

**REGULAR MEETING
LEVY COUNTY BOARD OF COUNTY COMMISSIONERS
OCTOBER 5, 2010**

The Regular Meeting of the Board of Levy County Commissioners was held on October 5, 2010, at 9:00 AM in the Levy County Board of County Commissioners meeting room, with the following Commissioners present:

Chairperson Nancy Bell
Vice Chairperson Danny Stevens
Comm. Marsha Drew
Comm. Lilly Rooks
Comm. Chad Johnson

Also present were:

County Attorney – Anne Bast Brown
County Coordinator – Fred Moody
Assistant to the County Coordinator – Dick Tummond

Chairperson Bell called the meeting to order at 9:00 AM. Comm. Bell gave the invocation, followed by the Pledge of Allegiance.

EXPENDITURES

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

CHECK NUMBER	102739-102782
FUND	AMOUNT
GENERAL REVENUE	988,260.81
ROAD	40,617.28
TRANSPORTATION	15.00
911	26,524.76
COURT FACILITIES	62.00
EMS	54,873.83
FIRE	4,290.81
TOURIST DEVELOPMENT	15.00
UTILITIES	600.00
TOTAL	\$ 1,115,259.49

MINUTES

Approval of the minutes for the following meetings:

Regular Meeting held September 7, 2010	Budget Hearing held September 20, 2010
TRIM Hearing held September 9, 2010	Regular Meeting held September 21, 2010

Comm. Johnson made a motion to approve the above listed minutes as presented. Second was made by Comm. Stevens and the MOTION CARRIES.

NON AGENDA ITEM - 1

Comm. Bell asked if a non-agenda item could be heard regarding Emergency Management.

Comm. Drew made a motion to hear a non-agenda item. Second was made by Comm. Johnson and the MOTION CARRIES.

Mark Johnson introduced Jim Britts, State Division Emergency Management Coordinator, Region 3 and thanked him for his work as Mr. Britts is retiring. Mr. Johnson presented a plaque to Mr. Britts in recognition of his service.

ZONING

Rob Corbitt, Director

A. Petition No. Ha.Va. 8-10, Hardship Variance.

Atty. Brown swore in members of the audience wishing to speak for or against the Hardship Variance or the Preliminary Plats.

Comm. Bell asked if any of the Board members had ex-parte communication with either of the petitioners.
¹Comm. Johnson stated he had spoken with Mr. Crane regarding Petition No. PP 4-10 (Item B.).

Mr. Corbitt presented Petition No. Ha. Va. 8-10, Hardship Variance for Board approval.

Comm. Bell asked if there was anyone to speak for or against.

Angie Medieros stated the petition is to move her parents onto her property she owns with her husband. She also explained the severity of the health of her parents as this is the reason to move them here from up north.

Comm. Drew made a motion to approve Petition No. Ha.Va. 8-10, Hardship Variance as presented. Second was made by Comm. Johnson and the MOTION CARRIES.

B. Petition No. PP 4-10, Preliminary Plat of "Crane Acres."

Mr. Corbitt presented Petition No. PP 4-10, Preliminary Plat of "Crane Acres" for Board approval.

Comm. Bell asked if there was anyone to speak for or against. There were none.

Comm. Stevens made a motion to approve Petition No. PP 4-10, Preliminary Plat of "Crane Acres" as presented. Second was made by Comm. Rooks and the MOTION CARRIES.

C. Petition No. FP 6-10, Final Plat of "Vaughn's Acres."

Mr. Corbitt presented Petition No. FP 6-10, Final Plat of "Vaughn's Acres" for Board approval.

Comm. Bell asked if there was anyone to speak for or against. There were none.

Comm. Stevens made a motion to approve Petition No. FP 6-10, Final Plat of "Vaughn's Acres" as presented. Second was made by Comm. Drew and the MOITON CARRIES.

PUBLIC HEARING

Bruce Greenlee, Road Department Administrative Superintendent

A. Adopt Resolution 2010-47 approving the Petition to Vacate, Abandon, and Close a Portion of SE 137th Terrace.

Mr. Greenlee requested approval of the Board to adopt Resolution 2010-47, Petition to vacate, abandon, and close a portion of SE 137th Terrace as petitioned by Alan and Carol Ward.

Comm. Bell asked if anyone wanted to speak for or against.

Alan Ward, one of the petitioners, spoke to the Board and requested their approval of the Resolution.

