

REGULAR MEETING

LEVY COUNTY BOARD OF COUNTY COMMISSIONERS

APRIL 11, 2023

The Regular Meeting of the Board of Levy County Commissioners was held on April 11, 2023 at 9:00 A.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

Comm. Rock Meeks

Also present were:

County Attorney – Nicolle Shalley

County Coordinator – Wilbur Dean

Chairman Brooks called the Meeting to order at 9:00 A.M. Comm. Rock Meeks gave the invocation, followed by the Pledge of Allegiance led by Comm. John Meeks.

EXPENDITURES

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

CHECK NUMBER	148289-148302, 148305-148450	
FUND		AMOUNT
GENERAL REVENUE		2,113,302.94
ROAD		93,254.52
SHIP		24,478.00
MOSQUITO CONTROL		180.35
TRANSPORTATION		2,826.03
911		17,396.00
COURT FACILITIES		36,160.85
MISC GRANTS		35,248.77
EMS		146,578.60
FIRE		54,863.02
TOURIST DEVELOPMENT		5,172.80
UTILITIES		4,399.89
BLDG INSPECT & SAFETY		19,620.40
CAPITAL PROJECTS		842,446.45
ROAD IMPRV & RESTORE		17,192.50
LANDFILL		32,371.16
TOTAL	\$	3,445,492.28
EFT/ACH PAYMENT	\$	651,988.80

LCNR EXPENDITURES

Comm. Rock Meeks made a motion to approve the following LCNR expenditures presented for payment. Second was made by Comm. Hodge and the MOTION CARRIES. Comm. John Meeks abstained from voting due to perceived conflict.

CHECK NUMBER	148303
FUND	AMOUNT
GENERAL REVENUE	1,141.15
ROAD	382.38
TRANSPORTATION	32.98
EMS	12.99
FIRE	54.99
CAPITAL PROJECTS	32.18
LANDFILL	638.85
TOTAL	\$ 2,295.52

AMB SUPPLY, INC. (DBA LEVY JONES) EXPENDITURES

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

FUND	AMOUNT
GENERAL REVENUE	2,337.85
ROAD	678.05
LANDFILL	763.10
TOTAL	\$ 3,779.00

MINUTES

The minutes for the Regular Meetings held March 7, 2023 and March 21, 2023 were presented for Board approval.

Comm. John Meeks made a motion to approve the minutes for the Regular Meetings held on March 7, 2023 and March 21, 2023 as presented. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

AGENDA ADDITIONS, DELETIONS, MODIFICATIONS

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

PROCLAMATIONS/RECOGNITIONS

- A. Wilbur Dean requested Board approval of a Proclamation proclaiming April 16, 2023 as National Healthcare Decisions Day and read the Proclamation into public record.

Comm. John Meeks made a motion to approve the Proclamation for April 16, 2023 for National Healthcare Decisions Day as presented. Second was made by Comm. Mills and the MOTION CARRIES.

Charlene Stefanelli, spoke on behalf of Haven Hospice.

- B. Comm. Brooks presented a Milestone Service Award to Tisha Whitehurst for 10 years of employment.



- C. Comm. Brooks presented and read into public record a Proclamation recognizing the Williston Red Devils Boys Basketball Team recognizing them for winning their first State Title.

Comm. John Meeks made a motion to approve the Proclamation recognizing the Williston Red Devils Boys Basketball Team as presented. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

### **PUBLIC COMMENT**

Andrew Ritz, owner of Central Florida Broadband, spoke to the Board of broadband expansion to the Levy County area stating he is looking for the Board's support in his endeavor to provide fiber optic internet to its residents. Mr. Ritz requested a letter of support from the Board stating their support of broadband expansion in Levy County as he is seeking funding from the State of Florida for a Capital Infrastructure Grant.

Jody Duggan-Lay requested the Board consider a change in zoning regulations to allow property owners to have temporary, seasonal occupancy of guests with RV's and horses, so long as other zoning requirements are met. Other audience members who spoke in favor of a zoning change were: Diane Rowley, Karen Giroux, Nancy Findquist, Judy Fuller-Brown and Patty Healy.

Sandy Terp spoke to the Board, encouraging them to consult with the FDOT about building a land bridge over SR121 in order for animals, hunters and equestrian riders to cross safely in the area where Goethe Forest is located on both sides.

Jeff Hardison cautioned the Board about changing the zoning regulations for RV's as this could encourage more unregulated squatters in the county.

