

BOARD OF COUNTY COMMISSIONERS
MEETING MINUTES
May 6, 2019
County Commission Chambers
945 North Temple Avenue
Starke, FL 32091
Regular Meeting
9:30 a.m.



PRESENT: Commissioner District 5 Chairman Frank Durrance
Commissioner District 3 Vice-Chairman Chris Dougherty
Commissioner District 2 Commissioner Kenny Thompson
Commissioner District 4 Commissioner Danny Riddick

ABSENT: Commissioner District 1 Commissioner Ross Chandler

ALSO PRESENT: Brad Carter, County Manager; Rachel Rhoden, Deputy County Manager; Will Sexton, County Attorney; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; Jim Farrell, Finance Director; Mark Crawford, Press; Tyler Roddenberry, I.T. Manager; Chris Thurow, I.T. Director; Ian Waters, Technical Systems Administrator; Ben Riggs, I.T. Support Specialist; Allen Parrish, Emergency Medical Services Director; Jason Dodds, Road Superintendent; Benji Bennett, Fire Department; Robert Perone, Library Director; Kelly Canady, Community Development Director; Bennie Jackson, Solid Waste and Mosquito Control Director; Bradford County Jail Staff; Teresa Phillips, Tax Collector; Lt. Shuford, Emergency Management Director; Pam Whittle, Chamber President; Sheriff Smith, Major Smith, Major Thompson, and Security Officers.

CALL TO ORDER: Chairman Durrance called the meeting to order at 9:30 a.m.

1. PUBLIC HEARING—RESOLUTION FOR CLOSING AND ABANDONING A PORTION OF S.E. 20th AVENUE—Will Sexton, County Attorney:

Mr. Sexton read the resolution by title and presented it for consideration. The applicants and the opposing party are both present with counsel.

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

*Commissioner Riddick moved, seconded by Vice-Chairman Dougherty, and **carried 4-0, to close the road as read by resolution, and to direct Mr. Sexton to delay filing the resolution to give the parties a few more days to resolve their problem.** ([Agenda Information Sheet](#)) ([Resolution No. 2019-25.](#))*

(05-06-19 Regular Meeting)

2. PUBLIC COMMENTS (Forms):

Chairman Durrance recognized the following individuals, who presented comments on the subject matter(s) noted:

Paul Still:

- Changes to county management.
- Evaluations of both the county manager and the county attorney.
- Pending ADA lawsuit and representation-Item 5.C.
- Water Oak Creek project-Item 6.A.

Chairman Durrance expressed appreciation to Mr. Still for his efforts toward ecotourism.

Jim Tatum:

- Proposed phosphate mine and failure of the Department of Environmental Protection to protect Bradford County.

Percy Sullivan:

- Fire Department (ISO ratings, Fire Chief, FDID number).

3. CONSENT AGENDA:

- A. MINUTES OF 04-01-19 REGULAR MEETING AND WORKSHOP
- B. MINUTES OF 04-04-19 WORKSHOP WITH CITY OF STARKE
- C. CONSIDER APPROVAL OF A CONTRACT AGREEMENT WITH SUBURBAN CARPET CLEANERS, INC. FOR FLOOR CARE SERVICES (BoCC awarded the bid on 12-03-18)
- D. APPLICATION TO AMEND SECTION 4.14.2 OF THE LAND DEVELOPMENT REGULATIONS TO DELETE AUTOMOTIVE SELF SERVICE STATION AS A PERMITTED PRINCIPAL USE AND STRUCTURE WITHIN "CG" COMMERCIAL GENERAL
- E. CERTIFICATION OF FLORIDA HOUSING FINANCE CORPORATION (Retroactively approved by Chairman Durrance on 04-29-19)
- F. INVENTORY SURPLUS LIST

Responding to inquiry by Vice-Chairman Dougherty, Mr. Sexton clarified Item D by stating that the proposed text amendment would prohibit automotive self-service stations within Commercial General as a use by right, but would be a use permitted by special exception.

*Vice-Chairman Dougherty moved, seconded by Commissioner Riddick, and **carried 4-0, to approve the Consent Agenda.***

4. APPROVE PAYMENT OF BILLS—Commissioner Thompson:

Commissioner Thompson moved, seconded by Commissioner Riddick, and **carried 4-0, to approve payment of the bills.** (The Distribution List is on file in the Finance Department of the Office of the Clerk of Courts.)

