

(11-03-03)

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
NOVEMBER 3, 2003 9:30 A.M.**

The Bradford County Board of County Commissioners met November 3, 2003, for their regular scheduled meeting. Attending the meeting were: Commissioner Mann, Commissioner Thomas, Chairman Cooper, Commissioner Johnson, Commissioner Hersey, Clerk Norman, Jim Farrell, Marlene Stafford, Lisa Hall, Sheriff Milner, Mark Crawford, Nelson Green, Wilson Whidden, Nathaniel Hines, Phalbe Henriksen, Teila Pearson, Bill Dampier, Herschel Waldron, Randall Zipperer, Donny Wise, D.Z. Griffis, Ernest Triest, Nora Thompson, and David Dinkins.

(A copy of all documentation presented at this meeting is located in Supplement File No. 11-03-03.)

Chairman Cooper called the meeting to order at 9:30 a.m. Sheriff Milner gave the invocation and led the Pledge of Allegiance.

PUBLIC COMMENTS:

Ms. Theresa E. Slocum of 21149 N.E. 17th Avenue in Lawtey, commented on the following:

--Requested that the Commission sponsor a rezoning application for parcel number 01659-0-00000. The zoning was changed from Commercial to Residential without her knowledge when the LDR was amended.

Mr. Randall Chism of 3086 S.E. 129th Street in Starke, commented on the following:

--Due to the manner in which the ditches were pulled, S.E. 129th Street has been narrowed to the point that some of the residents cannot get their campers and horse trailers out of their driveways.

CONSENT AGENDA:

- A. APPROVE MINUTES FROM BUDGET WORKSHOP OF AUGUST 15, 2003**
- B. APPROVE MINUTES FROM BUDGET WORKSHOP AND REGULAR SCHEDULED MEETING OF AUGUST 21, 2003**
- C. APPROVE ALLAN H. KAYE AND MICHELLE A. SMITH'S APPOINTMENT TO THE CONFLICT ATTORNEY LIST**

Commissioner Mann requested that Item "C" be pulled for discussion.

Comm. Johnson MOVED to approve Items "A" and "B" on the Consent Agenda. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0.**

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Commissioner Mann asked for clarification of Item “C” relating to Bradford County’s involvement. Chairman Cooper said that each County is required to approve any attorney that is placed on the conflict list even if that attorney does not anticipate practicing in this County because they are part of the circuit.

Comm. Johnson MOVED to approve Item “C” on the Consent Agenda. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

APPROVE SPECIAL ASSESSMENT AGREEMENT WITH TAX COLLECTOR’S OFFICE—CHAIRMAN COOPER/TEILA PEARSON: Ms. Pearson said that there is an existing agreement, however, due to the change in the Solid Waste Special Assessment collection, the agreement had to be amended. She will be collecting 5%, which is the same as is being collected now, and there are costs associated with the necessary software. Had the assessment been included on the tax roll this year, the County’s portion would have been about \$60,000.00 more.

Comm. Thomas MOVED to approve the agreement as presented. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0.**

--Ms. Pearson then presented the Commission with a check for \$14,998.62 for excess fees collected for 2002-2003.

--Ms. Pearson then requested that the Christmas holidays be changed from Wednesday the 24th and Thursday the 25th to Thursday the 25th and Friday the 26th. Clerk Norman has confirmed that there is no conflict with the courts.

Comm. Thomas MOVED to change the 2003 Christmas holidays as requested. **Comm. Johnson SECONDED** and the **MOTION CARRIED 5-0.**

RESOLUTIONS:

A. APPROVE RESOLUTION ESTABLISHING PER DIEM RATES FOR FOOD AND TRAVEL—CHAIRMAN COOPER:

Chairman Cooper said that there is a state statute that requires the County to formally establish per diem rates for mileage, food and travel. Attached to the proposed resolution is a survey completed by the Tax Collector’s Association illustrating what other counties are doing in the per diem area. Some of the counties are lower than what is being proposed; most are a lot higher.

