

**REGULAR MEETING
LEVY COUNTY BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 6, 2011**

The Regular Meeting of the Board of Levy County Commissioners was held on September 6, 2011 at 9:00 AM in the Levy County Board of County Commissioners meeting room, with the following Commissioners present:

Chairman Danny Stevens
Comm. Ryan Bell
Comm. Chad Johnson
Comm. Marsha Drew

Also present were:

Clerk of Court – Danny J. Shipp
County Attorney – Anne Bast Brown
County Coordinator – Fred Moody
Assistant to the County Coordinator – Dick Tummond

Chairman Stevens called the meeting to order at 9:00 AM. Mr. Greenlee gave the invocation, followed by the Pledge of Allegiance.

EXPENDITURES

Comm. Drew made a motion to approve the following expenditures presented for payment. Second was made by Comm. Bell and the MOTION CARRIES.

CHECK NUMBER	105712-105872
FUND	AMOUNT
GENERAL REVENUE	1,061,045.29
ROAD	108,316.12
COURT TECH/CRIM PREV	1,515.02
TRANSPORTATION	33,920.84
911	10,583.34
COURT FACILITIES	63.89
PROGRESS ENERGY	2,013.86
EMS	13,792.16
FIRE	18,048.21
TOURIST DEVELOPMENT	649.04
UTILITIES	5,726.48
COMMUNICATION	241.64
DEBT SERVICE	1,000.00
CAPITAL PROJECTS	13,230.39
LANDFILL	78,090.94
TOTAL	\$ 1,348,237.22

SOLID WASTE

Benny Jerrels

A. Request approval to accept rebid for roof replacement on the Recycling building.

Andrew Carswell presented the following bids to the Board for roof replacement on the Recycling Building:

J & L Custom Construction	\$35,444
Union LaSteel	\$38,452
Marion Service Roofing Unit	\$62,650

Mr. Carswell recommended accepting the bid from J & L Construction and to allow the Chairman to sign the contract after Atty. Brown's review.

Comm. Bell made a motion to accept the bid from J & L Construction and to allow the Chairman to sign the contract after Atty. Brown's review. Second was made by Comm. Drew and the MOTION CARRIES.

B. Request approval to open and accept bid for Leachate hauling.

Mr. Jerrels requested Board approval to open and accept bid for leachate hauling. No bids were received. Mr. Jerrels stated he would like for the Solid Waste Department to purchase their own trailer to haul the one to one and a half loads per week. Mr. Jerrels estimates the cost of a new trailer would run about \$5,000 to \$10,000. The Board agreed by consensus for Mr. Jerrels to advertise for bids for a trailer.

C. Request approval to hire a non-Department of Corrections work squad supervisor for the Solid Waste Department (Recycling).

Mr. Jerrels requested Board approval for the Solid Waste Department to advertise for a non-Department of Corrections Work Squad Supervisor at Recycling. Mr. Jerrels stated they have been supervising the Work Squads themselves since about January as the Department of Corrections had been phasing out this program due to financial cuts.

The Board agreed by consensus for Mr. Jerrels to advertise for an inmate Work Squad Supervisor.

PUBLIC HEARING

Bruce Greenlee, Road Department Administrative Superintendent

A. Consider Resolution 2011-44 approving the petition to vacate, abandon and close NE 135th Avenue as requested by petitioner, Sandra Hall.

Mr. Greenlee requested Board approval of Resolution 2011-44, approving the petition to vacate, abandon and close NE 135th Avenue as requested by petitioner, Sandra Hall.

Comm. Stevens asked if there was anyone in the audience to speak for or against the petition. There was none.

Comm. Johnson made a motion to approve Resolution 2011-44, approving the petition as presented. Second was made by Comm. Drew and the MOTION CARRIES.

B. Consider adoption of Resolution 2011-45 approving the petition to vacate, abandon and close a portion of SE 31 Lane as requested by petitioners, Alan and Cindy Kendall.

Mr. Greenlee requested Board approval of Resolution 2011-45, approving the petition to vacate, abandon and close a portion of SE 31 Lane as requested by petitioners, Alan and Cindy Kendall. He recommended the road closure not become effective until the Unity of Title has been recorded.

Comm. Stevens asked if there was anyone in the audience to speak for or against the petition. There was none.

Comm. Drew made a motion to approve Resolution 2011-45, approving the petition to vacate, abandon and close a portion of SE 31 Lane contingent upon the recording of the Unity of Title. Second was made by Comm. Johnson and the MOTION CARRIES.

