

(04-02-07 Regular Meeting)

**MINUTES OF THE
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
MONDAY, APRIL 2, 2007
9:30 A.M.**

The Bradford County Board of County Commissioners convened in regular session on Monday, April 2, 2007, at 9:30 a.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

Present were: Commissioner Hersey, Commissioner Thomas, Chairman Lewis, Commissioner Cooper, and Commissioner Chandler.

Also present were: Jim Crawford, County Manager; June Neats, Administrative Assistant; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; Terry Brown, County Attorney; Alex Hinely, County Planner; Ron Lily, Chamber of Commerce CEO; Angela Macey, Community Development Director; Donny Wise, Solid Waste Director; Nelson Green, Emergency Services Director; Sheriff Milner; Mark Crawford, Press; Brian Johns, Emergency Management Director; Nora Thompson, Zoning Director; Percy Sullivan, Fire Chief.

(See Supplement File No. 04-02-07 for a copy of documentation presented at this meeting.)

CALL TO ORDER

Chairman Lewis called the meeting to order at 9:30 a.m.

INVOCATION / PLEDGE OF ALLEGIANCE

Sheriff Milner offered the Invocation and led the Pledge of Allegiance.

CONSENT AGENDA

- A. Minutes of Regular Scheduled Meeting of February 15, 2007**
- B. Minutes of Regular Scheduled Meeting of March 5, 2007**
- C. Minutes of Regular Scheduled Meeting of March 15, 2007**
- D. S.H.I.P. Loans**

On Motion of Commissioner Thomas, Seconded by Commissioner Cooper, the Board unanimously approved the [Consent Agenda](#) in its entirety.

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PROCLAMATIONS:

--CHILD ABUSE PREVENTION MONTH – ANDREA WATERHOUSE / LISA BARNETT:

Ms. Waterhouse, Ms. Barnett and Gayle Nicula presented the proclamation.

Commissioner Cooper read the title into the record:

“A PROCLAMATION RECOGNIZING THE MONTH OF APRIL 2007 AS CHILD ABUSE PREVENTION MONTH.”

On Motion of Commissioner Cooper, Seconded by Commissioner Thomas, the Board unanimously proclaimed the Month of April 2007 as Child Abuse Prevention Month.

**COMMUNITY DEVELOPMENT BLOCK GRANT FAIR HOUSING WORKSHOP (ADVERTISED)—
MARTHA ORTHOEFER:**

Ms. Orthoefer reviewed the various aspects of the Fair Housing Program via a [Power Point presentation](#).

PUBLIC HEARINGS:

--SECOND PUBLIC HEARING ON CDBG GRANT APPLICATION – MARTHA ORTHOEFER:

Ms. Orthoefer announced that the grant application is for \$750,000.00. There will be a \$250,000.00 match from S.H.I.P. funds. Ms. Orthoefer reviewed the grant requirements. The application is due April 20th.

Chairman Lewis opened the public hearing. There being no response, the public hearing was closed.

RESOLUTIONS (RELATING TO THE CDBG GRANT APPLICATION):

--ADOPTING AN AMENDED COMMUNITY PLAN:

On Motion of Commissioner Chandler, Seconded by Commissioner Hersey, the Board unanimously adopted the resolution. (The Resolution was assigned [No. 07-06.](#))

--ADOPTING AN AMENDED TRANSITION PLAN TO INCREASE HANDICAPPED ACCESSIBILITY:

On Motion of Commissioner Cooper, Seconded by Commissioner Thomas, the Board unanimously adopted the resolution. (The Resolution was assigned [No. 07-07.](#))

--ADOPTING FISCAL YEAR 2007 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM HOUSING ASSISTANCE PLAN:

On Motion of Commissioner Hersey, Seconded by Commissioner Thomas, the Board unanimously adopted the resolution. (The Resolution was assigned [No. 07-08.](#))