The per diem rates being proposed in the resolution are as follows:

Mileage--The lesser of:	Thirty-five cents or one cent less than the Federal mileage rate per mile		
Meals---	Breakfast \$5.00	Lunch \$10.00	Dinner \$20.00

The resolution requires that all per diem for any employee must be pre-approved by the department head and department head per diem must be pre-approved by the liaison commissioner.

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Comm. Hersey MOVED to adopt the resolution as presented. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.** (The Resolution was assigned No. 03-18.)

B. APPROVE RESOLUTION REQUESTING BRADFORD COUNTY TO RE-NAME THE NEW RIVER BRIDGE TO THE JOHN S. “STEVE” DENNARD BRIDGE—CHAIRMAN COOPER:

Chairman Cooper said that this item is being presented at the request of Rep. Aaron Bean. They are in the process of renaming the New River Bridge to honor correctional officers who have been killed in the line of duty. However, he has not received final approval on the draft from the Representatives’ office, and would like to pull it from the agenda until that the draft is approved.

C. APPROVE RESOLUTION CONCERNING SPRINT CALLS TO GAINESVILLE COSTING \$.25 PER CALL—TERRY BROWN:

Mr. Brown said that he is in the process of finalizing the resolution and asked that it be passed at this time.

STATE ROAD 100 ENHANCEMENT PROJECT:

A. APPROVE RESOLUTION TO CONSTRUCT AND IMPROVE STATE ROAD 100—TERRY BROWN:

Mr. Brown said that he has reviewed the documents prepared by the Department of Transportation as to form and recommend that they be approved.

Chairman Cooper said that this project is located at the Camp Montgomery entrance on S.R.100. The plans have been adjusted and additional right-of-way was required.

Comm. Johnson MOVED to adopt the resolution as presented. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0.** (The Resolution was assigned No. 03-19.)

B. APPROVE RIGHT-OF-WAY MAP—LETTER OF DONATION—TEMPORARY EASEMENT DOCUMENT—CLOSING STATEMENT—TERRY BROWN:

Comm. Mann MOVED to approve the documents as presented. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

DEPARTMENT HEAD REPORTS:

DONNY WISE—SOLID WASTE DIRECTOR: Mr. Wise presented the September monthly report.

PHALBE HENRIKSEN—PUBLIC LIBRARY DIRECTOR: Ms. Henriksen reviewed the report for the Library, which included fiscal year 2002-2003 data.

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HERSCHEL WALDRON—ROAD DEPARTMENT SUPERINTENDENT: Mr. Waldron updated the Commission on the recent activities and accomplishments of the Road Department.

NATHANIEL HINES—VETERAN SERVICE DIRECTOR: Mr. Hines presented the year-end report for fiscal year 2002-2003.

Commissioner Mann inquired about the Florida World War II Memorial Monument being placed in Tallahassee. Mr. Hines said that each County has received a request for information as to what is to be placed on the monument. It will be relatively small, so it will not be possible to have all of the names of the veterans on the monument.

Chairman Cooper said that it is on the agenda to be discussed under Chairman Comments. The Board may need Mr. Hines' assistance in gathering information. It has been suggested that the Medal of Honor recipients from Bradford County be listed.

Mr. Hines said that he would be glad to assist.

WILSON WHIDDEN—BUILDING/ZONING DIRECTOR: Mr. Whidden presented the October 2003 monthly report.

STATUS REPORT OF COURTHOUSE EXPANSION—ERNEST TRIEST:

--Phase III progress is moving along much better than Phase I and Phase II.

A. APPROVE PAY REQUEST:

Mr. Triest presented Pay Request #19, in the amount of \$79,555.29. This leaves \$284,447.93 yet to be paid, which \$99,616.83 is retained percentage on previous payment. The Space Committee has reviewed and approves the pay request.

Comm. Mann MOVED to approve Pay Request #19, in the amount of \$79,555.29. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

B. WALKWAY COVERING PRESENTATION:

Mr. Triest said that the proposed area covers the walkways on both sides of the north and south wings. He displayed the proposed plan to the Commission and explained what the project would entail.

