

(05-03-04)

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
MAY 3, 2004 9:30 A.M.**

The Bradford County Board of County Commissioners met May 3, 2004 to conduct their regular scheduled meeting. Attending were: Commissioner Mann, Commissioner Thomas, Vice-Chairman Hersey, Commissioner Cooper, Clerk Norman, Marlene Stafford, Terry Brown, David Dinkins, Nelson Green, Bill Dampier, Donny Wise, Phalbe Henriksen, Sheriff Milner and D.Z. Griffis.

(A copy of all documentation presented at this meeting is located in Supplement File No. 05-03-04.)

Vice-Chairman Hersey called the meeting to order at 9:30 a.m.

Commissioner Cooper led the invocation and the Pledge of Allegiance.

PUBLIC COMMENTS:

Mr. Malcolm Hill commented on the following:

--The Commission has adopted certain rules and guidelines, and in his opinion at the last meeting, two of those were violated. First of all, there were two items that were brought up that were not voted on as emergency items. Secondly, the accountability of the \$24,000.00 in Medicare overpayments in the Emergency Services Department.

Mr. Paul Still commented on the following:

--Praised Marsha Miller's editorial in the April 22 Telegraph concerning traffic problems in the City of Starke. Mr. Still suggested that the Commission conduct a workshop with the City of Starke to look into options to development alternative routes to allow local people to bypass HWY 301.

CONSENT AGENDA:

- A. APPROVE SATISFACTION OF MORTGAGE FOR QUEEN ALBERT**
- B. APPROVE SHIP LOAN APPLICATIONS**
- C. APPROVE SATISFACTION OF MORTGAGE FOR HENRY AND AIMEE HENRY**
- D. APPROVE DARLA JEAN CHRISTOPHER TO CONFLICT ATTORNEY LIST**
- E. APPROVE LITTER REMOVAL AGREEMENT BETWEEN THE FAMILY OF RUSSELL AND LUCILLE GREEN**
- F. APPROVE LITTER REMOVAL AGREEMENT BETWEEN THE FAMILY OF DAVID THOMAS FUSSELL**
- G. APPROVE PAYMENT OF INVOICE FOR COMPUTER ENGINEERED SOLUTIONS, INC. IN AMOUNT OF \$1,200.00 FOR SERVICE AND SUPPORT FOR THE EMS DEPARTMENT'S BILLING SOFTWARE FOR A SINGLE USERS LICENSE**

- H. APPROVE CONTINUATION OF SERVICE AGREEMENT WITH COMPUTER ENGINEERED SOLUTIONS, INC., FOR UPCOMING YEAR**
- I. APPROVE PROCLAMATION DECLARING MAY 9-15 NATIONAL LAW ENFORCEMENT WEEK**
- J. APPROVE MINUTES FROM REGULAR SCHEDULED MEETING OF MARCH 1, 2004**

There being no items removed, **Comm. Thomas MOVED** to approve the Consent Agenda in its entirety. **Comm. Mann SECONDED** and the **MOTION CARRIED 4-0.**

RESOLUTIONS:

- A. APPROVE RESOLUTION EXTENDING THE CURRENT MANDATORY BURN BAN THROUGH MAY 20, 2004—BILL DAMPIER:**

Mr. Dampier said that the ban will sunset tomorrow, unless the Commission adopts this resolution extending the ban. There are still extreme drought conditions in the County. Mr. Dampier presented a series of slides delineating the KBDI and reported on the rainfall amounts received and expected.

After brief discussion, **Comm. Cooper MOVED** to adopt the resolution, extending the current burn ban through May 20, 2004. **Comm. Thomas SECONDED** and the **MOTION CARRIED 4-0.** (The Resolution was assigned No. 04-13.)

- B. APPROVE RESOLUTION VACATING PORTIONS OF PLAT OF LITTLE HOLLYWOOD SUBDIVISION—PHYLLIS ROSIER:**

Ms. Rosier presented the resolution for adoption. She reported that it was properly advertised.

Comm. Thomas MOVED to adopt the resolution as presented. **Comm. Cooper SECONDED** and the **MOTION CARRIED 4-0.** (The Resolution was assigned No. 04-15.)

PRECINCT LOCATION AND ADA COMPLIANCE UPDATE—TERRY VAUGHAN:

Mr. Vaughan reported that as of two weeks ago, Bradford County had 14,000 registered voters for the first time in the County's history.