Anne Bast Brown, County Attorney

- C. Conduct first Public Hearing on Ordinance 2011-05, repealing and amending Levy County Code sections relating to firearms.

Atty. Brown spoke to the Board regarding Ordinance 2011-05, repealing and amending Levy County Code sections relating to firearms. This is the first of two required Public Hearings. The next Public hearing is scheduled for September 19th at 6:30 P.M. Atty. Brown stated the new legislation amends Section 790.33, Fla. Stat., clarifying and reorganizing the statute and restating and expanding the Legislature's intent to preempt the field of regulation of firearms and ammunition. The new law becomes effective October 1, 2011.

Comm. Stevens asked if anyone would like to speak for or against the item.

Renate Cannon requested clarification on "pre-empting firearms".

Atty. Brown answered and stated pre-empting means the State Legislature has said we are the only body which can regulate in this area. The goal of Legislation is to keep further regulations from happening by individual counties.

A.D. Andrews asked if this means county cannot pass more restrictive Ordinances than the State already has?

Atty. Brown answered it's not only more restrictive, but no regulations at all.

ROAD DEPARTMENT

Bruce Greenlee, Administrative Superintendent

- A. Approve application and release of easement for Lester and Charlayne Underwood.

Mr. Greenlee requested Board approval of the application to release a Public Utility Easement for Lester and Charlayne Underwood.

Comm. Drew made a motion to approve the application to release a Public Utility Easement as presented. Second was made by Comm. Bell and the MOTION CARRIES.

- B. Disposition of Public Records for the Town of Bronson.

Mr. Greenlee stated he had been contacted by the Town of Bronson requesting assistance to burn some records in need of disposal in accordance with Florida Law in the County incinerator.

Comm. Bell made a motion to assist the Town of Bronson with disposal of records using the County incinerator as requested. Second was made by Comm. Johnson and the MOTION CARRIES.

COUNTY ATTORNEY

Anne Bast Brown, County Attorney

- A. Approve Amendment to Agreement with Bricklemyer, Smolker & Bolves, P.A. for special counsel services in proceeding related to litigation against Levy County initiated by Town of Yankeetown and Withlacoochee Area Residents, Inc.

Atty. Brown requested Board approval of an Amendment to the Agreement with Bricklemyer, Smolker & Bolves, P.A. in the amount of \$10,000 to make the total amount not to exceed \$20,000.

Comm. Johnson made a motion to approve the Amendment to the Agreement with Bricklemyer, Smolker & Bolves, P.A. for \$10,000 as requested. Second was made by Comm. Bell and the MOTION CARRIES. Comm. Drew votes NO.

Atty. Brown informed the Board on the Tarmac litigation stating there will be a hearing scheduled on September 12th at 11:00 A.M.

COUNTY COORDINATOR

Fred Moody, County Coordinator

- A. Request to Ratify Supplemental Lease Agreement, Supplemental Agreement No. 3; to lease to Levy County USDA Service Center.

Mr. Moody requested the Board ratify the Supplemental Lease Agreement, Supplemental Agreement No. 3 to lease the Levy County USDA Service Center. Effective 9/01/11 through 6/30/13, the Government will pay the annual rent of \$32,696.40.

Comm. Drew made a motion to ratify the Supplemental Lease Agreement as presented. Second was made by Comm. Johnson and the MOTION CARRIES.

- B. Request to amend Resolution # 01-05; Restate its Retirement Plan under Section 457 of the Internal Revenue Code.

Mr. Moody requested Board approval to amend Resolution #01-05, to restate its Retirement Plan under Section 457 of the Internal Revenue Code. Mr. Moody then read the title of Resolution 2011-50 into record.

Comm. Drew made a motion to approve Resolution 2011-50 as presented. Second was made by Comm. Bell and the MOTION CARRIES.

- C. Request approval of application for Assistance to Firefighter Grant Program for vehicle acquisition and authorize Fred Moody, County Coordinator, to sign and submit application electronically on behalf of the Board.

Mr. Moody requested Board approval of the application for Assistance to Firefighter Grant Program and allow him to sign and submit the application electronically in order to acquire a tanker for the Fire Department. The total amount is \$275,000 and it is a 95/5 match. The tanker will be available for use by other departments within Levy County, as well as by Division of Forestry and other agencies, as needed.

Comm. Drew made a motion to approve the application for Assistance to Firefighter Grant Program as requested. Second was made by Comm. Bell and the MOTION CARRIES.