Three bids were received ranging from \$44,000.00 up to \$110,000.00. Neither the low or high bid is a responsive bid. The bid being recommended, after deducting the sales tax, is \$58,143.40, which was submitted by Perfection Architectural Systems, Inc.

Chairman Cooper said that the Space Committee has wrestled with this issue. Although this is a lot of money, this is a design that is permanent and compliments the existing building design.

Mr. Triest demonstrated how the covers would be installed and how they would function.

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After brief discussion, **Comm. Thomas MOVED** to accept the bid submitted by Perfection Architectural Systems, Inc. in the amount of \$58,143.40. **Comm. Hersey SECONDED** the motion.

Commissioner Mann inquired about the availability of funds. Clerk Norman said that a reserve was built into the project for unforeseen items and if everything continues to stay in line, there will not be a problem with funding.

There being no further discussion, the **MOTION CARRIED 5-0**.

Mr. Triest reported that they are also working on the possibility of closing in the area where the columns are at the front of the courthouse to help keep the public out of the weather. There is no design or price yet.

C. SMOKING AREA RECOMMENDATION:

Mr. Triest said that there are two plans, neither of which is ready for recommendation. He hopes to have that completed by the next meeting. The site that is being looked at is the grassy area located at the northwest corner of the courthouse.

Chairman Cooper said that the lead-time for the covers on the walkways is 10 to 12 weeks, so it is important to get started on them.

APPROVE TO PROCEED WITH APPLICATIONS CONCERNING REZONING OF PROPERTIES LOCATED ON SR100 IN KEYSTONE HEIGHTS—COMM. THOMAS:

Commissioner Thomas asked Mr. Whidden to approach the Board. Mr. Whidden said that he needs permission to go forward with processing the applications for the people who desire to have their land use changed on SR100 in Keystone Heights.

Comm. Johnson MOVED to proceed with the application process as requested. **Comm. Thomas SECONDED** the motion.

Chairman Cooper inquired about the number of parcels being considered. Ms. Thompson said that there are nine (9) parcels on one side of SR100, if you do not include the Humane Society, and six (6) on the other side of SR100.

Commissioner Thomas said that there is also a question about a small parcel in Lawtey, however, he is not sure if anyone has contacted Zoning about that parcel.

Chairman Cooper asked if there is some reason that these cannot be included in the overall review of the County's zoning. Later in the agenda, the Commission will be setting a date for a workshop with the Zoning Board to deal with that issue. It was his understanding that this Board voted to handle this issue in that review process. When the County was required to adopt a Future Land Use Map back in the 90's, zoning was changed on many parcels of property. He is not sure DCA is going to allow the County to now undo everything that the law required.

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Mr. Whidden said that Mr. Koons will be attending the workshop the Commission and the Zoning Board will be conducting and he will explain what cannot be done. Meanwhile, this can be done, if the Board so desires, with one or two small-scale amendments, to help reduce the cost, since the County is bearing the burden of the cost.

Chairman Cooper said that he does not feel the County should be doing them at all. If people wish to rezone, then they should go through the application process.

Ms. Thompson asked if the Commission is including the parcel owned by the Humane Society. Chairman Cooper asked for a recommendation. Mr. Whidden said to exclude that parcel. Since it is the Humane Society they do not have to do anything and they have not requested an amendment. It is also a seven-acre parcel and they would have to do some reshuffling to keep it in line with a small-scale amendment.

Commissioner Thomas said that when he **SECONDED** the motion, it was to include the parcels in the Lawtey area.

Chairman Cooper asked Mr. Whidden if there is a list of parcel numbers. Ms. Thompson said that they have a map of the ones in Keystone, which she presented to the Commission. (Chairman Cooper asked that the map be attached to the minutes.)