The County is to the point where a couple of minor precinct location changes need to be made. For many years, Precinct 11 has voted at Hampton City Hall. The city has indicated that this causes some problems with performing every day business and due to the growth of the precinct; there is now a parking problem. Mr. Vaughan recommended moving the precinct to Hampton Baptist Church right down the road on CR 18.

Also, at First Baptist Church the fellowship hall has been used and they are requesting that it be moved to the student ministry building, which is the old bank building.

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Comm. Cooper MOVED to approve the location change of Precinct 11 to Hampton Baptist Church and to approve the relocation of Precinct 8 from the fellowship hall to the student ministry building of First Baptist Church. **Comm. Mann SECONDED** and the **MOTION CARRIED 4-0.**

Mr. Vaughan reported that the State would be funding about \$4,436.00 to be applied toward voter education for the 2006 election.

The federal government has implemented more mandates with the Help America Vote Act, which has been passed. This is probably one of the most costly Acts, as far as the trickle down effect to the counties. The item we will have to look at is ADA compliance as far as accessibility to voters with disabilities. A complete evaluation has been performed of all 20 precincts in terms of current compliance. If the County fails to respond, we will be in the position to be vulnerable to litigation. There are several precincts with inadequate handicap parking spaces and in some, no handicap parking spaces.

Mr. Vaughan asked if it would be possible to work with the Road Department to help bring some of the locations into compliance. An ADA Compliance line item may be something he will need to include in his budget request for the next fiscal year.

The other item associated with this particular bill is that for the 2006 elections, they will be mandated to have at least one ibotronic or touch screen unit in every precinct location to accommodate primarily visually disabled voters. There are units that would have audio ballot capacity. It is his understanding that there are federal monies set aside for this purpose. He has been unable to find out how those monies will be distributed to the counties. Again, he will need to put a line item in his budget request to cover that in hopes that most, if not all of it will be reimbursed with federal grant money.

Discussion ensued which was not limited to but included the cost of the mandated equipment and software, how to meet the ADA parking requirements at the precincts and the use of public funds on private properties being used for election purposes.

Following the discussion, **Comm. Thomas MOVED** that in order to bring the precincts up to ADA compliance and within reason, to authorize the Road Department to work with Commissioner Mann and Terry Vaughan to begin work at the precincts and to authorize engineer work, if needed.

Mr. Vaughan said that in any situation where the cost associated with a certain location is unreasonable, that it would be reevaluated.

Comm. Cooper SECONDED the motion and the **MOTION CARRIED 4-0.**

APPROVE RIGHT-OF-WAY AGREEMENT FOR NEW RIVER BRIDGE REPLACEMENT WITH FDOT—CHAIRMAN JOHNSON: Commissioner Mann said that the right-of-way is necessary for the replacement of the bridge on CR229 between Bradford and Union Counties.

Comm. Mann MOVED to approve the agreement. **Comm. Thomas SECONDED** and the **MOTION CARRIED 4-0.**

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APPROVE AGREEMENT BETWEEN E.I. DUPONT DE NEMOURS AND COMPANY, INC. AND THE BOARD OF COUNTY COMMISSIONERS CONCERNING TRANSFERRING OLD CR225 TO DUPONT AND ACCEPTING NEW CR225—CHAIRMAN JOHNSON:

Vice-Chairman Hersey presented the agreement for approval. The County Engineer has submitted an opinion letter stating that the roadway has been constructed in compliance with approved plans. The County will assume maintenance responsibility following the one-year warranty period.

Mr. Brown said that two actions are needed. One, there is a master agreement between DuPont, Clay County and Bradford County. This Commission elected not to sign that agreement until the work was completed and inspected. It is his recollection that the Commission had authorized the Chairman to execute the agreement once there was confirmation of the facts, however, it would not hurt to make a second motion confirming and authorizing the chairman or vice-chairman to execute the master agreement. In addition to that, the County needs to formally accept the deed that DuPont will then record.

Comm. Cooper MOVED to approve the master agreement as presented and to authorize the chairman or vice-chairman to execute the agreement. **Comm. Thomas SECONDED** and the **MOTION CARRIED 4-0.**

Commissioner Cooper asked Mr. Brown to review the deed before it is recorded.

