

REGULAR MEETING  
LEVY COUNTY BOARD OF COUNTY COMMISSIONERS  
JANUARY 3, 2023

The Regular Meeting of the Board of Levy County Commissioners was held on January 3, 2023 at 6:00 P.M. in the Meeting Room of the Levy County Annex Building with the following Commissioners present:

Chairman, Matt Brooks  
Vice-Chair, Comm. Desiree Mills  
Comm. Tim Hodge  
Comm. John Meeks - absent  
Comm. Rock Meeks

Also present were:  
  
County Attorney – Nicolle Shalley  
County Coordinator – Wilbur Dean

Chairman Brooks called the Meeting to order at 6:00 P.M. Comm. Rock Meeks gave the invocation, followed by the Pledge of Allegiance led by Comm. Mills.

EXPENDITURES

Comm. Rock Meeks made a motion to approve the following expenditures presented for payment. Second was made by Comm. Mills and the MOTION CARRIES.

CHECK NUMBER	147512-147522, 147525-147602	
FUND		AMOUNT
GENERAL REVENUE		1,707,405.87
ROAD		42,147.49
TRANSPORTATION		2,662.27
911		17,396.00
COURT FACILITIES		8,235.62
MISC GRANTS		35,000.38
EMS		17,504.83
FIRE		6,525.92
TOURIST DEVELOPMENT		246.02
CDBG		1,164.21
CAPITAL PROJECTS		127,000.00
ROAD IMPRV & RESTORE		2,320.34
LANDFILL		18,515.51
TOTAL	\$	1,986,124.46
EFT/ACH PAYMENT	\$	287,288.09

LCNR EXPENDITURES

Comm. Rock Meeks made a motion to approve the following LCNR expenditures presented for payment. Second was made by Comm. Mills and the MOTION CARRIES.

CHECK NUMBER	147523	
FUND		AMOUNT
GENERAL REVENUE		547.61
ROAD		86.52
TRANSPORTATION		64.99
MISC GRANTS		52.41
FIRE		31.99
BLDG INSPECT & SAFETY		199.96
CAPITAL PROJECTS		2,886.99
LANDFILL		20.98
TOTAL	\$	3,891.45

AMB SUPPLY, INC. (DBA LEVY JONES) EXPENDITURES

Comm. Mills made a motion to approve the following AMB Supply, Inc. (DBA Levy Jones) expenditures presented for payment. Second was made by Comm. Rock Meeks and the MOTION CARRIES. Comm. Brooks abstained from voting due to perceived conflict.

CHECK NUMBER	147524
FUND	AMOUNT
LANDFILL	129.95
TOTAL	\$ 129.95

MINUTES

The minutes for the Regular Meeting held on December 6, 2022 were presented for Board approval.

Comm. Rock Meeks made a motion to approve the minutes for the Regular Board Meeting held on December 6, 2022 as presented. Second was made by Comm. Mills and the MOTION CARRIES.

AGENDA ADDITIONS, DELETIONS, MODIFICATIONS

Comm. Rock Meeks made a motion to approve the agenda with no changes. Second was made by Comm. Mills and the MOTION CARRIES.

PUBLIC COMMENT

Jack Still, Morriston resident, spoke of the sale of a parcel of his land pending information and status of a request by the buyer for the relocation of a road, which separates the property. The sale of this property is contingent upon the re-location of the road.

Comm. Brooks responded to Mr. Still as this was not an item on the agenda, he would direct staff to look into this and follow up with him of the status of his inquiry.

Property Appraiser, Jason Whistler announced the online availability to file for Homestead Exemption has begun today.

PLANNING & ZONING

Stacey Hectus, Director  
Atty. Shalley inquired if any of the Commissioner had ex-parte communication on this item. Comm. Rock Meeks, Comm. Mills and Comm. Hodge stated they had ex-parte communication regarding this item. All Commissioners stated they were able to make impartial decisions.

- A. Public Hearing – Requesting Board approval of Petition No. CZ 22-05: Shankland and Associates, on behalf of Marcia Fleming, requesting a rezoning for proposed Crane Pond RV Park, changing from Neighborhood Commercial (C-2) to Moderately Commercial (C-3) on 11.94 acres of land in Section 30, Township 14, Range 14, in Levy County, Commercial (C-2) Zoning district. Parcel Numbers: 0133000400 and 0133200000. Ms. Hectus stated this comes to the Board after approval by the Planning Commission with a 3-0 vote in favor of the item.