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--COMMITTING MATCHING FUNDS FOR THE FISCAL YEAR 2007 FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING AUTHORITY:

On Motion of Commissioner Thomas, Seconded by Commissioner Hersey, the Board unanimously adopted the resolution. (The Resolution was [assigned No. 07-09.](#))

--AUTHORIZING THE FILING OF A FISCAL YEAR 2007 FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION APPLICATION WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS:

On Motion of Commissioner Chandler, Seconded by Commissioner Thomas, the Board unanimously adopted the resolution. (The Resolution was [assigned No. 07-10.](#))

Commissioner Cooper asked Ms. Macey if the \$250,000.00 match has been budgeted. Ms. Macey indicated in the positive.

WORKFORCE BOARD AGREEMENT – CELIA CHAPMAN / ANGELA PATE:

Administrative Coordinator Celia Chapman addressed the Commission. Ms. Chapman [reviewed the minor changes](#) being made to the Alachua-Bradford Regional Workforce Board Interlocal Agreement.

Commissioner Chandler said that all the proposed amendments are basically cosmetic and will enhance the Workforce Board.

On Motion of Commissioner Chandler, Seconded by Commissioner Thomas, the Board unanimously approved the [Amended Interlocal Agreement](#). Ms. Chapman expressed her appreciation to Commissioner Chandler and the Chamber of Commerce for their assistance.

REPORT ON INMATE CATASTROPHIC SHANDS HOSPITAL BILL – SHERIFF MILNER:

While referencing a [memo](#) provided to the Commission, Sheriff Milner explained that the bill came to just under \$100,000.00. However, the County's contract with Shands discounted that bill to \$71,450.41. Sheriff Milner requested the Board to authorize the Clerk to pay the three bills totaling that amount. The Hunt Group will subsequently reimburse everything above the \$20,000.00 deductible.

(A mistake was found on the memo provided by the Sheriff. The correct amounts are as follows):

Shands AGH	\$71,450.41
AGH Anesthesiology	\$ 3,809.70
Florida Clinical Practice	<u>\$11,689.20</u>
TOTAL	\$86,949.31

Sheriff Milner said that his office has already paid \$4,213.89, of which he will not receive reimbursement.

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Chairman Lewis inquired about a funding source for the deductible. Mr. Crawford said that he is looking at several unbudgeted shortfalls. He will speak with the Sheriff concerning the \$20,000.00 deductible.

There was brief discussion.

On Motion of Commissioner Cooper, Seconded by Commissioner Thomas, the Board unanimously authorized payment of the \$86,949.31.

Commissioner Cooper pointed out that this inmate was in jail due to one continuance after another in the criminal court system.

PAYMENT OF BILLS – COMMISSIONER THOMAS:

On Motion of Commissioner Thomas, Seconded by Commissioner Hersey, the Board unanimously approved payment of the bills as reviewed. (A list of the bills is located in the Finance Department of the Office of the Clerk.)

PUBLIC COMMENTS: None.

COUNTY ATTORNEY REPORTS – TERRY BROWN:

A. Quasi-Judicial Proceeding Ordinance

Mr. Brown said that he has distributed copies of a draft ordinance, which will provide legal authority for the Commission to defer land use issues to either an administrative law judge or to a hearing officer in the event that the Commission finds that it cannot hear the matter. This is something that has been discussed several times. The Planning Council does not like the ordinance. Mr. Brown requested permission to advertise the ordinance.

Commissioner Cooper said that he understands that a hearing officer will hear testimony, make findings of fact and ultimately make a recommendation to this Board. However, how can the Commission recuse on the front end due to ex parte communications or whatever the reason may be, and then ultimately make the final decision.

Mr. Brown said that the Commission would still make the final decision. Under the law, that ultimate decision cannot be delegated to a third party. A commissioner would still have to recuse himself should they have a personal or family interest in the issue. When it comes to the Commission for final decision it is not a "hearing", the Commission is just considering the recommendation of the hearing officer. The Commission will be "rubber-stamping" the recommendation unless it is determined that the recommendation is in error.