5. COUNTY ATTORNEY REPORTS—Will Sexton:

- A. FLORIDA JOB GROWTH INFRASTRUCTURE GRANT AGREEMENT BETWEEN BRADFORD COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR CONSTRUCTION OF AN ACCESS ROAD TO THE KEYSTONE HEIGHTS AIRPORT AND ENHANCEMENT OF BROADBAND THROUGH INSTALLATION OF FIBER OPTIC (Grant proposal approved by the BoCC on 09-05-17)**
ASSOCIATED COST: \$2.3 MILLION

Mr. Sexton presented a resolution authorizing the Board to enter into a contract with the State of Florida Department of Economic Opportunity to implement the Florida Job Growth Infrastructure Grant.

There was brief discussion with regard to correcting the signature line for the Board from prior Chairman Chandler to current Chairman Durrance.

*Vice-Chairman Dougherty moved, seconded by Commissioner Thompson, and **carried 4-0, to adopt the Resolution.** ([Resolution No. 2019-26.](#))([Grant Agreement](#))*

Vice-Chairman Dougherty asked Mr. Thurow, who is the project manager, to provide updated status reports before each meeting, to either Mr. Sexton or the County Manager's Office, who can then pass it on to the Board.

- B. JOHN DEERE FINANCIAL LEASE AGREEMENT ONE (1) JOHN DEERE 644K WHEEL LOADER W/4 IN 1 MP BUCKET (Total cost - \$221,850.00), AND ONE (1) JOHN DEERE 644K WHEEL LOADER (Total cost - \$209,760.00). TOTAL ANNUAL COST - \$53,585.000 (Lease proposal approved by BoCC on 02-04-19)**

Mr. Sexton presented the lease agreement for consideration.

For clarification purposes, for the benefit of the public, Chairman Durrance stated that the county is not getting two more loaders, these loaders are replacing two loaders which lease has expired.

*Commissioner Thompson moved, seconded by Commissioner Riddick, and **carried 4-0, to approve the lease agreement.***

C. REPORT ON COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF FILED BY JOEL PRICE ALLEGING VIOLATIONS OF AMERICANS WITH DISABILITIES ACT WITH RESPECT TO BRADFORD COUNTY'S WEBSITE AND REQUEST TO RETAIN THE SERVICES OF BELL & ROPER, P.A. TO REPRESENT BRADFORD COUNTY IN THIS MATTER

ASSOCIATED COST: Unknown

RECOMMENDED MOTION: "To approve the engagement of Bell & Roper, P.A. to represent Bradford County in the Joel Price/Website ADA litigation."

Mr. Sexton explained that many Florida local governments have been sued by Joel Price over alleged violations of the American's with Disabilities Act with respect to their website. The complaint alleges that Mr. Price attempted to access information on Bradford County's website and was unable to do so because he is visually impaired.

Based on information received from Florida Association of Counties, he and Mr. Thurow met late last year and determined that it would be in Bradford County's best interest to engage the services of a consultant who studies website ADA compliance. Within the last 30 days, a new website has been rolled out that is as compliant as it can be today. Part of the issue is that there is no guidance from the federal government or from the justice department on how to make a website ADA compliant.

The lawsuit was submitted to the county's insurance carrier (FACT), who denied the claim. The technicalities of the county's policy are such that they are not required to provide coverage because there was no "damage", like in the instance of a "slip and fall". This leaves the County requiring someone with expertise to defend this type lawsuit. FACT steered him to reach out to Bell & Roper, P.A., which is a firm who has represented Bradford County in the past and has significant experience representing Florida counties and cities on these website ADA claims by Mr. Price.

Mr. Sexton recommended the Board authorize him to engage the law firm of Bell & Roper, P.A. to represent Bradford County in this case. Once they get on board they will be happy to make a presentation to the Board on their strategy on how to best represent the county and what strategy to best take. A prevailing strategy in these cases is to settle as early as possible. The primary damage is the attorneys' fees the ADA statute allows. So the earlier you settle, if you are going to settle, the lower those attorneys' fees are. The Board is not obligated to put out an RFQ for a law firm. However, if the Board would rather do so, or have him get other proposals, he would be happy to.

Clerk Norman concurred with Mr. Sexton's recommendation.

Vice-Chairman Dougherty presented comments with regard to the complexity, if not impossibility of fully complying with the ADA requirements.

Chairman Durrance concurred with Vice-Chairman Dougherty. The county should be diligent to avoid any issues.

