

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

FEBRUARY 6, 2013

PUBLIC HEARING

Present: Chair Nate McLaughlin, Vice Chair George Hanns, Commissioners Barbara Revels, Charles Ericksen and Frank Meeker, Clerk Gail Wadsworth, County Administrator Craig Coffey, County Attorney Al Hadeed and Clerk's Secretary to the Board Rhea Cosgrove

(The City of Bunnell called to order a Public Hearing at 9:58 p.m. to take action on the acquisition of the Plantation Bay Utility which was approved 4 to 1 with Commissioner Rogers dissenting.)

ITEM 1 - CALL TO ORDER

Chair McLaughlin called the Public Hearing to order at approximately 10:20 p.m. in the Emergency Operations Center of the Government Services Complex in Bunnell, Florida.

ITEM 2 - PLEDGE TO THE FLAG AND MOMENT OF SILENCE

Chair McLaughlin announced they would undergo the pledge and moment of silence.

ITEM 3 - PUBLIC HEARING REGARDING THE ACQUISITION OF PLANTATION BAY UTILITY IN ACCORDANCE WITH FLORIDA STATUTE

Chair McLaughlin requested public comments regarding the acquisition of Plantation Bay Utility in accordance with Florida statute.

There were no public comments. Chair McLaughlin closed public comments.

A motion was made by Commissioner Meeker that the BCC found the purchase of the Plantation Bay Utility was within the public's interest. Seconded by Commissioner Ericksen.

Chair McLaughlin requested any comments.

Commissioner Revels noted she had members of the public who did not live in Plantation Bay contact her opposing the acquisition because they were under the assumption it would cost them. Commented she expected opposition from the Plantation Bay residents due to overpaying the developer. Pointed out she was opposed to the acquisition because she felt it was a bad deal, but with reservations she would support the acquisition because the people of Plantation Bay needed to have better water.

(Item 3 – continued)

Commissioner Hanns noted it had been clarified that residents of Flagler County outside of Plantation Bay would not pay for the Plantation Bay Utility. Stated the County needed to protect the people of Plantation Bay, but after a long history of working with the developer he felt the utility was not worth the asking price so he would not support the acquisition.

Commissioner Ericksen stated he did not feel a city or county government should own a utility, but he was willing to right a wrong as long as they lived up to the commitment to provide a quality product with the BCC and the County Administrator accountable.

Chair McLaughlin called the question. Motion carried unanimously.

ITEM 4 - APPROVAL OF PURCHASE AND SALE AGREEMENT FOR PLANTATION BAY WATER SYSTEM

County Administrator Coffey asked for a motion for Items 4, 5 and 6 and was the BCC's intent to approve the agreements.

A motion was made by Commissioner Meeker to approve the purchase of the sale agreement as presented by the County Administrator and the Bunnell City Manager and the approval would be subject to the approval of the County Administrator and the Bunnell City Manager along with the attorneys representing the County and City of additional related documents for the transaction as follows: The developer agreement in substantially the form presented, the reclaimed water use agreement in substantially the form presented, the agreement for charitable donation of the waste water system assets in substantially the form presented and the exhibits and appendices to each of the agreements all of which appendices and exhibits are to be consistent with the purchase and sale agreement. Additionally, the motion includes approval of the interlocal agreement as presented by the County Administrator and City Manager; authority is granted for the chair of the County Commission to execute all such agreements when the contingencies of the motion are met. Seconded by Commissioner Ericksen.

Chair McLaughlin requested commission comments.

Commissioner Meeker agreed there was a public benefit that needed to happen but questioned who should do it. Commented on the Palm Coast utility noting he did not want to have to pay a higher price in the future for the utility.

Chair McLaughlin requested public comments. There were none.

Chair McLaughlin called the question. Motion carried 4 to 1 with Commissioner Hanns dissenting.

February 6, 2013
Special Meeting

ITEM 5 - APPROVAL OF DONATION AGREEMENT FOR WASTEWATER SYSTEM

See Item 4.

ITEM 6 - APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE CITY OF BUNNELL

See Item 4.

ITEM 7 - ANY OTHER ACTIONS THE BOARD DEEMS NECESSARY REGARDING ISSUES DISCUSSED AT THE WORKSHOP ON THE ACQUISITION OF PLANTATION BAY UTILITIES

No action.

ADJOURNMENT

A motion was made by Commissioner Revels to adjourn at 10:30 p.m. Seconded by Commissioner Meeker.

APPROVED AND ADOPTED _____

ATTEST:

FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS

Gail Wadsworth
Clerk and Ex Officio Clerk to the Board

Nate McLaughlin
Chair

UNOFFICIAL