Chairman Cooper asked Commissioner Thomas if he had the parcel numbers for the properties in Lawtey. Commissioner Thomas indicated in the negative, and asked what time frame is needed to get those parcels included in the legal advertisement. Ms. Thompson said that if she was provided with the name and the parcel number, they could be included in the advertisement along with the others.

Ms. Thompson said that they also need direction as to what commercial category the parcels will be changed to. Mr. Whidden said that there are three different categories of commercial.

Commissioner Johnson said that he does not think any parcels should be considered unless the property had been commercial prior to the adoption of the LDR. There should not be a choice as to what it is changed to, but it should be changed back to what it was prior to the LDR. Mr. Whidden said that he is not sure they can find out what it was prior to the LDR. Ms. Thompson said that all the property on the north side of SR100 was industrial at one time. Mr. Whidden said that you do not want to change it back to that because industrial would not allow them to continue with what they are doing.

Chairman Cooper said that there have been numerous zoning hearings over some of the parcels on the south side of SR100. Mr. Whidden said that is correct, and some were denied.

Mr. Brown said that it is problematic to rezone parcels where there have been specific denials of the rezoning requests, after a public hearing, after the neighborhood was properly noticed and turned out to oppose the rezoning. Although the Zoning Office may know what parcels are being considered, neither he nor this Board, knows exactly who the three people were who originally approached the Commission desiring rezoning and who the Commission seemed to be sympathetic to, and whether that includes any of the others who have applied for rezoning that this Board has voted down.

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Chairman Cooper said that at a minimum, he would like to know specifically what parcels are being dealt with and what is being proposed, as it relates to the change. There are detailed zoning regulations that the Zoning Board is charged to enforce, and those regulations include some procedures for zoning changes. This Board needs to proceed with caution if that process is side stepped.

After conferring with Ms. Thompson, Mr. Brown said that of the three people who originally approached the Commission, two were on the north side of SR100 and were originally zoned industrial. If you amend it to commercial, that would be a less intensive use, which is consistent with the Zoning Board and the Commission's prior rulings that those on the north side should be commercial/industrial and those on the south side should remain residential. One of the original three rode the coat tails of the others, but was a totally different situation. He is not sure that was explained to the Board when those three people approached.

It appears that there is a large group of applicants that are all on the north side, and he sees no problem in rezoning those parcels under a blanket small-scale amendment. However, there are six parcels on the south side, where there has been a previous vote to maintain that as residential, which includes one of the three who originally approached the Board.

Commissioner Hersey said that it would probably be appropriate to amend the motion that is on the floor to only include the properties on the north side of SR100, and for the properties on the south side to go back to the Zoning Board for review.

Comm. Thomas WITHDREW his SECOND and Comm. Johnson WITHDREW his MOTION.

Comm. Hersey MOVED, based on previous action by this Board, that the County, as the Applicant, proceed with an application to have the properties located on the north side SR100, as indicated on the map, changed to Commercial Intensive. **Comm. Thomas SECONDED** and the **MOTION CARRIED 3-2**, with Commissioner Mann and Chairman Cooper dissenting.

DISCUSSION CONCERNING CULVERT PRICES—COMM. THOMAS: Commissioner Thomas said that he has received complaints about the ends of culverts being smashed and he would like to assist the residents, and help with drainage, by cutting of the bad ends and installing mitered ends. There are areas where residents have purchased a culvert and the County has installed it, however, 200' down the road there is a smaller culvert where the water backs up.

Commissioner Mann said that the Road Department has cut off the damaged ends of a lot of culverts and got them opened up. What is going to happen is that where a resident has installed a 10" pipe on their own, and water starts backing up, they will want the County to replace it. There are pipes all over the County that someone put in years ago. If the Board approves Commissioner Thomas' request, is the County going to replace all those pipes?

Commissioner Thomas said that he would recommend only the pipes that are standard size that the County accepts. It is not his intention to open it up to give everyone in the County a free pipe.

Chairman Cooper said that Commissioner Thomas has provided a list of the cost for the County to purchase mitered ends.

