them that relative to item 5.g. "Payment to EWP Construction, Inc., for Louie Carter Road improvements release of retainage, as submitted by Fred Fox Enterprises, Inc., in the amount of \$10,768.55, from the General Fund (CDBG Grant) C/N 95/96-173"---this was the final payment to EWP Construction, Inc. and the project would be accepted as complete upon Board approval. Engineering staff confirmed acceptance of completion of project.

After discussion, Commissioner McGovern moved, seconded by Commissioner Lancaster, and carried 5-0, to approve the Clerk's Business.

1. Bid Opening Tabulations

- a. 96/97-14 - Indigo Branch Improvements Phase III
- b. 96/97-22 - Big Branch Road Improvements
- c. 96/97-24 - Resurfacing Shands Pier

2. Documents Submitted for the Record

None

3. Other

- a. County property from Road and Bridge Department requested to be transferred to the custody of the Engineering Department:

<u>TAG NO.</u>	<u>DESCRIPTION</u>	<u>SERIAL #</u>	<u>CONDITION</u>
RB-1250	1990 Chev P/U	1GCDC14HOLX274944	Fair
RB-1512	Vehicle Radio	N/A	Fair
RB-1526	Distance Counter	N/A	Fair

- b. Memorandum of Voting Conflict form filed by Commissioner Patrick D. McGovern for March 25, 1997 meeting.  
[Deputy Clerk Judy Hamilton read said Memorandum of Voting Conflict form into the record.]

4. Documents Filed for the Record in Finance Department

- a. Budget Transfers  
Civil Defense Administrative  
Zoning
- b. Clay County, Florida, Solid Waste Disposal Program, Landfill Management Escrow Cash Account, Schedule of Activity for the Period Ending December 9, 1996, as required by the State of Florida

- c. Clay County Board of County Commissioners Financial Statements for the Fiscal Year Ended September 30, 1996.
- d. Clay County, Florida, Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 1996

#### 5. Approval of Payments

- a. Partial payment to Bessent, Hammack & Ruckman, Inc., for the professional design services for a recreation trail, in the amount of \$584.83, invoice number 31492-B, from the CIP Fund, C/N 91/92-34
- b. Partial payment to Jones, Edmunds, & Associates, Inc., for landfill compliance monitoring, in the amount of \$12,816.86, invoice number 15939, from the Environmental Services Fund, C/N 92/93-171
- c. Partial payment to Jones, Edmunds, & Associates, Inc., for workslope and fee at Rosemary Hill, in the amount of \$125.63, invoice number 15938, from the Environmental Services Fund, C/N 92/93-171
- d. Payment to Clay County Tax collector, for Solid Waste Hardship Exemptions for the following:
 

Stephine Tobler	\$84.00
R. C. Troutman	\$84.00
Calvin & Mary Johnson	\$84.00

 To be paid from the General Fund.
- e. Partial payment to Rogers, Towers, Bailey, Jones & Gay, for legal services (cost reimbursement), Refuse Services, Inc. v. Clay County, in the amount of \$6,174.00, invoice number 15630, from the Environmental Service Fund, C/N 95/96-89
- f. Partial payment to Refuse Services, Inc., for Rosemary Hill Class I Landfill Final Closure, in the amount of \$34,493.69, invoice number 21, from the Environmental Service Fund, C/N 95/96-199
- g. Final payment to J. R. Gruentzel Construction Services, Inc., for S.H.I.P. "rehab" project for Roberta Hall, in the amount of \$7,105.00, invoice 96079, from the S.H.I.P. Program Fund, Bid 96/97-12
- h. Payment to L. V. Arnold, III, for the downpayment and closing cost for the purchase of a home by Maria Quinn, in the amount of \$5,000.00, from the S.H.I.P. Program Fund
- i. Partial payment to Bhide & Hall Architects, P.A., for professional services pertaining to the Jail Expansion Project, in the amount of \$9,258.68, invoice number 94001.19, from the CIP Fund, C/N 93/94-132
- j. Partial payment to Elkins Industrial Constructors, Inc., for the Jail Expansion Project-construction phase of jail, in the amount of \$266,241.60, application #12 and certain individual vendors, in the amount of \$329,513.87 from the CIP Fund, C/N 94/95-177A