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Commissioner Thomas asked where responsibility lies in terms of the costs associated with a hearing officer. Mr. Brown said that it is the County Commission making the decision to refer the issue, so it is the Commission's responsibility.

On Motion of Commissioner Cooper, Seconded by Commissioner Thomas, the Board unanimously approved to move forward with the advertisement of the ordinance as proposed.

B. Shands Hospital Bill / Walter Henderson

Mr. Brown referenced a [letter](#) written to Mr. Crawford in February. This relates to a bill dating back to September of 2005. Shands has advised that they will no longer provide services to the County or the Sheriff's Department until this bill is paid. Mr. Brown explained the circumstances surrounding the bill. Based on Florida Statute 901.35, the County is responsible for the bill.

Sheriff Milner made additional comments.

At the request of Commissioner Cooper, Mr. Crawford advised that the bill is \$28,147.11. Mr. Brown said that Shands has given the standard discount afforded to the Sheriff's Office of 35%, bringing it to \$18,295.62. Mr. Brown requested authorization for payment of the bill.

Commissioner Cooper said that the statute should be changed.

On Motion of Commissioner Cooper, Seconded by Commissioner Thomas, the Board unanimously authorized payment of the bill.

Mr. Crawford inquired about the possibility of seeking insurance to cover such items. Sheriff Milner advised that the County is covered as a secondary party on his insurance, including catastrophic, through the Hunt Insurance Group. However, that is for inmates. In this instance, the individual had been arrested, but had not been booked into the jail. He is checking on a possible "rider" for indigent care.

There was discussion regarding the verbiage of F.S. 901.35,

C. Impact Fee Ordinances

Mr. Brown advised that the drafts are not ready. They should be ready in the next day or two and will be distributed to the Commissioners. He requested permission to move forward to advertisement and to schedule the public hearings. In consultation with the County Manager, it is his understanding that the ordinances will include the maximum amounts recommended by Dr. Nichols, but can be reduced. If a lesser amount is advertised, you cannot increase. The ordinances require two readings.

Mr. Crawford said that the table provided to the County Attorney includes the impact fee amounts based upon development. He does not want to advertise the recommended full impact fee again; there have already been two public hearings on that. The Commission has reached an agreement on the amount to begin with. The table is keyed to increase the fees based upon the number of building permits issued.

Commissioner Cooper said that as part of the process, the Board has to officially accept the Impact Fee Study, which provides the ceiling for the impact fee amounts. By accepting the study, adopting the ordinances with a lesser amount would not preclude an increase, should the need arise.

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Mr. Brown said that the advertisement itself would not contain actual amounts. The ordinances will have the scheduling mechanism in them in terms of automatic increases. It is his understanding that if all thresholds are met, that eventually the ordinance will go up to the maximum amount recommended. If the Commission decides the recommended amount is too high, those amounts can be adjusted when they are considered for enactment.

Discussion ensued.

Commissioner Cooper recommended pushing the impact fee start date to October 1, 2007, to coordinate with the fiscal year.

Commissioner Hersey said that he does not want to slow down the process, but he would like to see the ordinances in final form before they are advertised. Mr. Brown advised that copies would be provided before the end of the week.

On Motion of Commissioner Cooper, Seconded by Commissioner Hersey, the Board unanimously authorized the advertisement of the ordinances.

COUNTY MANAGER REPORTS – JIM CRAWFORD:

Mr. Crawford said that the Board has submitted comprehensive plan amendments involving urban development areas (UDA), together with two land development regulation amendments, to DCA. DCA has a concern with the proposed UDA in the Keystone Heights area regarding septic systems. Mr. Crawford recommended pulling out the two-land development regulation amendments to get them going and to resubmit the UDA amendments at a later date. This will provide time for additional research to address the concerns.

This spurred discussion.