Wayne Walker with Civil Coastal Engineering spoke on behalf of the applicant, Marsha Fleming and Shankland and Associates giving a presentation to the Board of the concept plans for Crane Pond RV Park.

Atty. Shalley swore in those in the audience wishing to speak regarding the item presented.

Comm. Brooks opened the Public Hearing and asked if anyone wished to speak for or against the item.

The following audience members spoke in opposition of the rezoning:



Lee Anne Rohrer spoke prior to the presentation of Petition No. CA 22-05 for Fugate & Fugate, the law firm representing opposition of the item, stating a Court Reporter was present and requested everyone speaking on this item to please speak clearly. She then submitted a legal memorandum to the Board outlining the reasons they this item should not be approved and requested a continuance until a future date when Atty. Norm Fugate or Blake Fugate could be present as they were both out of town.

Comm. Brooks inquired of Atty. Shalley and Ms. Hectus if all legal requirements were met in order for this Public Hearing to take place during this meeting. They responded all legal requirements were met. There was no opposition for hearing the item stated by the Commissioners.

Fred Minor	Don Schwartz
Marvin Franks	Doris Hellerman
Debbie Johnston	John Bridewell

The following audience members spoke in favor of the rezoning: Coleen Lowenthal and Crystal Sharp.

The Public Hearing was then closed by Comm. Brooks.

Comm. Mills made a motion to approve Petition No. CZ 22-05 as requested. Second was made by Comm. Rock Meeks and the MOTION CARRIES. Comm. Hodge voted NO.

- B. Public Hearing – Requesting Board approval of Petition No. SE 22-02: Shankland and Associates, on behalf of Marcia Fleming for proposed Crane Pond RV Park, Petitioning the Commission for a Special Exception on 11.94 acres of land for an RV Park in Section 30, Township 14, Range 14, in Levy County, Florida. This parcel is located in a Commercial (C) Future Land Use and Neighborhood Commercial (C-2) Zoning district. Parcel Numbers 0133000400 and 0133200000. Ms. Hectus stated this comes to the Board after approval by the Planning Commission with a 3-0 vote in favor of the item.

Comm. Brooks asked if any of the Commissioners had ex-parte regarding this item. No additional ex-parte was stated.

Lee Anne Rohrer requested a continuance on this item.  
Comm. Brooks asked the Commissioners to state if they saw any reason to continue this item. There was no opposition for hearing the item stated by the Commissioners.

Atty. Shalley swore in those in the audience wishing to speak regarding the item presented.

Comm. Brooks opened the Public Hearing and asked if anyone wished to speak for or against the item.

The following audience members spoke in opposition of the Special Exception:  
Lee Anne Rohrer, representing Fugate & Fugate Law Firm, stated the zoning change, which was just approved allows for a travel trailer park and not an RV park. She stated if the Commissioners voted yes on this Special Exception item, it must be a travel trailer park, only.

Doris Hellerman	John Bridewell	John Lowenthal
Fred Minor	Don Schwartz	
Marvin Franks	Debbie Johnston	

The following audience members spoke in favor of the Special Exception:  
Michael Valvanella

The Public Hearing was then closed by Comm. Brooks.

Atty. Shalley stated for the Board’s information, if this item is approved, it is not the final action. The vote on the last item and this item are not to approve so the applicant can move forward. What approval of these items will do is direct her to draft a re-zoning Ordinance with the item already approved and with approval of the item being discussed, she would then draft a detailed Order containing all of the conditions, requirements, etc., as directed by the Commissioners. Both items would then be advertised by the appropriate processes and brought back to the Board at a later meeting.

Comm. Rock Meeks made a motion to approve Petition No. SE 22-02, directing Atty. Shalley to draft an Order with the staff recommended conditions and those stated by the Commissioners. Second was made by Comm. Mills and the MOTION CARRIES.

The meeting recessed at 8:38 P.M.

The meeting reconvened at 8:48 P.M.

- C. Informational Item: Levy County Evaluation and Appraisal Report (EAR) Plan for the Comprehensive Plan update 2023.

The Commissioners agreed by consensus for Ms. Hectus to move forward in working on the more time sensitive Legislative requirements first, then working on each of the elements in the Comprehensive Plan, making appropriate changes over the next year. The elements would then be submitted to the Board for review and comments, and workshops.