- k. Partial payment to Erosion Control Mulching & Seeding for landfill postclosure maintenance, in the amounts of \$8,832.00, \$1,280.00 and \$19,444.55, invoice numbers 02069, 02068 and 02071, respectively, from the Environmental Service Fund, C/N 95/96-229
- l. Payment of Waste Management of Jax (Refuse Services, Inc.), for professional services at Rosemary Hill Landfill, for the month of February 1997, in the amount of \$53,430.35, from the Environmental Service Fund
- m. Payment to the Registry of the Court, for an Order on Costs in Clay County v. Ham (re: County Road 220), in the amount of \$68,288.95, from the CIP Fund
- n. Payment to Fred Fox Enterprises, Inc., for administration expenses for the month of March 1997 concerning Grant #96DB-1E-04-20-01-N18, in the amount of \$1,425.63, from the General Fund (CDBG Grant) C/N 95/96-173
- o. Approval to pay the "Don Romanello Trust Account, Esquire" the amount totaling \$20,405.50, for the right of way acquisitions pertaining to County Road 220 and associated recording fees, from the CIP Fund as follows per Resolution 95/96-23:
- | NAME                          | PARCEL | AMOUNT    |
|-------------------------------|--------|-----------|
| Mason D.<br>& Dianna M. Raley | 119.1  | 13,339.00 |
| Mason D.<br>& Dianna M. Raley | 819.1  | 1,217.00  |
| Attorney Fees                 |        | 1,850.00  |
| Appraiser Fees                |        | 3,885.00  |
| Recording Fees                |        | 21.00     |
| Documentary Stamps            |        | 93.50     |
- p. Payment to E.W.P. Construction, Inc., for Louie Carter Road improvements as submitted by Fred Fox Enterprises, Inc., in the amount of \$4,620.59, invoice number 6, from the General Fund (CDBG Grant) C/N 95/96-173
- q. Payment to E.W.P. Construction, Inc., for Louie Carter Road improvements release of retainage, as submitted by Fred Fox Enterprises, Inc., in the amount of \$10,768.55, from the General Fund (CDBG Grant) C/N 95/96-173
6. Other (Resolutions; Requests for Refunds; Financial Requests)
- a. Clay County Clerk's Finance Department, Rescue Department, requests authorization to refund overpayments of rescue accounts as per attached memorandum dated April 1, 1997, from the General Fund
- b. Clay County Clerk's Finance Department requests authorization to refund certain individuals animal trap deposits, as per attached memorandums from the Animal Control Department

- c. Clay County Clerk's Finance Department requests authorization to reimburse certain employees supplemental life insurance due to the reasons stated on request from Risk Management
- d. Clay County Clerk's Finance Department requests authorization to refund excess tax deed sale to Howard E. Grandy, in the amount of \$1,796.21, as per attached requisition
- e. Approval to adopt Budget Resolution for unanticipated revenue from the State of Florida, Department of Environmental Protection, Florida Boating Improvement Program, whereas, these fund will be applied towards the acquisition of the Knight Boat Ramp property and surrounding parcels

Revenue

FBIP Grant #B96643

119-334-34-334712

\$173,000.00

Expenditures

Knight Boat Ramp Land

1 1 9-3201 -572-72-0-61 1 1 0

\$173,000.00

DEPARTMENT HEADS

1. Public Safety Department - Certificate of Need/Liberty Ambulance  
Public Safety Director Jim Corbin made presentation to the Board. After discussion and recommended review by the Public Safety Committee, Commissioner Bush moved, seconded by Commissioner McGovern, and carried 5-0, to approve the Certificate of Need applied for by Liberty Ambulance.
2. SHIP Bid #96/97-21, Project 29-B  
SHIP Coordinator Tom Price made presentation to the Board. After discussion, Commissioner Lancaster moved, seconded by Commissioner Bush, and carried 5-0, to rebid this project.

