

**MINUTES OF
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING 9:30 A.M.
MONDAY, OCTOBER 3, 2011**

The Bradford County Board of County Commissioners convened in a regular meeting on Monday, October 3, 2011, at 9:30 a.m., in the County Commission Chambers at 945 North Temple Avenue, Starke, Florida.

PRESENT: Chairman Lewis, Commissioner Thomas, Commissioner Riddick, Commissioner Sellars and Commissioner Chandler.

ALSO PRESENT: Brad Carter, County Manager; Will Sexton, County Attorney; Rachel Rhoden, Administrative Assistant; Ray Norman, Clerk of Courts, Marlene Stafford, Deputy Clerk; Jim Farrell, Finance Director; Christopher Thurow, I.T. Director; Paul Funderburk, Road Superintendent; Allen Parrish, Emergency Services Director; Sheriff Smith; Capt. Boatwright; Capt. Smith; Capt. Starling; Donny Wise, Solid Waste Director; Kelly Canady, Community Development Director; Robert Perone, Library Director; Tim Wilson, CED; Christopher Thurow, I.T. Director; Mark Williams, M&R Construction; Mark Crawford, Press; and Ray Shuford, Sheriff's Office I.T. Director.

CALL TO ORDER: Chairman Lewis called the meeting to order at 6:30 p.m.

Chairman Lewis recognized Mr. Carter, who introduced Ms. Sally Armstrong, the County's new Zoning and Building Clerk. Ms. Armstrong will be in training with Ms. Hudson for the next couple of weeks. Mr. Carter thanked the Sheriff's Office staff for their assistance in helping the transition go smoothly.

PUBLIC COMMENTS:

Mr. Gary Brewer, 22583 NE 1st Street, Lawtey – Request for Refund for Building Permit

He purchased a building permit in 2004 for a mobile home. He had the mobile home moved to the lot and had a problem with the septic tank and had to wait on the Lawtey sewer project, which took almost six years. In the meantime, he was diagnosed with leukemia. He recently contacted the Building Department about getting the permit re-issued and was informed that the 1973 mobile home was illegal and he should never have never been issued a permit. He paid \$1,000 to have the mobile home installed and now it has no useful purpose. Mr. Brewer asked the Commission to consider refunding him the \$1,000.00 he has invested in the mobile home.

Mr. Carter said that it was inappropriate for the Building Official at that time to issue a permit for this mobile home. Mr. Brewer was advised that since he has already paid for a building permit, the fee for a new building permit could be waived, which has been done in previous similar situations. However, reimbursement of his expenses is not something that the Board has approved in the past and that he would have to consult with counsel.

Mr. Sexton advised that it is Mr. Brown's opinion the County should not, and has not in the past, approved reimbursement for such expenses and doing so this time would set a precedent for the future, which concerns him. Since Mr. Brewer has paid a permit fee, Mr. Brown does not have a problem with waiving the fee for a new permit.

After brief discussion, the Board concurred with Mr. Brown's recommendation and agreed to waive a new permit fee.

CONSENT AGENDA

- A. CONSIDER APPROVAL OF ACS ENTERPRISE SOLUTIONS, INC. ANNUAL MAINTENANCE CONTRACT (\$6,650.28—Increase of \$316.68 from last year's contract.)
- B. CONSIDER APPROVAL OF PROCLAMATION—NATIONAL 4-H WEEK—OCTOBER 2, 2011 – OCTOBER 8, 2011
- C. CONSIDER APPROVAL OF INVENTORY SURPLUS LIST
- D. CONSIDER APPROVAL OF PROPOSAL ON FOUR-YEAR LEASE AGREEMENT FOR PRINTER (\$2,715.48 per year. Reduction of \$881.40 from previous agreement).

*Commissioner Chandler moved, seconded by Commissioner Sellars, and **carried 5-0, to approve the [Consent Agenda](#) in its entirety.***

PAYMENT OF BILLS—COMMISSIONER THOMAS:

*Commissioner Thomas moved, seconded by Commissioner Chandler, and **carried 5-0, to approve payment of the bills as reviewed.*** (A list of the bills is on file in the Finance Department of the Office of the Clerk.)

COUNTY ATTORNEY REPORTS—WILL SEXTON:

Mr. Sexton gave an update on matters relating to the **North Florida Broadband Authority (NFBA)**. Just over two years ago, the Board entered into an Interlocal Agreement with fourteen (14) counties and eight (8) cities in the region to create the North Florida Broadband Authority, for the purpose of applying for federal grant funds. The Broadband Authority was awarded approximately a \$30,000,000.00 grant, which was a part of the President's Stimulus Plan to bring broadband internet access to this region.

The Broadband Authority hired as its Project Manager, the grant writer for the project, Robert Sheets and his firm, Government Services Group, and hired as its legal counsel Nabors, Giblin and Nickerson. The Bradford County Commission had the foresight to appoint Christopher Thurow, as Bradford County's representative on the NFBA. Mr. Thurow is the only member of the NFBA with substantive technical knowledge about the project and was appointed Chairman of the Operations Committee, which oversaw the implementation of the grant and the project.