### **CLERK OF COURT & COMPTROLLER**

Jared Blanton, Finance Officer introduced Zack Chalifour from James Moore CPA who presented the Levy County – BOCC Fiscal Year Ending September 30, 2022 Audited Financial Statements.

### **PLANNING & ZONING**

Stacey Hectus, Director

Public Hearing – Requesting Board approval of Ordinance 2023-06, an Ordinance of Levy County, Florida, amending Chapter 50 (The Land Development Code) and Appendix B (Schedule of Fees, Rates and Charges) of the County Code of Ordinances; by creating a process, requirements and fees for Unity of Title and Release of Unity of Title; providing for inclusion in the Code; providing for a Severability Clause; providing a Repealing Clause; providing directions to the Clerk and an effective date. Ms. Hectus then read the title of the Ordinance into public record.

Comm. Brooks asked if anyone in the audience wished to speak regarding the item presented. There was none.

Comm. John Meeks made a motion to approve Ordinance 2023-06 as requested. Second was made by Comm. Mills and the MOTION CARRIES.

### **COUNTY COORDINATOR**

Wilbur Dean

- A. Requesting Board approval of Resolution 2023-13 declaring certain real property as surplus; ratifying the terms of the exchange of the surplus real property for other necessary real property and ratifying the closing on the exchange; providing directions to the Clerk and Finance Officer; and providing an effective date.

Comm. John Meeks made a motion to approve Resolution 2023-13 as presented. Second was made by Comm. Rock Meeks and the MOTION CARRIES.



- B. Requesting Board approval of the Engagement Letter from Nabors, Giblin & Nickerson, P.A. for the Annual Assessment Programs for the 2023-2024 fiscal year. The fees for these services increase by \$175 and the total cost is \$35,675.

Comm. Rock Meeks made a motion to approve the Engagement Letter from Nabors, Giblin & Nickerson, P.A. for the FY 2023-2024 Annual Assessment Programs as presented. Second was made by Comm. Mills and the MOTION CARRIES.

- C. Requesting Board approval to re-appoint James “JD” Holmes to the Planning Commission. The next term will expire in 2027.

Comm. Mills made a motion to re-appoint James “JD” Holmes to the Planning Commission as requested. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

- D. Requesting Board approval to send Notices of Termination between Levy County and the Town of Otter Creek and the Town of Inglis terminating the Interlocal Agreements and Building Code Enforcement District and authorize the County Coordinator to sign.

Comm. Mills introduced the newly elected Mayor, Steve Schwing to the Board and he requested the Town of Inglis Interlocal Agreement and Building Code Enforcement Termination be postponed until September 30, 2023.

Comm. John Meeks made a motion to approve the Notices of Termination as presented, extending the deadline until September 30, 2023 for the Town of Inglis as requested. Second was made by Comm. Mills and the MOTION CARRIES.

- E. Wilbur Dean spoke regarding a potential location for the LARC. He spoke of a 1.56 acre lot located on CR32B, next to Weeks Bail Bonds.

Comm. John Meeks spoke of the need for a new location for LARC, stating they are currently renting a space until a permanent location can be found and stated he would like to donate this county owned property in the form of a 99-year lease. He also stated he would like to maintain a 60 ft. easement on the outside of the property in the event the remainder of the county owned property is ever developed.

Lisa Daniels and Sharon Wolfe spoke to the Board expressing an interest in planning for the future and the needs for space for the clients coming to the LARC facility.

Mrs. Wolfe also reminded everyone of the Wild Hog Canoe/Kayak race, which will take place this Saturday. She stated this is the largest fundraiser of the year for LARC.

The Board agreed by consensus to direct staff to move forward with the process of transferring the property spoken of to the LARC. A Resolution can be presented to the Board for approval.

## **TOURIST DEVELOPMENT**

Tisha Whitehurst

- A. Requesting Board appointment of Melinda “Mendy” Allen to the Original Florida Tourism Task Force, which is also known as Visit Natural North Florida.

Comm. John Meeks made a motion to appoint Melinda “Mendy” Allen to the Original Florida Tourism Task Force a/k/a Visit Natural North Florida as requested. Second was made by Comm. Mills and the MOTION CARRIES.

- B. Requesting Board approval of funding for a Clam Trail through Levy County. The estimated cost for signs to be placed along the Clam Trail is \$14,479. This project began several years ago by Cedar Key Aquaculture Director, Leslie Sturmer, and will be supported through funding of the Tourist Development Tax.