CORRESPONDENCE

Karen Blackburn

- A. Withlacoochee Regional Planning Council requesting changes to the Levy County Transportation Disadvantaged Local Coordinating Board.
1. Remove Gwen Pra as Primary Voting member; and
 2. Replace with Sandra Collins who currently serves as the Alternate Voting member; and
 3. Add Phil Worth as the Alternate Voting member.

Ms. Blackburn requested Board approval of the above listed changes to the Levy County Transportation Disadvantaged Local Coordinating Board.

Comm. Drew made a motion to approve the changes to the Levy County Transportation Disadvantaged Local Coordinating Board as requested by the Withlacoochee Regional Planning Council. Second was made by Comm. Bell and the MOTION CARRIES.

- B. Requesting letter of support for the North Florida Economic Development Partnership to be submitted with a grant application.

Ms. Blackburn presented a request to the Board for a letter of support for the North Florida Economic Development Partnership to be submitted with a grant application. As stated in the sample letter provided, the North Florida Economic Development Partnership is submitting an Economic Adjustment Assistance grant application on behalf of the North Central Florida Rural Area of Economic Concern. The funding will be used for an Inventory Asset and Web Site project.

Comm. Bell made a motion to prepare a letter of support for the North Florida Economic Development Partnership as requested. Second was made by Comm. Johnson and the MOTION CARRIES.

FIRE

Joe Renaudo

A. Request approval to purchase four (4) sets of bunker gear; total purchase exceeds \$2,500.

Mr. Renaudo requested Board approval to purchase four (4) sets of bunker gear from Municipal Equipment Company, LLC for a total cost of \$4,652.

Comm. Drew made a motion to approve the purchase of four (4) sets of bunker gear as requested. Second was made by Comm. Bell and the MOTION CARRIES.

EMERGENCY MANAGEMENT

Mark Johnson, Director

A. Request to accept the Emergency Management Performance Grant (EMPG) Agreement.

Mr. Johnson requested Board approval to accept the Emergency Management Performance Grant (EMPG) Agreement in the amount of \$53,371. This is a dollar-for-dollar match Grant.

Comm. Bell made a motion to accept the Emergency Management Performance Grant Agreement as presented. Second was made by Comm. Johnson and the MOTION CARRIES.

B. Request to accept the Agreement for Professional Services between Levy County and the Withlacoochee Regional Planning Council (WRPC).

Mr. Johnson requested Board approval to accept the Agreement for Professional Services between Levy County and the Withlacoochee Regional Planning Council (WRPC) for the sum of \$1,624.

Comm. Drew made a motion to accept the Agreement for Professional Services between Levy County and the Withlacoochee Regional Planning Council as presented. Second was made by Comm. Bell and the MOTION CARRIES.

C. Permission to purchase a radiological decontamination shower system.

Mark Johnson requested Board approval to purchase a radiological decontamination shower system. The following three (3) bids were received:

EMS Innovations, Inc.	\$ 7,646
First Responder Network.Com	\$11,875
Lab Safety	\$13,078

Mr. Johnson’s recommendation is to make the purchase through EMS Innovations, Inc. The purchase will be made using Progress Energy funds.

Comm. Drew made a motion to approve the purchased of a radiological decontamination shower system from EMS Innovations, Inc. Second was made by Comm. Johnson and the MOTION CARRIES.

LEVY COUNTY TRANSIT

Connie Conley

A. Request approval of Resolution authorizing & ratifying the filing of the Shirley Conroy Rural Area Capital Assistance Support Grant application.

Ms. Conley requested Board approval of Resolution 2011-49 authorizing and ratifying the filing of the Shirley Conroy Rural Area Capital Assistance Support Grant application. The total amount is \$69,223 and this is a 90/10 Grant. The funds will be used to purchase a bus which will accommodate four (4) wheel chairs and four (4) or 14 ambulatory persons. This will replace an existing high mileage bus.

Comm. Drew made a motion to approve Resolution 2011-49 authorizing and ratifying the filing of the Shirley Conroy Rural Area Capital Assistance Support Grant application as presented. Second was made by Comm. Bell and the MOTION CARRIES.

B. Request approval for the Service Agreement for work on Tiger Grant by Tocknell Services.

Ms. Conley requested Board approval of the Service Agreement for work on the Tiger Grant by Tocknell Services in the amount of \$4,000. There will be an additional amount due of \$4,000 if the grant application is approved. The funds will be used to acquire property and the construction of a new maintenance facility for the Transit Department.