Comm. Cooper MOVED to accept the deed, conditioned upon DuPont recording the deed. **Comm. Mann SECONDED** and the **MOTION CARRIED 4-0.**

APPROVE BID RECOMMENDATION FOR AGRICULTURAL TRACTOR—COMM. COOPER: Commissioner Cooper said that after the bids were opened, it was realized that the advertising period was not sufficient. The Board required that it be advertised for two weeks and the bid was advertised for only one week.

Comm. Cooper MOVED to reject all bids received. **Comm. Mann SECONDED** and the **MOTION CARRIED 4-0.**

Comm. Cooper MOVED to re-bid the same tractor, same terms and conditions, to be advertised one time with a response time of 14 days from the date of the advertisement. **Comm. Thomas SECONDED** and the **MOTION CARRIED 4-0.**

DISCUSSION CONCERNING MEDICARE PAYMENT—COMM. HERSEY/NELSON GREEN:

Mr. Green said that he has received a letter advising to disregard the first letter and that another letter will be sent in the near future. Upon receipt of the letter, the County will have 30 days to pay the money back, if in fact we are required to pay it back, and from that time the 180 day appeal process begins.

Commissioner Hersey asked that this item be placed on the May 20, 2004 agenda for another update.

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FINAL BUDGET AMENDMENT FOR FISCAL YEAR 2002-2003—SHERIFF MILNER: Sheriff Milner said that Mr. Kite has completed the audit and this amendment is needed to make final adjustments for that year. This amendment is strictly a paper amendment and no actual funds are involved.

Clerk Norman said that this budget amendment reflects any additional revenues received for the year, which changes the budget totals. The Commission is not granting any more money to the Sheriff.

Comm. Cooper MOVED to approve the final budget amendment as presented. **Comm. Thomas SECONDED** and the **MOTION CARRIED 4-0.**

APPROVE PAYMENT OF BILLS:

Vice-Chairman Hersey said that he reviewed the bills and recommends them for payment.

Comm. Thomas MOVED to approve payment of the bills as reviewed. **Comm. Cooper SECONDED** and the **MOTION CARRIED 4-0.**

PERSONNEL MATTERS:

- A. REQUEST PERMISSION TO ADVERTISE FOR 20-HOUR PART-TIME POSITION IN THE LIBRARY—CHAIRMAN JOHNSON/PHALBE HENRIKSEN:** Ms. Henriksen said that she has received a resignation and needs permission to advertise to fill the funded position.

Comm. Cooper MOVED to authorize the advertisement of the position as requested. **Comm. Thomas SECONDED** and the **MOTION CARRIED 4-0.**

Ms. Henriksen said she failed to include the salary. This spurred discussion.

Comm. Cooper AMENDED HIS MOTION to include a beginning salary of \$6.00 per hour to be raised to \$6.50 upon successful completion of the six-month probationary period. **Comm. Thomas SECONDED** the amended motion and the **AMENDED MOTION CARRIED 4-0.**

- B. APPROVE SALARY OF FIFTY CENTS (\$.50) PER HOUR FOR WENDY SPIERER, EMERGENCY MANAGEMENT ADMINISTRATIVE ASSISTANT, EFFECTIVE MAY 12, 2004:**

Mr. Dampier said that Ms. Spierer was hired with the condition that she would be granted a modest raise upon successful completion of the six-month probationary period. Ms. Spierer has performed exceedingly well in the six months she has been employed. She has applied herself to not only learning the job but to expanding her education and capabilities to even do more for the department.

Mr. Dampier recommended approval of a fifty-cents (\$.50) per hour raise, which is commensurate with the discussion he had with the liaison commissioner prior to the hiring and after the interview process.

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Comm. Cooper MOVED to authorize the fifty-cents (\$.50) per hour pay raise, effective May 12, 2004. **Comm. Mann SECONDED** and the **MOTION CARRIED 4-0**.

C. APPROVE JOHN WILKES TO BE PLACED ON PERMANENT STATUS IN ROAD DEPARTMENT:

D. APPROVE RONALD HARPER TO BE PLACED ON PERMANENT STATUS IN ROAD DEPARTMENT:

Commissioner Cooper said that both 'C' and 'D' are Road Department employees that were hired on a probationary status. Mr. Waldron has submitted a letter stating that he is satisfied with their performance and is requesting that they be placed on permanent status and that they be granted the 3% pay raise that the County employees were given last year. This will take them from \$9.00 per hour to \$9.27 per hour. There are adequate monies in the budget.