(10-03-11 Regular Scheduled Meeting)

Mr. Thurow almost immediately had concerns about the consultant's ability to implement the grant, both technically and in the timeline required by the federal government. He repeatedly raised these concerns to the law firm's representative for the NFBA and him and she together came to an understanding that there were problems with Mr. Sheets, Government Services Group and the ability of this project to meet its benchmarks from the federal government. Before they had an opportunity to present the concerns to the full board, she left her position at the law firm and new counsel was appointed, which approximately corresponded with the end of Mr. Thurow's one-year term as Operations Committee Chairman. At approximately that same time, the federal government began to have the same or similar concerns and initiated an investigation of its own. There was an investigation by NTIA (National Telecommunications and Information Authority) and the Office of the Inspector General at the Department of Commerce.

Since then the NFBA has received three letters from the federal government. First, suspending work on the project until questions were answered. The NFBA responded, but not to the satisfaction of the federal government. The second letter had follow-up questions, which were not responded to appropriately. The final letter they received on September 21 required them to stop work on the project pending further investigation.

The concerns for Bradford County are:

- 1) Bradford County has supported bringing broadband internet access to the region and very much wants the project to continue to move forward.
- 2) In the event the project cannot move forward because the NFBA is unwilling to do what the federal government has asked of them, what liability Bradford County might have as a member of the group potentially to pay back sums spent thus far, or
- 3) If it is determined that the grant was improperly administered or that there was some malfeasance on the part of the NFBA, the penalty that the federal government often imposes is that you cannot apply for other federal grants for a certain period of time.

The NFBA has a deadline of October 10 to respond to the most recent letter from the federal government. They have authorized payment of a \$10,000.00 retainer to a law firm in Washington D.C. to assist them in negotiating with NTIA. Their hope is that that law firm will assist them in accomplishing what the federal government wants. Unfortunately, it appears that part of what the federal government wants is for them to get rid of their consultant and their law firm and to hire someone new who can get the project back on its timeline. However, thus far they have been unwilling to do that in a vote of "everybody on the board to one", Bradford County being the lone dissent.

Mr. Sexton asked for direction from the County Commission on how to proceed. The County can do anything from just continuing to participate, listen and vote accordingly, to as far as withdrawing its membership from the NFBA. Regardless, he would like permission to contact the federal government directly and ask what Bradford County can do to protect itself from any kind of financial responsibility and to insure that Bradford County is not included with the NFBA's penalty of not being able to apply for future federal grants.

There was extensive discussion.

In response to inquiry by Clerk Norman, Mr. Thurow advised that the NTIA has assured that should the project move forward and if Bradford County withdraws from the project, this service area will still be covered and be able to utilize the services.

Following additional discussion, there was Board consensus to approve Counsel's recommendation to contact the federal government and to keep the County Commission informed.

SHERIFF REPORTS—GORDON SMITH: None.

CLERK REPORTS—RAY NORMAN: None.

COUNTY MANAGER REPORTS—BRAD CARTER:

A. RESOLUTION—APPROVING SMALL COUNTY ROAD ASSISTANCE SUPPLEMENTAL #1 AGREEMENT FOR THE RESURFACING OF CR230A FROM CR100A TO SR230 (ADDITIONAL CONSTRUCTION FUNDS OF \$66,400.00)

Mr. Carter presented the resolution for consideration and read the title into the record. The additional funds will be used to widen CR230A to match the rest of the Griffis Loop and SE 144th.

*Commissioner Thomas moved, seconded by Commissioner Sellars, and **carried 5-0, to adopt the Resolution as presented.*** (The [Resolution was assigned No. 2011-20.](#))

B. RESOLUTION—REDISTRICTING PROCESS

Mr. Carter presented the resolution for consideration and read the title into the record.

*Commissioner Sellars moved, seconded by Commissioner Thomas, and **carried 5-0, to adopt the Resolution as presented.*** (The [Resolution was assigned No. 2011-21.](#))

- Mr. Carter read into the record, an [appreciation letter](#) from The Vineyard Worship Center, True Vine Ministries, thanking the County Commission for its support of the Health and Wellness Fair.

Commissioner Chandler personally expressed his appreciation to the Commission and all the County agencies and volunteers for their help and support of the Health and Wellness Fair. The vendors were very pleased and have already asked if they can return. The Fair was very well attended and helpful to the community. They plan on hosting the event again next year.

- Mr. Carter proposed changing the October mid-month meeting from the 20th to the 13th, to allow staff to attend necessary training.

There was Consensus to approve the meeting change as requested.

COMMISSIONER'S COMMENTS:

Commissioner Riddick commented on the following:

- The Speedville Homecoming was a great success. He expressed appreciation to all those who gave of their time to help.

CHAIRMAN COMMENTS—EDDIE J. LEWIS:

Chairman Lewis inquired of Marianne Marshall concerning the status of Rails for Trails. Ms. Marshall advised that she would provide each Commissioner with a copy of the map, which delineates what is paved and what is proposed.

A. RESOLUTION—ENCOURAGING THE US POSTAL SERVICE TO RECONSIDER ITS DECISION TO CLOSE THE GRAHAM, FLORIDA POST OFFICE

Chairman Lewis read the title into the record.

*Commissioner Thomas moved, seconded by Commissioner Sellars, and **carried 5-0, to adopt the Resolution as presented.*** (The [Resolution was assigned No. 2011-22.](#))

ADJOURN

There being no further business, the meeting adjourned at 10:08 a.m.

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

CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK OF COURTS

Minutes prepared by Marlene Stafford, Deputy Clerk