*Vice-Chairman Dougherty moved, seconded by Commissioner Thompson, and **carried 4-0, to approve the engagement of Bell and Roper, P.A., as requested.** ([Back-up documentation.](#))*

D. DIRECTION TO STAFF REGARDING NEGOTIATION RELATED TO THE REQUIRED UPDATES TO INTERLOCAL AGREEMENTS WITH STARKE, LAWTEY, HAMPTON AND BROOKER FOR THE DISTRIBUTION OF LOCAL OPTION FUEL TAX (1-5 Cent and 1-6 Cent) PROCEEDS

ASSOCIATED COST: Unknown

RECOMMENDED MOTION: “To authorize staff to discuss and negotiate revised interlocal agreements with Starke, Lawtey, Hampton and Brooker regarding the distribution of the proceeds associated with the Local Option Fuel Taxes.

Mr. Sexton stated that it is time to review the distribution levels of the proceeds of the local option fuel taxes and update the interlocal agreements with each municipality. If the Board does not take action, the state will set a default share distribution based on expenditure history. Municipalities would be better served using a percentage share based on population.

Mr. Sexton requested permission to meet with representatives from each municipality to discuss the options.

Commissioner Riddick moved, seconded by Vice-Chairman Dougherty, and carried 4-0 to authorize staff to meet with Starke, Lawtey, Hampton and Brooker to get this resolved. ([Back-up documentation.](#))

6. SHERIFF REPORTS—Sheriff Smith:

Sheriff Smith deviated from the order of the agenda to address item “C”—NATIONAL CORRECTIONAL PROFESSIONALS WEEK:

As a demonstration of appreciation to his staff, Sheriff Smith read a proclamation signed by President Reagan in 1984, proclaiming the week beginning May 6 as “National Correctional Officers’ Week”.

Sheriff Smith then presented the Board with a title to a van for use in the Road Department.

Lt. Shuford reported that as of May 19, 2019, the USDA grant is complete and funding ceased. On that same date, the gates at Three Pipes were closed and have remained closed, except for a small stream of water to protect downstream needs.

A. CONSIDER RETROACTIVE APPROVAL (Approved by Chairman Durrance on 04-15-19) OF A RIVER COST SHARE PROGRAM APPLICATION FOR WATER OAK CREEK FLOOD ABATEMENT PROJECT WITHIN NEW RIVER THROUGH SUWANNEE RIVER WATER MANAGEMENT DISTRICT. TOTAL ESTIMATED PROJECT COST - \$1.3 million (No County Match Required)

Lt. Shuford presented the application for retroactive approval. If the project is funded, it will be a multi-year project. Responding to inquiry by Chairman Durrance, Lt. Shuford explained the need for retro-active approval, which is the same as “B” below.

Commissioner Thompson moved, seconded by Commissioner Riddick, and carried 4-0, to [approve the application \(retroactive to 04-15-19\).](#)

B. CONSIDER RETROACTIVE APPROVAL (Approved by Chairman Durrance on 04-15-19) OF A RIVER COST SHARE PROGRAM APPLICATION FOR ALLIGATOR CREEK WATER QUALITY IMPROVEMENT PROJECT THROUGH SUWANNEE RIVER WATER MANAGEMENT DISTRICT. TOTAL ESTIMATED PROJECT COST - \$150,000.00 (No County Match Required)

Lt. Shuford presented the application for consideration.

Vice-Chairman Dougherty, seconded by Commissioner Thompson, and carried 4-0 to approve the application (retroactive to 04-15-19).

C. NATIONAL CORRECTIONAL PROFESSIONALS WEEK

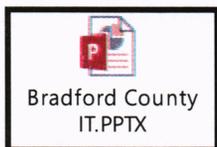
(This item was handled above.)

7. CLERK REPORTS—Clerk Norman:

A. INFORMATION TECHNOLOGY DEPARTMENT PRESENTATION

Clerk Norman thanked the Board for the opportunity and time afforded to the Information Technology Department to make the presentation. Clerk Norman made brief comments about the I.T. Department specifically expressing appreciation to them for the services they provide to the county.

Mr. Chris Thurow, Director of Information Technology approached the Commission. A PowerPoint presentation was provided. Each staff member made presentations for their respective areas of expertise.



The presentation was limited to but included:

- Vision
- Growth of the I.T. Department
- Partnerships and Collaborations
- Airport Grant
- Services Provided / Help Desk
- Network, Security and Compliance
- Projects (Recent and Current)
- Radio / Phone Systems
- Competitive Purchasing (Savings to County)

8. COUNTY MANAGER’S REPORTS—Brad Carter:

Mr. Carter commented on the excellent services provided by the Information Technology Department.

Mr. Carter deviated from the agenda to allow Ms. Patricia Evans to report on two (2) grant opportunities available through the Department of Economic Opportunity.