RECESS

Chairman Wilson RECESSED the meeting at 4:06 P.M.; the Board RECONVENED at 4:25 P.M.

TIME CERTAINS

4:00 P.M. - PUBLIC HEARING ON SIX (6) PROPOSED AGREEMENTS FOR THE PURCHASE BY THE COUNTY OF CERTAIN REAL PROPERTY LOCATED IN THE AREA IMMEDIATELY SOUTH OF THE BLACK CREEK BRIDGE EAST OF HIGHWAY 17 IN GOVERNMENT LOT 3, SECTION 28, TOWNSHIP 5 SOUTH, RANGE 26 EAST, IN CLAY COUNTY

Assistant County Attorney Fran Moss made presentation to the Board.

Chairman Wilson opened the public hearing; no one from the public spoke, Chairman Wilson closed the public hearing.

After discussion with prospective Sellers present at the meeting, and after discussion by the Board, Commissioner McGovern moved, seconded by Commissioner Griffin, and carried 3-0, with Chairman Wilson and Commissioner Bush both abstaining to avoid the appearance of a conflict, to accept staff's recommendation and that the cost of Phase II environmental study be shared by indicated sellers up to 10% of the proffered purchase price.

After further discussion, Commissioner Lancaster moved, seconded by Commissioner Griffin, and carried 4-0, with Chairman Wilson abstaining to avoid the appearance of a conflict, to authorize THE contractor for Phase II of the environmental audit.

After further discussion, Commissioner Lancaster, seconded by Commissioner Griffin, and carried 5-0, to waive the zoning requirements on property owned by Terry Trauffer.

RECESS

Chairman Wilson RECESSED the meeting at 5:50 P.M.; the Board RECONVENED at 6:07 P.M. with Chairman Wilson, Commissioner Griffin, Commissioner Lancaster, and Commissioner McGovern in attendance; Commissioner Bush was absent during the following interviews with the short-listed engineering firms for the Wells Road Corridor Project.

4:15, 4:25, AND 4:35 P.M. TIME CERTAINS :- INTERVIEWS WITH ENGINEERING FIRMS SHORT-LISTED FOR WELLS ROAD CORRIDOR PROJECT

- 4:15-4:25 CGS/Hadden
- 4:25-4:35 Consul-Tech
- 4:35-4:45 Stone, Joca and Mahoney

Representatives from the above-referenced engineering firms made presentations to and were interviewed by the Board.

After ranking of said firms (Stone, Joca and Mahoney, 1st; CGS/Hadden, 2nd; Consul-Tech, 3rd), and after discussion by the Board, Chairman Wilson advised the three firms that the top-ranked firm would meet with County Engineer Walter Rountree, trying to negotiate numbers; if that is not workable within the County budget, then they would go to the second-ranked firm and accordingly to the third-ranked firm. The Transportation Committee meets at 3:30 P.M. on Wednesday, April 9, 1997 to consider contract with the negotiated firm.

5:00 P.M. - PUBLIC HEARING ON PROPOSED ORDINANCE CREATING THE HIDDEN WATERS ROADS MUNICIPAL BENEFIT DISTRICT UNIT

Chairman Wilson opened the public hearing.

Bill Kayley, 2744 Woodpecker Road, Green Cove Springs, representative from the Hidden Waters Civic Association Board of Directors, addressed the Board, in favor of the proposed ordinance.

Ruth McClellan, 2202 Hidden Waters Drive East, Green Cove Springs, addressed the Board, on behalf of the Association, in favor of the proposed ordinance.

Bill Dana, 2192 Hidden Waters Drive West, addressed the Board, in opposition to the proposed ordinance.

Ruby Burger, 2291 Hidden Waters Drive West, addressed the Board, in opposition of the proposed ordinance.

John Hux, 2285 Hidden Waters Drive West, addressed the Board, in opposition of the proposed ordinance.

Barbara Hurt, 2254 Hidden Waters Drive West, addressed the Board, in favor of the proposed ordinance.

Chairman Wilson closed the public hearing.