Discussion ensued. Chairman Cooper asked Mr. Whidden to review the LDR regarding the designation of roadways to determine what paved streets require mitered end culverts. The Commission can discuss amending the LDR, if needed.

Comm. Thomas MOVED that to enhance the flow of water and keep a road from washing out, that if there is an acceptable pipe on a County road with a damaged end, that the County absorb the cost to replace the damaged end with a mitered end. **Comm. Johnson SECONDED** the motion.

This spurred additional discussion. Commissioner Mann said that this has the potential to get expensive. Commissioner Thomas said that sometimes you have to spend a little money to save money. You can leave the pipes closed, causing the roads to wash out, and the Road Department is continually hauling dirt and limerock on the same roads.

Chairman Cooper said that he is not opposed to the Board taking action to help out the citizens of this County; however, some things are not the County's responsibility and should not be absorbed by the taxpayers throughout the County. He would not have a problem with this motion if the individual that is going to gain the benefit of the mitered end absorb the cost of at least the materials.

Following additional discussion, the **MOTION CARRIED 3/2**, with Commissioner Mann and Chairman Cooper dissenting.

APPROVE RENEWAL CONTRACT WITH F. REED REPLOGLE FOR LEGAL REPRESENTATION OF INDIGENT DEFENDANTS FOR BRADFORD COUNTY—TERRY BROWN: Mr. Brown said that under Article V, the state is to pick up the cost for the special public defenders beginning July 1, 2004. The mechanics, in terms of the contracting, selection and approval of the bills have not been worked out. There is an existing contract with Mr. Replogle that is up for renewal. He requested a motion authorizing the extension of the contract to July 1, 2004. There are actually two options: One is to simply extend the existing contract with Mr. Replogle, or to prepare a RFP.

Comm. Hersey MOVED to extend the contract with F. Reed Replogle until July 1, 2004, with the same terms. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0**.

REQUEST PERMISSION TO ADVERTISE ORDINANCE OR APPROVE RESOLUTION CONCERNING CLEANING OF DRAINAGE DITCHES ON PRIVATE PROPERTY—TERRY BROWN: Mr. Brown said that his office has been wrestling with this issue. He is requesting authority from the Commission to advertise an ordinance that would approve new policies and procedures. He will have them in draft form by the end of the week, however, he need guidance on two issues.

Uniform criteria is needed so that the Road Department will know when they can or cannot go onto private property to clean out ditches, et cetera, and also to insure that the criteria used to make that decision is uniform.

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In the past, the County has been accused of going onto private property and cleaning out ditches to improve storm water management affecting roads, and in doing so, adversely affecting that property owners' land, which exposes the County to liability.

By law, if this is a ditch that was originally dug by the County on private property, the County has the legal right to go on the property, regardless of the property owners' consent. Where there is a question of who originally dug the ditch, or if it is a ditch that was originally dug by a private property owner but impacts storm water management and is affecting the roads, it is his recommendation to ask for a temporary easement from the property owner. Question two is what happens when the property owner says, no?

Discussion ensued. Commissioner Mann said that in those cases where a property owner does not give permission to cross their property, even if it is a ditch that has been cleaned in the past, it should come before the Board. If there is consent from the property owner, it does not have to come before the Board. Chairman Cooper concurred and said that if the County starts asking people to sign an easement as opposed to written consent, there may be a problem. Mr. Brown said that it would be a temporary easement with a time limit, i.e. 10 to 20 days.

Chairman Cooper said that it seems to be the consensus of the Board that it is okay, as long as there is consent. If there is not consent, regardless of whether or not the County has the right, it comes to the Board for a decision.

Comm. Mann MOVED to proceed with the advertisement of an ordinance to address the rights of the County to access private property to clean out-fall ditches. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

UPDATE ON MSBU—TERRY BROWN: Mr. Brown distributed a packet to each Commissioner containing numerous forms concerning the implementation of MSBU's. The Petition Form is the most time sensitive and is the one that would be provided to citizens requesting an MSBU.