Ms. Evans stated that the North Florida Economic Development Partnership provided information on two grant opportunities for which they wish to submit an application. The application timetable is very tight. Both grants must be used for economic development and marketing tools for economic development in rural communities. The grants are:

- Florida Rural Marketing Grant - \$10,000 – No Match Required – If awarded, the funds would be used to help upgrade the Development Authority’s website to improve Bradford County’s exposure on the Internet. \$10,000.00 would pay almost half the cost of the top RFP submitted for website improvements.
- Competitive Florida Grant - \$40,000.00 – No Match Required – These funds could also be used to upgrade the Development Authority’s website. They would partner with North Florida Economic Development Partnership to write the grant. The Development Authority would then partner with the Chamber of Commerce to administer the grant.

There were no objections expressed by the Board to the submission of the grant applications.

A. CONSIDER APPROVAL OF A LEASE/PURCHASE PROPOSAL FROM NATIONAL COOPERATIVE LEASING (Mauldin International Truck and Trailer) TO PURCHASE TWO (2) 2020 INTERNATIONAL HV607 ROLL OFF GARBAGE TRUCKS IN THE AMOUNT OF \$324,745.40 – ANNUAL COST OF \$64,948.88 FOR FIVE YEARS—Bennie Jackson, Solid Waste Director:

ASSOCIATED COST:	Equipment Cost	\$324,745.40
	Annual Payment @ 5 yrs.	\$ 64,948.88
	(The lease/purchase honors the price set under the Florida Sheriff’s Association Bid No. 17-15)	

Mr. Carter requested approval of a lease/purchase proposal from National Cooperative Leasing (Mauldin International Truck and Trailer) as cited above. The lease payments are budgeted. These trucks are critical to provide service at the current level.

Mr. Jackson explained the need for the trucks and stated that a lease/purchase versus a straight lease is saving \$32,908.20 and the trucks could be sold at the end of the lease for over \$80,000.

When asked by Vice-Chairman Dougherty if he could get by with one new truck, Mr. Jackson indicated in the negative.

*Commissioner Riddick moved, seconded by Vice-Chairman Dougherty, and **carried 4-0, to approve the lease/purchase proposal.***

**B. RESOLUTION—APPROVING THE LOCAL HOUSING ASSISTANCE PLAN—Kelly Canady, Community Development Director:
ASSOCIATED COST: N/A**

Ms. Canady was granted permission by Chairman Durrance to address **Item “F”** first.

**F. SHIP LOCAL HOUSING ASSISTANCE PLAN UPDATE—Kelly Canady, Community Development Director:
ASSOCIATED COST: N/A**

Ms. Canady advised that every three years the County is required to update the SHIP Local Housing Assistance Plan. The Affordable Housing Advisory Board reviewed and approved the updated Plan and the Plan has been submitted to the state for approval.

Ms. Canady read the resolution (**Item “B”**) by title and presented it for consideration.

*Vice-Chairman Dougherty moved, seconded by Commissioner Thompson, and **carried 4-0, to approve the resolution.** ([Resolution No. 2019-27.](#)) ([LHAP](#))*

**A. BID AWARD RECOMMENDATION ON SHIP DEMO/REPLACEMENT FILE 2017-8-S TO FLORIDA HOMES, INC. FOR \$74,475.00—Kelly Canady, Community Development Director:
ASSOCIATED COST: \$74,475.00**

Ms. Canady recommended awarding the bid to the low bidder, Florida Homes, Inc. for \$74,475.

*Commissioner Riddick moved, **to award the [bid as recommended](#).** Commissioner Thompson seconded the motion.*

Commissioner Riddick inquired about the decline in the number of contractors responding to RFB's. Ms. Canady stated that two contractors attended the walk-thru and only one submitted a bid. It is her intent to begin expanding the advertisement to include the Gainesville Sun.

There being no further discussion, **the MOTION CARRIED 4-0.**

**B. CONSIDER APPROVAL OF A CONSTRUCTION AGREEMENT WITH FLORIDA HOMES, INC. IN THE AMOUNT OF \$74,475.00 ON SHIP DEMO/REPLACEMENT FILE 2017-8-S—Kelly Canady, Community Development Director:
ASSOCIATED COST: \$74,475.00**

Ms. Canady presented the agreement for consideration.

Vice-Chairman Dougherty moved, seconded by Commissioner Thompson, and **carried 4-0, to approve the [Agreement](#).**

(05-06-19 Regular Meeting)

**C. CHANGE ORDER NO. 1 ON SHIP REHAB FILE 2017-4-S FROM M&R CONSTRUCTION TO INCREASE CONSTRUCTION FUNDS IN THE AMOUNT OF \$6,013.92—Kelly Canady, Community Development Director:
ASSOCIATED COST: \$6,013.92**

Ms. Canady presented the change order for consideration. Approval of the change order will keep the project within the maximum allowable amount.