After discussion, Commissioner Lancaster moved, seconded by Commissioner McGovern, and carried 5-0, to approve enactment of said ordinance and directed staff to contact the appraised property owners with one vote, yes or nay, on the issue with the stipulation that 60% be considered approval by the owners.



**5:15 P.M. - PUBLIC HEARING ON AN ORDINANCE AMENDING THE CIP**

Planning Director Susan Fraser addressed the Board.

Chairman Wilson opened the public hearing; no one from the public spoke; Chairman Wilson closed the public hearing.

After discussion, Commissioner Lancaster moved, seconded by Commission Bush, and carried 5-0, to approve enactment of said ordinance and to approve the necessary budget transfer.

**COMMENTS FROM THE PUBLIC**

None.

**COUNTY MANAGER**

In his Status Report dated April 8, 1997, the County Manager presented the following items. (Note: Attachments are filed for the record in Supplemental Minutes.)

1. Surplus Vehicle - Repair work to Vehicle ZC 451 has been determined not to be cost effective. Therefore, I am requesting that the vehicle be declared surplus for public auction.

After discussion, Commissioner Lancaster moved, seconded by Commissioner McGovern, and carried 5-0, to declare said vehicle surplus for public auction (1991 Chevrolet Caprice, originally operated by the Sheriff's Office).

2. Building Permit Activity By Census Tract - The referenced report for the period March, 1997 is attached for your information.

3. Road Closures - CSX Corporation will be making repairs to their railroad crossing at Richard Mosley Road on Tuesday, April 8, 1997 which should cause minor delays to traffic for a limited time only. Traffic on CR-218 at Hwy. 301 will be closed in both directions on Wednesday, April 9th for the duration of the repair which may extend into the night. Detours for this location are: South on Hwy. 301 to CR-225 East, to Hwy. 16 East, to SR 21 North; and North on Hwy. 301 to Normandy Blvd. East, to CR-217 South, to CR-218.

County Manager Wilson advised the Board that the dates had been moved up by one day for road closing of Richard Mosley Road which would be closed on Wednesday, April 9, 1997, and 218/301 will be closed Thursday, April 10, 1997. The resurfacing of 217 will probably occur at the same time.

4. Veterans Service Officer Status Report - Attached is the referenced report for the second quarter FY 1997 for your information.
5. [Item not on Agenda] - County Manager Wilson reported to the Board that after discussions with Nick Chapman, Director of the Health Department, they wanted to reassure everyone in Clay County that none of the strawberries which they have been hearing about have found their way to Clay County.
6. [Item not on Agenda] - County Manager Wilson stated the crowds had been excellent at the Fair, above what they had in the past.

COUNTY ATTORNEY

1. Announcement of need by attorney to consult with the Board in John Keane v. Clay County under Section 286.011(8), Florida Statutes  
After discussion, Commissioner Bush moved, seconded by Commissioner Griffin, and carried 5-0, to authorize pursuant to the Statute the meeting with the attorney, Mr. Warren Tripp, to discuss the case filed against the County Commissioners by John Keane.
2. Discussion concerning results of Phase I environmental audit on Knight and related parcels and consultant's recommendation for Phase II environmental audit  
Discussion was held. Consideration would be taken at the 4:00 P.M. Time Certain at Board meeting this date.
3. Presentation of proposed agreement settling Picketville Road Landfill Site Group v. SCM Glideo Organics Corp., et al., Case No. 95-351-Civ-J-16, in the U.S. District Court, Middle District of Florida  
This item was tabled at the request of County Attorney Scruby.
4. Report regarding use of statutory formula for distribution of the six cents local option fuel tax authorized under Section 336.025 (1)(a), Florida Statutes  
After discussion, Commissioner Lancaster moved, seconded by Commissioner McGovern, and carried 5-0, to approve the interlocal agreement as found on page 3 of the report, for the statutory formula for the distribution of the six (6) cents local option fuel tax.

NEW BUSINESS

1. Discussion on setting a public hearing for Cable TV franchise application for Access Communications - First Coast Cable Company, an affiliate of Clay Electric  
Bill Roberts, representative of Access Communications, addressed the Board. After discussion, Commissioner Bush moved, seconded by Commissioner Lancaster, and carried 5-0, to schedule a public hearing for First Coast at 4:00 P.M. at the May 13, 1997, Board meeting, for said franchise application.