Comm. Drew made a motion to approve the Service Agreement with Tocknell Planning Services as presented. Second was made by Comm. Bell and the MOTION CARRIES.

C. Request approval for the Service Agreement with Nature Coast Middle School to continue to provide transportation for upcoming school year.

D. Request approval for the Service Agreement with Creekside Christian School to continue to provide transportation for the upcoming school year.

Ms. Conley requested Board approval of the Service Agreements with Nature Coast Middle School and Creekside Christian School to continue to provide transportation for the upcoming school year.

Comm. Drew made a motion to approve the Service Agreements with Nature Coast Middle School and Creekside Christian School as presented. Second was made by Comm. Bell and the MOTION CARRIES.

PUBLIC SAFETY

David Knowles, Director

A. Request approval to apply for the Department of Homeland Security (FEMA) Assistance to Firefighters Grant.

Mr. Knowles requested Board approval to apply for the Department of Homeland Security (FEMA) Assistance to Firefighters Grant, a 90/10 match grant. These funds will be used to purchase two (2) transport units, one operational vehicle, and communications equipment.

Comm. Drew made a motion to approve applying for the Department of Homeland Security (FEMA) Assistance to Firefighters Grant, as presented. Second was made by Comm. Johnson and the MOTION CARRIES.

B. Request approval for the Plum Creek Foundation Grant.

Mr. Knowles requested Board approval to apply for the Plum Creek Foundation Grant, a non-matching grant in the amount of \$10,000. The funds from this grant will be used to purchase items for a Public Relations and Education Program.

Comm. Johnson made a motion to approve applying for the Plum Creek Foundation Grant as presented. Second was made by Comm. Bell and the MOTION CARRIES.

C. Request approval to purchase Telestaff scheduling software.

Mr. Knowles requested Board approval to purchase new scheduling software called Telestaff in the amount of \$24,000.

Comm. Johnson made a motion to approve the purchase of the new scheduling software, Telestaff as requested. Second was made by Comm. Drew and the MOTION CARRIES.

D. Present State Department of Health inspection results.

Mr. Knowles presented the Board with results of the State Department of Health inspection and stated they received an "excellent" rating on their records and vehicles.

SHIP

Dick Tummond, Assistant to County Coordinator

A. Request to approve Satisfaction of Mortgage for Melissa Screws, PA #282.

Mr. Tummond requested Board approval of the Satisfaction of Mortgage for Melissa Screws in the amount of \$13,540.

Comm. Drew made a motion to approve the Satisfaction of Mortgage for Melissa Screws as requested. Second was made by Comm. Johnson and the MOTION CARRIES.

COMMISSIONERS' REPORTS

Comm. Johnson spoke to the other Commissioners about the Levy County Education Foundation Beast Feast and stated he had contacted Leslie Sturmer about getting clams and to help the Commissioners cook and serve them.

Comm. Drew presented to the Commissioners for approval the recommendations from the Fire Sub-Committee to the Fire Advisory Board.

Commissioners Stevens and Comm. Johnson stated they would like to review the recommendations and vote at a later date.

NON-AGENDA ITEM

Comm. Bell made a motion to hear a non-agenda item from Helen Kohler. Second was made by Comm. Drew and the MOTION CARRIES. Comm. Johnson votes NO.

Helen Kohler spoke to the Commissioners regarding the Equestrian event in Black Prong coming up in which she operates. She states she is having trouble with the insurance requirements and permitting needed for the event.

The Board agrees by consensus to allow Ms. Kohler to submit the application for the event with the condition of showing proof of insurance closer to the date of the event.

The meeting recessed at 11:07 A.M.

The meeting reconvened at 1:00 P.M.

BUDGET WORKSHOP

Comm. Stevens called the Budget Workshop to order at 1:01 P.M.

Sheila Rees presented the Board with budget amounts stating by using the rolled back rate this gave \$1,108,406 additional in ad valorem taxes. The total projected Revenues increased from the preliminary amount is \$1.9 million. By using the rolled back rate, this will leave \$2,011,766 in reserve.

LARC

Betty Walker requested the same amount as last year, \$30,393 for the LARC budget. Ms. Walker also introduced Nick, who will be taking her place when she retires soon.

Comm. Drew made a motion to approve the LARC budget at the same amount as last year. Second was made by Comm. Johnson and the MOTION CARRIES.

MERIDIAN BEHAVIORAL HEALTHCARE, INC.

The Commissioners discussed cutting funding to Meridian.