*Vice-Chairman Dougherty moved, seconded by Commissioner Riddick, and **carried 4-0, to approve the Change Order.***

**D. SHIP LOCAL HOUSING ASSISTANCE PLAN UPDATE—Kelly Canady, Community Development Director:
ASSOCIATED COST: N/A**

(Handled above.)

E. 2020 CENSUS COMPLETE COUNT COMMITTEE UPDATE

Mr. Carter reported that staff is working on forming a [Census Complete Count Committee](#) to present to the Board for approval on May 16. He asked the Board to make staff aware of any recommendations for appointments.

F. PROVIDE DATES TO MEET FOR JOINT WORKSHOP BETWEEN THE COUNTY/CITY IN JUNE – AUGUST

Ms. Rhoden asked the Board to establish a date for a joint workshop with the City of Starke during the summer months.

After brief discussion, there was a consensus for Ms. Rhoden to contact the Commissioners individually later in the day and provide those dates to the City prior to their meeting tomorrow.

G. REQUEST PERMISSION TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS (RFQ) FOR ENGINEERING, SURVEYING AND ARCHITECTURAL SERVICES

Mr. Carter requested direction from the Commission concerning renewal and/or continuation of contracts for county engineering, surveying and architectural services.

Vice-Chairman Dougherty stated that he would like to see all three services sent out for RFQ. Through the RFQ, he would like at a minimum two, but would prefer three selections made for each service, which would provide more capacity to cover all scopes of service needed in a timely manner.

There was a consensus to move forward with the RFQ's as recommended by Vice-Chairman Dougherty.

H. CHAIRMAN COMMENTS—CHAIRMAN FRANK DURRANCE:

- Made a public apology for any negative comments he may have made at the April 22 workshop concerning the money spent on the new football field.
- Fire Department:
 - Each volunteer fire department should have their own identity.
 - Each volunteer firefighter should be certified.
 - There should be a Fire Manager/Chief for the whole County who works with volunteers and with paid part-time firefighters (hybrid system).
 - He would like to see the Fire Department budget remain the Fire Department budget and not included in the Sheriff's budget.
 - Need to use existing communications; the I.T. has that under control.
 - Discussion of the Fire Department will be on the agenda for the May 16 Regular Meeting with hope of resolve.

I. COMMISSIONERS' COMMENTS

Commissioner Riddick:

- Met with numerous firefighters from Keystone and Melrose Saturday morning at the new Fire Station. The meeting was very successful. Also attending the meeting were: Benji Bennett, Sheriff Smith, and Brad Carter. After lengthy discussion, the following recommendations were made:
 - Keep one FDID number for the County.
 - Have one chief for the County to oversee all the stations so all the rules are the same.
 - Each station have a Captain.
 - Expressed concerns about radio communication problems.
 - The necessity of firefighters being certified.

Vice-Chairman Dougherty:

- The potential for availability of property at the north end of Strawberry Acres for an additional access road. At some point, Mr. Dodds will need to be involved to determine a total overall cost to provide the road.

Major Smith advised that the property is listed with Coldwell Banker Realty. The property owners are willing to negotiate the purchase of the strip of land needed for the road (approximately one acre of the eight acres listed).

- Fire Department: As far as fire protection coverage, the County is in the same situation until May 16.

Chairman Durrance stated that between the paid part-timers, some volunteers and with Sheriff's help, he believes there is a stop-gap measure until a decision is made.

Initiated by Commissioner Riddick, discussion ensued concerning who the volunteers are to report to in the meantime. Sheriff Smith participated in the discussion.

(05-06-19 Regular Meeting)

During the discussion, Chairman Durrance stated that at some point in the future, he would like to see EMS and Fire combined.

Recognized by Chairman Durrance, Mr. Percy Sullivan reminded the Commission that anyone who is appointed as a "leader" in the fire system must hold a FFII certification. In the interim, he would recommend designating Mr. Benji Bennett, as he has the required certification.

Mr. Carter concurred with Mr. Sullivan's recommendation.

There was a consensus to designate Mr. Benji Bennett, who is overseen by Mr. Carter, to serve for the next 10 days (until May 16) until a final decision is made.

ADJOURN: There being no further business, the meeting adjourned at 11:20 a.m.

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



FRANK DURRANCE, CHAIRMAN

ATTEST: 

RAY NORMAN, CLERK TO THE BOARD

Minutes prepared by Marlene Stafford, Deputy Clerk
Minutes approved by BOCC at the Regular Scheduled Meeting of 6-20-19