## **DEPARTMENT REPORTS**

### **COUNTY COORDINATOR**

Wilbur Dean

Requesting Board approval of Resolution 2023-3, adopting a Transportation Plan for the transport of individuals under Chapter 394, Part 1, Florida Statutes, known as the Florida Mental Health Act, A/K/A the Baker Act, and under Chapter 397, Florida Statutes, known as the Hal S. Marchman Alcohol and Other Drug Services Act. Mr. Dean read the title of Resolution 2023-3 into public record.

Comm. Rock Meeks made a motion to approve Resolution 2023-3 as requested. Second was made by Comm. Mills and the MOTION CARRIES.

## **WATER UTILITIES**

Jimmy Jones, Director

Requesting Board approval of Resolution 2023-1, amending the final budget for fiscal year 2022-2023 in the amount of \$12,000, moving funds from Capital Outlay (Fund #301) for the Manatee Utilities fence expenses.

Comm. Mills made a motion to approve Resolution 2023-1 as requested. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

## **PROCUREMENT**

Alicia Tretheway, Coordinator

- A. Requesting Board approval of Resolution 2023-2, amending the final budget for 2022-2023 in the amount of \$38,676 from Capital Outlay Reserves for an additional HVAC repair for the Levy County Sheriff's Office.

Comm. Rock Meeks made a motion to approve Resolution 2023-2 as requested. Second was made by Comm. Mills and the MOTION CARRIES.

- B. Requesting Board approval to waive the bid process and approve the lowest quote obtained from HVAC Concepts in the amount of \$38,676 for HVAC repair at the Levy County Sheriff's Office.

Comm. Rock Meeks made a motion to waive the bid process and approve the lowest quote obtained from HVAC Concepts as requested. Second was made by Comm. Mills and the MOTION CARRIES.



**NON-AGENDA ITEM/PROCUREMENT**

Ms. Tretheway requested approval to present a non-agenda item regarding the purchasing of trucks for the Development Department.

Comm. Rock Meeks made a motion to hear a non-agenda item as requested. Second was made by Comm. Mills and the MOTION CARRIES.

Ms. Tretheway requested Board approval to purchase three (3) 2023 Toyota Tundra SR Double Cab 4 x 4 trucks in the amount of \$123,441 by utilizing the Florida Sheriff's Association Cooperative Purchasing Program. The cost per truck is \$41,147. The Development Department had previously budgeted \$130,000 for equipment purchases.

Comm. Mills made a motion to approve the purchase of three (3) 2023 Toyota Tundra SR Double Cab 4 x 4 trucks as requested. Second was made by Comm. Hodge and the MOTION CARRIES.

**PUBLIC COMMENT**

Sallie Ann Collins stated she was against the Re-Zoning and Special Exception items approved by the Board this evening.

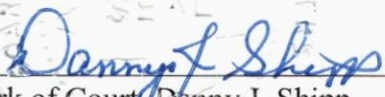
Lee Anne Rohrer thanked the Commissioners for handling the difficult work they have to do.

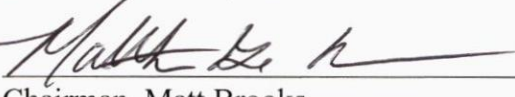
**COMMISSIONERS' REPORTS**

The Commissioners all wished a Happy New Year to everyone and each stated they looked forward to a productive year working with the Departments and for the public.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNED AT 9:07 P.M.

ATTEST:

  
Clerk of Court, Danny J. Shipp

BOARD OF COUNTY COMMISSIONERS  
LEVY COUNTY, FL  
  
Chairman, Matt Brooks

# **FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

LAST NAME—FIRST NAME—MIDDLE NAME Brooks, Matthew		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Levy County Board of County Commissioners	
MAILING ADDRESS P.O. Box 310		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Bronson, FL 32621	COUNTY Levy	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 1/3/2023		NAME OF POLITICAL SUBDIVISION: Levy County	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## **WHO MUST FILE FORM 8B**

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## **INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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### **ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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### **APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)



### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

#### IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Matthew Brooks, hereby disclose that on January 3, 20 23.

(a) A measure came or will come before my agency which (check one or more)

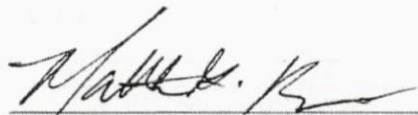
- ☒ inured to my special private gain or loss,
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows.

Levy County Purchases goods on a "Rotating Basis" from AMB Supply, Inc., "DBA Levy Jones" a Florida Corporation, that I have an ownership interest in.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1/3/23  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.