OLD BUSINESS

1. Contract with Clay County Film Commissioner  
After discussion, Commissioner McGovern moved, seconded by Commissioner Bush, and carried 5-0, to advertise for public bid the function of Film Commissioner for Clay County and maintaining Carl Best in his present capacity as Film Commissioner to Clay County during the selection process.
2. Grant for Putnam-Clay-Flagler Economic Opportunity Council, Inc.  
After discussion, Commissioner Griffin moved, seconded by Commissioner McGovern, and carried 5-0, to adopt the resolution authorizing an application for allocation under the Community Services Block Grant Program to operate the Food Pantry Program for low-income families.
3. Appointment of Brian Teeple as ex-officio member to the Economic Development Council  
Commissioner Lancaster moved, seconded by Commissioner Griffin, and carried 5-0, to approve the appointment of Brian Teeple as ex-officio member to the Economic Development Council.
4. Appointment of Steve Remsen to Ridgewood/Doctors Inlet Citizens Advisory Committee  
After discussion, Commissioner McGovern, seconded by Commissioner Lancaster, and carried 5-0, to approve the appointment of Steve Remsen to Ridgewood/Doctors Inlet CAC.
5. Approval to delete Buddy Ramon and add Paul Gamline to the Florida Community Jobs and Reclamation Regional Board  
After discussion, Commissioner McGovern moved, seconded by Commissioner McGovern, and carried 5-0, to approve said recommendation.

6. Request to adopt letter supporting the One Stop Service system for Florida's First Coast

One Stop Center is one of many efforts that has been done by the Northeast Florida Jobs and Education Regional Board. After discussion, Commissioner McGovern moved, seconded by Commissioner Lancaster, and carried 5-0, to approve said request.

LETTERS (For Action)

1. Elena Foster, Re: Resignation from Health & Human Services Advisory Council

After discussion, Commissioner Lancaster moved, seconded by Commissioner McGovern, and carried 5-0, to accept said resignation and to issue a Certificate of Appreciation to Elena Foster for service on the health and Human Services Advisory Council.

2. Mark Easterling, Re: Certification of Point Water & Sewer, Inc.

Mark Easterling, 324 Scenic Point Lane, Orange Park, Florida, addressed the Board.

After discussion, Commissioner Bush, seconded by Commissioner Lancaster, and carried 5-0, to ask for advice concerning Chapter 367.045 from Mahors, Giblin, & Nickerson, P.A., for purposes of determining how an objection and how to notify the Public Service Commission (PSC) of the local Comprehensive Plan requirements in Clay County on connections.

3. Margaret Wright, Columbia Medical Center, Re: Hanging of Banners through 1997

After discussion, it was Board CONSENSUS to accept staff recommendation that it is against the Board's existing ordinance and therefore the Board would not be able to permit it.

LETTERS (For Information/For The Record)

4. Archie Green, Mayor, City of KH, Re: DCA Drug Control & System Improvement Program.

5. Robert Brady, Time Warner Cable, Re: 1996 Social Contract Progress Report

6. L. Daniel Haines, Jr., Re: Change in Commercial Land Use

COMMISSIONERS COMMENTS

1. Commissioner Lancaster stated the Sheriff had asked him to relate to each Commissioner the creation of the Sheriff's Community Council and he would like for the Board to make their appointments, one each, at the next meeting on April 22, 1997.
2. Chairman Wilson advised the Board of a request from Penney Farms retirement residents for the Board to consider a safety study of the 218 and Highway 16 intersection in Penney Farms and passed said request to Commissioner Lancaster, chairman of the Transportation Committee. Public Works Director Chuck Kohler advised the Board that work at that intersection is under construction at this time.

ADJOURNMENT

Chairman Wilson adjourned the meeting at 7:26 P.M.

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Dale S. Wilson, Chairman

ATTEST:

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John Keene, Clerk