Comm. Cooper MOVED to approve John Wilkes and Ronald Harper to be placed on permanent status with a 3% pay raise, effective May 12, 2004. **Comm. Mann SECONDED** and the **MOTION CARRIED 4-0**.

E. APPROVE HIRING OF MARJORIE HARDY TO FULL-TIME MAINTENANCE CUSTODIAN AT THE RATE OF \$6.50 PER HOUR AND AFTER SIX-MONTH SATISFACTORY PROBATIONARY PERIOD, A SALARY INCREASE TO \$7.00 PER HOUR, EFFECTIVE MAY 19, 2004—CHAIRMAN JOHNSON/D.Z. GRIFFIS:

Mr. Griffis requested permission to hire Marjorie Hardy as a full-time maintenance custodian at the rate of \$6.50 per hour with an (\$.50) increase upon successful completion of the six-month probationary period. Ms. Hardy's employment would begin on May 19, 2004.

Comm. Thomas MOVED to approve Mr. Griffis' recommendation to hire Marjorie Hardy at the pay rate of \$6.50 per hour with an increase to \$7.00 upon successful completion of the six-month probationary period. **Comm. Cooper SECONDED** and the **MOTION CARRIED 4-0**.

COUNTY ATTORNEY REPORTS: None.

CLERK REPORTS: None.

CHAIRMAN COMMENTS:

Vice-Chairman Hersey commented on the following:

--Brownsfield Designation. He asked Mr. Dinkins to approach the Commission to provide an update.

Mr. Dinkins said that the Board has already adopted the resolution and the map. The next step in the process is to hold an advertised public hearing, which is in accordance with a Florida statute. Since the Brownfield designation covers areas in Hampton, Starke, Lawtey and Brooker, at some point interlocal agreements will be needed. It may be appropriate to invite the cities to attend the public hearing. The

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date and time of the public hearing will need to be posted in the affected areas, so there will be a need for several signs.

Mr. Brown said that he would confer with Mr. Dinkins with regard to the advertisement. The only action needed today is to establish and announce a date and time for the public hearing and authorize the advertisement of the public hearing. It would be appropriate to notify the other governmental agencies of the public hearing and invite them to attend. In the meantime, he will prepare the interlocal agreements.

Comm. Cooper MOVED that a public hearing for the Brownfield Area Designation be held at the Regular Scheduled Meeting of May 20, 2004 beginning at 7:30 p.m.

Commissioner Cooper asked that it be confirmed whether there are zoning matters scheduled for that meeting and perhaps moving the public hearing prior to the zoning issues.

Comm. Thomas SECONDED the motion and the **MOTION CARRIED 4-0.**

Mr. Dinkins said that it may be very helpful if the Board would try to read the packet of information he distributed a couple of months ago prior to the public hearing to help answer any questions that may be asked. They have received a couple of calls from people who are concerned about the Brownfield. It may also be helpful to try to get someone from the state to attend the hearing. It has been said that a number of communities have discovered the Brownfield designation, so the state is worried about having enough money to do what they say they will do, so they are not really supporting us through this process as fast as it could be.

Vice-Chairman Hersey recommended drafting a letter to the state requesting their assistance

Comm. Cooper AMENDED HIS MOTION as follows: that the Brownfield Area Designation public hearing begin at 7:00 p.m., May 20. **Comm. Thomas SECONDED** the amended motion and the **AMENDED MOTION CARRIED 4-0.**

--Vice-Chairman Hersey then reported that the County is in receipt of a letter from the Keystone Airpark Authority requesting financial assistance in the amount of \$500.00 to help defray the cost of the May 15 Northeast Florida Regional Air Show.

Commissioner Cooper said that he feels it is a worthwhile activity. He attended the air show last year and there were people wall-to-wall. That airport is becoming an economic development boom for Bradford County.

Comm. Cooper MOVED to approve the expenditure of \$500.00 out of Board funds. Commissioner Mann concurred with Commissioner Cooper and said that he also attended last year and it is a positive economic development area and something the Commission needs to support, as well as the rezoning and other things that will need to be done. **Comm. Mann SECONDED** the motion.

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Commissioner Thomas said that in the past, the TDC would have funding, however, they have voted to hold all funding and concentrate on a convention center. The Board will probably be receiving more letters of this nature.