Mr. Brown reviewed the remainder of the forms in the packet, which included the following: Procedures Checklist, Form Resolution, Form Ordinance, Assessment Roll and Certificate of Substantial Completion. Mr. Brown said that there is a need for the Commission to appoint someone to be the assessment coordinator for these projects.

Chairman Cooper asked Mr. Brown for a one to two page instruction sheet to be given out with the packet, that generally defining MSBU's and gives people a good understanding of the process and what is involved. Mr. Brown said that he could put something together.

Comm. Thomas MOVED to approve the Petition Form as presented. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0.**

Comm. Hersey MOVED to appoint the Clerk, or his designee, as the Assessment Coordinator. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

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APPROVE RENEWAL OF COUNTY ATTORNEY CONTRACT—TERRY BROWN: At the request of Mr. Brown, this item was passed.

APPROVE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING—COMM. THOMAS/WILSON WHIDDEN: Mr. Whidden said that this is a mandated agreement between the Commission, all the municipalities and the School Board. The agreement is a mutual obligation to inform each other of growth within the County that would affect land use and public school facilities planning.

Comm. Thomas MOVED to approve the Interlocal Agreement as presented. **Comm. Mann SECONDED** the motion.

Chairman Cooper inquired about the annual reports. Mr. Whidden said that annual reports are only required if there has been an impact.

There being no further discussion, the **MOTION CARRIED 5-0.**

REQUEST PERMISSION TO ADVERTISE TO SEAL, SAND AND INSTALL ASPHALT ON LINCOLN CITY ROADS—COMM. MANN: Commissioner Mann said that it is time for the RFP on the Lincoln City Roads.

Comm. Mann MOVED to advertise for the seal, sand and asphalt for the Lincoln City roads. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

DISCUSSION CONCERNING PROPERTY ON FORSYTH ROAD—COMM. MANN: Commissioner Mann said that the County owns a small strip of land, 1.14 acres, at the intersection of SR100 east and S.E. 21st Avenue (Forsyth Road). The Property Appraiser has evaluated the parcel and his appraisal is \$2,500.00. This is a limited use parcel and is zoned agricultural. At the previous meeting, it was determined that if the value of the property is under \$15,000.00, the County could accept proposals.

Chairman Cooper said that the County could accept a written offer and then give notice to the adjacent parcel owners. If any of the adjacent property owners are interested in purchasing the property, then it has to go to closed bids.

Comm. Mann MOVED to accept a written offer for the property.

Chairman Cooper said that step one would be to contact the interested party and see if they desire to present a written proposal to purchase the property. If there were an adjacent property owner that wants to purchase the property and makes an offer, then it would appropriate to consider the offer and decide what to do.

Comm. Mann WITHDREW his motion and said that we will wait and see if any offers are made.

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APPROVE PAYMENT OF BILLS: Chairman Cooper said that he reviewed the bills and recommends them for payment. **Comm. Johnson MOVED** to authorize payment of the bills as reviewed. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

PERSONNEL MATTERS:

A. RATIFICATION OF RONALD HARPER, DONNIE NETTLES TO FULL-TIME EMPLOYMENT AND TROY FORNSHELL, RONALD JOHNS TO OPS EMPLOYMENT IN ROAD DEPARTMENT—COMM. MANN/HERSCHEL WALDRON:

Mr. Waldron reported that all the paperwork on Ronald Harper has been received; the paperwork for Donnie Nettles has not. All paperwork for Troy Fornshell and Ronald Johns has been received. The Road Department is still short by two employees.

Comm. Mann MOVED to hire Ronald Harper as full-time at \$9.00 per hour. To hire Troy Fornshell and Ronald Johns as OPS at \$8.00 per hour, with no specific time restraint, but to be approved on a year-to-year basis, based on the budget. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

B. REQUEST PERMISSION TO ADVERTISE FOR TWO OPS POSITIONS—COMM. MANN/HERSCHEL WALDRON:

Commissioner Mann said that there are still two open OPS positions. **Comm. Mann MOVED** to advertise for two additional OPS employees in the Road Department. **Comm. Thomas SECONDED** the motion.