On Motion of Commissioner Hersey, Seconded by Commissioner Cooper, the Board unanimously approved to pull the UDA Amendments from the Comprehensive Plan Amendments and resubmit in June.

A. Road Paving Update

Mr. Crawford gave an update of the [fiscally constrained](#) road projects.

Ellington Construction is working on 35th Street and 44th Street, which were to be complete on the 18th of March. The delay has created problems for the residents. He has written a letter to Ellington advising that they have exceeded the contract date and requested a time-certain completion date. There is a penalty clause of \$400.00 per day.

B. SCRAP and SCOP Projects for FY 2008-2009

Mr. Crawford reviewed the [list](#) of roads being submitted to FDOT under SCRAP and SCOP.

There was brief discussion.

On Motion of Commissioner Cooper, Seconded by Commissioner Thomas, the Board unanimously approved to submit the list as presented.

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--Mr. Crawford reported that the County should net about \$32,000.00 from the surplus equipment sale. The parcel of property in Keystone sold for \$36,000.00. Normally, these funds would go back to the department they came from. However, he would like the Board to consider putting these funds into the Special Road Project Fund.

On Motion of Commissioner Hersey, Seconded by Commissioner Thomas, the Board unanimously approved to place these revenues in the Special Road Project Fund as requested.

CLERK REPORTS – RAY NORMAN:

Clerk Norman presented an emergency item to the Commission. The x-ray screening machine used for courthouse security is not working and is not economically suitable for repair. Lieutenant Russell solicited and received several [quotes](#). Sheriff Milner and Lieutenant Russell can provide details.

Sheriff Milner and Lieutenant Russell provided a history of the existing x-ray machine, courthouse security requirements, and reviewed the quotes received. Lieutenant Russell said that only two of the five quotes were under state contract or GSA price: L-3 Communications and Control Screening. The machine provided by Control Screening is much cheaper and is a better machine. He recommended purchasing a new machine from Control Screening.

On Motion of Commissioner Thomas, Seconded by Commissioner Cooper, the Board unanimously declared this item an emergency.

Chairman Lewis asked for clarification regarding the quote amount of \$24,300.00.

Lieutenant Russell said that the \$24,300.00 includes the service contract, which does not have to be purchased right away. The machine, plus shipping, is \$19,850.00 and includes a one-year warranty. A one-year service contract is \$4,500.00. The service contract could be purchased six months into the one-year warranty period.

Clerk Norman said that the funds are available in the budget. A request has been submitted for a refund for the maintenance contract recently paid for on the existing machine.

On Motion of Commissioner Thomas, Seconded by Commissioner Hersey, the Board unanimously approved to purchase the x-ray screening machine from Control Screening for \$19,850.00.

COMMISSIONER'S COMMENTS:

Commissioner Chandler:

--At the most recent Workforce Board meeting it was brought to their attention that Bradford County would like them to do a better job assisting with Economic Development. The City of Gainesville and Alachua County have an Economic Impact Plan in place, which enables them to do a better job. Bradford County does not have such a plan. He would like this Board to begin working with the City, the Chamber and the School Board to develop a plan.

Commissioner Lewis asked Mr. Crawford to work toward that goal.

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--Bradford County desperately needs more low to moderate-income housing. He has spoken to Ms. Macey in that regard and he would like her to research the possibility of procuring federal funding to support the need.

Commissioner Cooper:

--Briefly addressed the status of the property tax reform debate.

CHAIRMAN COMMENTS – EDDIE J. LEWIS:

--Reminded the Commission of the workshop with the City of Starke scheduled for April 3, beginning at 5:00 p.m., at the City Hall. The topic of discussion is the Interlocal Agreements between the County and the City.

ADJOURN

There being no further business, the meeting adjourned at 10:54 a.m.

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

EDDIE J. LEWIS, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK OF COURTS

Minutes typed by Marlene Stafford, Deputy Clerk