Vice-Chairman Hersey encouraged everyone to attend the air show. It is a very impressive program. There being no further discussion, the **MOTION CARRIED 4-0.**

COMMISSIONERS' COMMENTS:

Commissioner Mann commented on the following:

--Gave an update on the progress of the Lincoln City paving project. It should be ready for asphalt in two to three weeks.

--Mr. Kelley contacted him about helping the City of Brooker with the grading of a 200' foot road into their new community center. He would like to work that in with some of the other projects to help them out. The materials they need are already there, it will just be a matter of moving it around and doing a little grading and rolling.

Comm. Mann MOVED to help the City of Brooker with the road. **Comm. Thomas SECONDED** and the **MOTION CARRIED 4-0.**

--They will try to schedule the sewer line project in Lawtey as soon as they are finished in Lincoln City.

--Other projects coming up: ADA compliance for parking at the voting precincts and Santa Fe Community College.

--He would like to begin clearing on Meng Dairy Road within the next two to three weeks.

Commissioner Thomas commented on the following:

--In order to help meet grant deadlines, he requested that Donny Wise be given signature authority for the solid waste grant reimbursement requests.

Mr. Wise said that during the first quarter, Commissioner Cooper was the chairman and was authorized to sign the documents. The second quarter is now due and the state requires something from the Board verifying the name of the current chairman. If the Board wishes to do a resolution granting him signature authority for the next quarter, that will be fine.

After brief discussion, Commissioner Cooper recommended that the Clerk's Office prepare a letter to the appropriate entity identifying the Board's chairman and vice-chairman and it that letter state that each of those have the authority to sign reimbursement requests.

Commissioner Thomas said that he would still like Mr. Wise to be given signature authority for the future.

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Mr. Brown recommended placing the consideration of the adoption of a resolution granting Mr. Wise signature authority on the next agenda.

--A few months ago the Board voted on the Adopt-A-Road Program for Mrs. Sellers. He showed Ms. Sellers a sample of the KTB sign and she liked the sign that was approved by the Board. He has contacted Lisa Hall and advised her to go ahead with the sign.

Commissioner Cooper said that Clayton Sellers is trying to locate material to make the sign. If the County cannot make the sign, we will have to purchase it. He will check with Mr. Sellers and see what the status is.

Commissioner Cooper commented on the following:

--The late night Legislative Session Friday brought good and bad news for Bradford County. What did not come out of the session was funding for the new library. What did come out of that session was an additional half a million dollars for courthouse renovations, the SCRAP and SCOP were combined and funded at \$45 million, and the solid waste grant of \$117,000.00 is going to be increased to \$190,000.00.

He will be meeting with Ms. Henriksen and Mr. Vaughan as the Library Advisory Committee Chairman in the next week or so to look at other options for the library and perhaps bring them back to the Board at a later time.

--The Alachua County Commission has an organization they call the Municipal Traffic Planning Organization (M.T.P.O.), where their County Commission meets with the City Commission and they do major planning for traffic in the Alachua County, Gainesville area. As Mr. Still mentioned earlier regarding the bypass issue, it is time for this County to move forward and create some type of an organization along those lines, especially in light of the information that is coming out regarding the by-pass and whether or not it will be funded by D.O.T.

He would like this Board to sit as an advisory board or some type of planning board with the City of Starke City Commission and perhaps even the school board, because many of the traffic issues affect school issues. We may not be able to fix the HWY 301 traffic problem for the tourist and the truckers, but we should be able to come up with some options to help the local citizens.

If the Board is interested in this process, he will look more closely at what Alachua County has done and begin preliminary discussions with the City of Starke and the school board.

Commissioner Mann said that HWY 301 is part of the S.I.S. program. The traffic is already a problem and with other projects that D.O.T. has in line and with just normal traffic increase, it is going to get worse. The theme of the S.I.S. program is to move traffic and freight fast and this is not going to be done in a town with red lights. The Commission needs to get behind the S.I.S. Program and work out an alternate route to take the truck traffic off of HWY 301.

After brief discussion, there was Board consensus for Commissioner Cooper to begin the process to work toward a solution.

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Clerk Norman reported on the following:

--The County received over \$89,000.00 towards the cost of medical expenses incurred by Inmate Castillo. (Pursuant to this meeting it was determined that the funds received are actually related to Workers' Compensation for Gerald Jackson.)

There being no further business, the meeting adjourned at 10:56 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