Commissioner Hersey asked for clarification regarding the number of positions as they relate to the three that were approved during the budget process. Commissioner Mann said that these are all from the ones approved during the budget process. One of the two that were just hired is replacing Benefield, which gives the three.

There being no further discussion, **MOTION CARRIED 5-0.**

COUNTY ATTORNEY REPORTS: None.

CLERK REPORTS:

--Clerk Norman presented the Board with a check for \$2,989.22 for funds not expended in fiscal year 2002-2003. Beginning July 1, 2004, he will become a fee officer and hopes that he will be returning excess fees to the Board.

CHAIRMAN COMMENTS:

A. BRADFORD COUNTY'S PARTICIPATION IN FLORIDA'S WORLD WAR II MEMORIAL:

Received a letter from the Department of Veterans' Affairs advising that they are finalizing the plans for the World War II Memorial that will be housed in Tallahassee. Bradford County will have a monument as part of that process. The question is; what do we want on the monument? Some suggestions are provided in the letter. A response is requested by January 31, 2004.

B. SET WORKSHOP WITH ZONING BOARD FOR NOVEMBER 20th MEETING AT 6:00 P.M.:

This course of action began with a desire to make an overall review of the County's zoning process and plan. It was postponed during the budget process and needs to begin again.

There was consensus to schedule the workshop for 6:00 p.m., on November 20, 2003, prior to the Regular Scheduled Meeting. (Later in the meeting, this date was changed to 12-01-03, at 6:00 p.m.)

C. GENERAL MECHANICALS' WRITTEN REQUEST FOR EXTENDED OVERHEAD PAYMENT:

Chairman Cooper said that General Mechanical has submitted a letter stating that the construction project has taken much longer than the anticipated project time as set out in the bid documents. They are requesting additional monies for extended overhead, in the amount of \$171,000.00. The Space Committee has not addressed the letter; it has been given to Mr. Brown for an opinion.

D. PROPOSED RESPONSE TO CSX RAILROAD REGARDING PAYMENT FOR SIGNAL MAINTENANCE:

Chairman Cooper said that CSX is requesting monies for maintenance for the last five years.

--Mr. Brown responded to the request submitted by General Mechanical:

He has reviewed the request by General Mechanical. He is of the opinion that this is not a financial obligation of the County. With the permission of the Board, he would like to draft a written opinion addressed to the architect and to General Mechanical, to be executed by the Chairman.

One of the problems that will have to be dealt with is that there is going to be a second category of these overhead requests that deals with time where the contract was delayed; how that needs to be addressed is unsure at this time. It is their contention that they were not advised that the courthouse was to be built in phases until after they executed the contract. Nevertheless, it is something that perhaps should have been addressed in the bid documents that the architect was preparing.

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The contract indicates that these type requests should go to the architect first and he should make a ruling as to whether or not these are appropriate requests that should be paid or not paid by the County. However, some of these requests are time delays that may be attributable to the architect, people moving from one phase of the courthouse to another phase, and delays caused by the contractor waiting for new plans to be drawn, these make it problematic; the County may have some financial responsibility due to some of those delays.

The extended overhead request is in part based on time delays due to change orders. The legal issue is that when a change order is approved and the change order says that the contractor agrees to do it for "x" number of days and extends the contract "x" number of days, it would appear that they are trying to double dip and get additional contract time where they have already been compensated in the initial change order.

Commissioner Hersey inquired as to what process will be used to determine who is responsible for what. Mr. Brown said that he will be requesting additional data from the contractor as to how many days he attributes to delays relating to change orders, offices moving from one section to another, the work being done in phases, et cetera.

There was consensus for Mr. Brown to draft an opinion letter.