Comm. John Meeks made a motion to approve funding for the Clam Trail through Levy County as requested. Second was made by Comm. Mills and the MOTION CARRIES.



- C. Mrs. Whitehurst spoke of Rural Counties Day, which will take place in Tallahassee April 25-26, 2023. She inquired if there was anything the Commissioners wished to give out to encourage visitors to the Levy County booth.

Comm. John Meeks stated he would be in favor of passing out boiled peanuts. Comm. Mills volunteered to work with Mrs. Whitehurst to further plan for the event. Further plans were made for transportation of a tent and table.

### **PROCUREMENT**

Alicia Tretheway, Coordinator

- A. Requesting Board approval of Resolution 2023-17 amending the final budget for fiscal year 2023 in the amount of \$75,771.25. The first distribution of LATCF Funds from November 4, 2022 have been received and this budget amendment appropriates the funds.

Comm. Rock Meeks made a motion to approve Resolution 2023-17 as requested. Second was made by Comm. Hodge and the MOTION CARRIES.

- B. Requesting Board approval of Amendment No. 1 to Task Assignment 2022-04 between Levy County and Barnett, Fronczak, Barlowe & Shuler. This amendment is necessary to remove Baytowne Group, Inc. and substitute Gmuer Engineering, LLC due to the unforeseen passing of the Engineer and the firm is unable to provide the project services. The fees for these services will increase from \$11,500 to \$15,000, a difference of \$3,500.

Comm. Mills made a motion to approve Amendment No. 1 to Task Assignment 2022-04 as requested. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

- C. Requesting Board approval of Task Assignment 2023-3 between Levy County and Barnett, Fronczak, Barlowe & Shuler Architects for the professional architectural services for Pre-Design, Contract Document, Bidding and Contract Administration for the renovation of the existing building at the Levy County Government Center in the amount of \$79,945.

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

- D. Requesting Board approval of the Second Amendment to the Agreement between Levy County and Federal Engineering, Inc. This Amendment is necessary to continue to assist the County with the implementation project management support of the P25 Radio System. The maximum cost for services, which includes projected labor, travel and other direct costs is \$228,000. GSA (General Services Administration) Rates are being used.

Comm. Rock Meeks made a motion to approve the Second Amendment to the Agreement with Federal Engineering, Inc. as presented. Second was made by Comm. Mills and the MOTION CARRIES.

### **COUNTY ATTORNEY**

Nicolle M. Shalley

Requesting discussion by the Board on the draft revised Board Rules and discuss interest in adopting a letterhead policy and an ordinance designating an official County Seal and/or County Logo(s).

Following discussion by the Commissioners, it was agreed by consensus to direct Atty. Shalley to bring back procedural rules for Board approval with changes as stated.

### **PUBLIC COMMENTS**

Dana Sheffield reminded everyone of the event taking place this Saturday at the Cross City Airport.

Sue Beaudette, from the Town of Bronson, reminded everyone the scholarship applications are due by April 21<sup>st</sup>. The date for the next "Beautify Bronson Day" has been scheduled for Saturday, May 20<sup>th</sup>.

COMMISSIONERS' REPORTS

Comm. Mills reported of meetings she had attended and mentioned upcoming meetings: Wednesday, April 12<sup>th</sup> from 10:00 A.M. – 11:15 A.M., Affordable Housing meeting in Cedar Key at the UF Nature Coast Biological Station.

Comm. John Meeks reported of items/bills which will be voted on in Tallahassee.

Comm. Matt Brooks stated he and the other Commissioners should have received an invitation to Law Day on the Suwannee River, which will take place on May 5<sup>th</sup>. Honorable Judge Browning will be honored, as he is retiring.


Comm. Brooks asked Mr. Dean to give an update regarding Sovereign Immunity and Mr. Dean stated current legislative standings on this topic as well as others which could affect Levy County.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNED AT 11:29 A.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 Meeks, John		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 4/11/2023		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).

\* \* \* \* \*

### 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.

\* \* \* \* \*

### 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, John Meeks, hereby disclose that on April 11, 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 LCNR Enterprises, LLC a Florida Limited Liability Company, 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.

Date Filed 4/11/2023

Signature [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.



# 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 4/11/2023		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.

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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).

### 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.

### 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:**

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### APPOINTED OFFICERS (continued)

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- The form must be read publicly at the next meeting after the form is filed.

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- 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 April 11, 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.

4/11/2023

Date Filed

Matthew G. Brooks  
Signature

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