Comm. Bell made a motion to cut the budget request for Meridian by 50%. Second was made by Comm. Drew. The votes were cast as follows:

<u>Yes</u>	<u>No</u>
Comm. Bell	Comm. Drew
Comm. Stevens	Comm. Johnson

The MOTION FAILS.

Comm. Drew made a motion to cut the budget request for Meridian by 10%. Second was made by Comm. Johnson and the MOTION CARRIES. Comm. Stevens votes NO.

NATURE COAST BUSINESS DEVELOPMENT

Comm. Bell made a motion to approve at the budget request for Nature Coast Business Development in the amount of \$39,940, withholding the amount designated for the Director's salary until someone is hired for this position. Second was made by Comm. Drew and the MOTION CARRIES.

COMMUNITY ACTION AGENCY

Comm. Drew made a motion to approve the budget amount requested for the Community Action Agency at the same amount as last year, \$4,750. Second was made by Comm. Johnson and the MOTION CARRIES.

Funding for the Health Department will be at \$150,000 per their contract.

RECREATION FUNDS

Mrs. Rees stated the Recreation fund amount for each Commissioner is \$11,400 currently.

Comm. Drew stated she could reduce her amount by \$5,000 as there are fewer children in her district and the need is not as great for youth league contributions.

Comm. Drew made a motion to reduce the overall amount for the Commissioner's Recreation Funds by \$5,000, making the fund amount \$52,000. Second was made by Comm. Bell and the MOTION CARRIES.

FIRE

The following individuals spoke on behalf of the different Fire Departments in the county:

Rick Bloom
Brent Barris
Joe Renaudo
Otter Creek Mayor
Ronnie McQueen
Robert Curr
Gene Stockman
Teresa Barron

Funding from the Town of Otter Creek's budget given to City of Chiefland for Fire Service was discussed. Ronnie McQueen gave information regarding an increase in calls for the Fanning Springs Fire Department as a result of growth in population and requested their budget be increased by \$38,113. The increase in their budget is possible due to a reduction in the other Fire Departments budget.

After discussion Comm. Drew made a motion to approve the Fire Department budget as presented. Second was made by Comm. Johnson and the MOTION CARRIES.

PROPERTY APPRAISER

There were no questions by the Commissioners as the Property Appraiser had reduced his budget by 14% already.

SHERIFF'S DEPARTMENT

Sheriff Smith stated his current budget amount is \$10,831,058. To date they have cut \$661,498 from their budget which brings the total proposed budget amount to \$10,169,560. Sheriff Smith stated he was asked to make additional cuts by doing away with the bottled water service and coffee supplies to employees reducing the budget further by \$6,102. The total budget request is now \$10,163,458. Sheriff Smith states he can make no further cuts other than personnel.

Comm. Stevens requested Sheriff Smith to look at his budget again to see if there are any more cuts he could make.

SUPERVISOR OF ELECTIONS

Connie Asbell states she operates with two budgets, the Office Budget and the Elections Budget. She has cut \$9,000 from the Office Budget.

Comm. Stevens requested Mrs. Asbell to take another look at her budget to see if she can make any further cuts.

TAX COLLECTOR

Michelle Heddins presented the Tax Collector's requested budget in the amount of \$981,435 for Mrs. Fugate. She stated this reflects a reduction of 5.95%.

CLERK OF COURT

Danny Shipp stated he has reduced his budget by \$26,845 and will not be asking for an additional \$80,000 for a State mandated expense.

Comm. Drew made a motion to set the Property Appraiser and Tax Collector Budget. Second was made by Comm. Johnson and the MOTION CARRIES.

Comm. Johnson made a motion to approve the budget for the Clerk of Court as presented. Second was made by Comm. Bell and the MOTION CARRIES.

Comm. Stevens reminded everyone of the Budget Meeting on Thursday at 6:30 P.M. to set the tentative budgets for those not approved today.

Comm. Drew asked about the fiscally constrained money in Road Department and Mrs. Rees responded there was \$385,000 in ½ cent fiscally constrained money budgeted for next year in the Road Department. There is \$1,373,662 in ad valorem money which is in the General Revenue fund.

Mrs. Rees stated the calculated budget is currently based on the rolled-back millage rate which is 8.0614. The Commissioners agreed to vote on the millage rate at the meeting on Thursday evening meeting.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNED AT 3:35 P.M.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
LEVY COUNTY, FL

Clerk of Court, Danny J. Shipp

Chairman, Danny Stevens