--Mr. Brown then addressed the request submitted by CSX:

CSX is requesting funds for work performed dating back as much as five years ago. According to Commissioner Mann, two of the four work orders belong to the City of Lawtey. In conferring with CSX, they understand the budgetary process for small county governments and that if the funds were not included in the budget, that it will cause a problem and indicated that they are willing to structure a payment plan, once there is an agreement on how much is owed. He is still reviewing the documents and is also looking at the statute of limitations issue.

There was some discussion.

Mr. Brown said that he would keep the Board apprised as to the status.

**E. LEGISLATIVE DELEGATION SCHEDULED FOR THURSDAY,
OCTOBER 30, 2003:**

Chairman Cooper expressed his appreciation to the Commissioner for their attendance at the Delegation Hearing.

COMMISSIONERS' COMMENTS:

Commissioner Johnson commented on the following:

--Received a letter from Suwannee River Economic Council requested that the Board proclaim October 30, 2003, as "Weatherization Day".

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Comm. Johnson MOVED to proclaim October 30, 2003, as "Weatherization Day". **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

Commissioner Hersey commented on the following:

--Requested a workshop to discuss the grant process for Emergency Services. Mr. Green needs guidance from the Board concerning application for grants, which are due by December 12, 2003.

After discussion, a workshop was scheduled for November 20, 2003 at 6:30 p.m. to discuss the EMS grant process.

The workshop with the Zoning Board that was scheduled for November 20, 2003 at 6:30 p.m. was changed to December 1, 2003 at 6:00 p.m.

Commissioner Mann commented on the following:

--Road Department employee Gene Harris' six-month probationary period has expired. Mr. Waldron is recommending that the probationary period be extended for 90 days until he gets a CDL license, which was one of the requirements.

Comm. Mann MOVED to extend the probationary period for Gene Harris for 90 days.
Comm. Johnson SECONDED and the **MOTION CARRIED 5-0.**

Mr. Brown asked for direction concerning the MSBU documents as it relates to who is actually going to do the work on the roads. In Putnam County the work is bid out and is done by private contractors. It seems that there was discussion that the County's Road Department would not have the resources to do the additional work.

There was consensus to have the work performed by private contractors, through requests for proposals.

At this time, Sheriff Milner reported on a recent problem with the sewer system at Denny's parking lot. The City of Starke is asking the County to pay the \$1,500.00 bill for the repairs. It is not his well-founded belief that the jail had anything to do with the cause of the problem. It is very obvious that the problem stems from the original construction; a cap was not placed on the top of sewer connection, instead, a board was placed on top and covered with dirt. Over a period of years, it deteriorated and fell apart.

There was Board consensus for the Sheriff to meet with the City Manager to resolve the issue.

BOARD REORGANIZATION

Chairman Cooper said that he has appreciated serving as Chairman for the last two years. It is now time to elect a new chairman and vice-chairman.

(11-03-03)

ELECTION OF CHAIRMAN:

Comm. Hersey MOVED to nominate Commissioner Thomas to serve as Chairman. **Comm. Thomas SECONDED** the motion. The **MOTION FAILED 2/3**, with Commissioner Cooper, Commissioner Johnson and Commissioner Mann dissenting.

Comm. Mann MOVED to nominate Commissioner Johnson to serve as Chairman.

Commissioner Hersey said that this Board has made great strides for the County. In order to continue to move forward, this Board needs to be unified, not divided. He expressed his disappointment in this election process.

Chairman Cooper relinquished the Chair to Vice-Chairman Hersey and **SECONDED** the motion. The **MOTION CARRIED 3/2**, with Commissioner Hersey and Commissioner Thomas dissenting.

Vice-Chairman Hersey turned the gavel over to newly elected Chairman Johnson.

ELECTION OF VICE CHAIRMAN:

Comm. Thomas MOVED to nominate Commissioner Hersey to serve as Vice-Chairman. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0**.

Commissioner Thomas echoed Commissioner Hersey's sentiments concerning the election process. It is his contention that this action was fore-planned.

There being no further business, the meeting adjourned at 11:54 a.m.

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA**

HERMAN JOHNSON, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

These minutes typed by:

Marlene K. Stafford, Deputy Clerk