Comm. Rooks made a motion to adopt Resolution 2010-47 as presented. Second was made by Comm. Drew and the MOTION CARRIES.

CITY OF CHIEFLAND

A. Request approval of Fire Protection Services Agreement for Fiscal Year 2010-2011 between the County and the City of Chiefland for Fire District 6 (Fowler's Bluff) and 7 (Chiefland).

Norm Fugate Attorney for the City of Chiefland requested approval from the Board of the Fire Protection Services Agreement for Fiscal Year 2010-2011 between the County and the City of Chiefland for Fire District 6 (Fowler's Bluff) and 7 (Chiefland).

1. Ex-Parte Communication Comm. Johnson

Those speaking in favor of the Fire Protection Services Agreement were:

- Chiefland Vice-Mayor, Teresa Barron
- Gene Stockman
- Chiefland Fire Chief, James Harris

Those speaking against the Fire Protection Services Agreement and in favor of the Fowler’s Bluff Fire Department functioning without the aid of the Chiefland Fire Department were:

- Fowler’s Bluff Fire Department President, Robert Mount
- Fowler’s Bluff Fire Department Vice-President, Craig Miller

After discussion, Comm. Drew made a motion to accept the Fire Protection Services Agreement as presented. Second was made by Comm. Johnson and the votes were as follows:

Yes	No
Comm. Drew	Comm. Stevens
	Comm. Rooks
	Comm. Bell
	Comm. Johnson

The MOTION FAILS.

Comm. Rooks made a motion to leave Chiefland with District 7. Second was made by Comm. Johnson and the MOTION CARRIES.

The meeting recessed at 11:26 P.M.
The meeting reconvened at 11:40 P.M.

LEVY COUNTY SHERIFF’S DEPARTMENT

Lt. Scott Finnen

- A. Ratification of the application originally submitted and approval of the acceptance of the award documents sent by DOJ, regarding a Federal Grant award of \$100,000.

Lt. Finnen requested ratification of the application originally submitted and approval of the acceptance of the award documents sent by DOJ, regarding a Federal Grant award of \$100,000.

Comm. Rooks made a motion to approve the ratification of the application originally submitted and approval of the acceptance of the award documents as presented. Second was made by Comm. Johnson and the MOTION CARRIES.

PUBLIC COMMENTS

Mrs. Daldine speaks about barking dogs in her neighborhood. She asked if anything had been done and why current laws are not enforced. Mrs. Daldine also provided a handwritten timeline she had documented of the times the dogs were barking to the Commissioners.

Mr. Tummond spoke to the Commissioners and stated Animal Control and the Sheriff’s Department had both responded.

WILLIAMS COMMUNICATION

A.J. Smith, Williams Communication

- A. Maintenance Agreement for radios and related equipment.

Mr. Tummond spoke to the Board regarding a maintenance agreement for the 330, 800 MHz radios and related equipment as previously discussed at the September 7th Board meeting. After negotiations with Williams Communication, Mr. Tummond stated the rate per radio is \$125 for yearly maintenance. For a one-time call for repairs, the rate would be \$50 per radio. Mr. Tummond stated the rate for all radios and dispatch equipment would be \$54,273.60.

Comm. Stevens made a motion to approve the maintenance agreement amount of \$54,273.60 with Williams Communication and to move forward with the contract. Second was made by Comm. Drew and the MOTION CARRIES.

DEPARTMENT REPORTS

COUNTY COORDINATOR

Fred Moody, County Coordinator

- A. Levy County Fiscal Year 2011-2012 Assessment Program Proposal by Government Services Group and Nabors, Giblin & Nickerson, P.A. – TABLED -

ASSISTANT TO THE COUNTY COORDINATOR

Dick Tummond, Assistant to the County Coordinator

- A. Request to reject current bids for Manatee Utilities Chlorine Monitoring and re-bid the project.

Mr. Tummond requested the Board reject the current bids for Manatee Utilities Chlorine Monitoring and re-bid the project.

Comm. Johnson made a motion to reject the current bids for Manatee Utilities Chlorine Monitoring and re-bid the project. Second was made by Comm. Drew and the MOTION CARRIES.

- B. Request to award bids for University Oaks Utility Electrical Upgrade.

Mr. Tummond presented the two bids received for the University Oaks utility electrical upgrade and they are as follows:

C & H Electric	\$24,478
Robert Shipp Electric	\$33,000

Mr. Tummond stated it is his recommendation to enter into a contract with C & H Electric.

Comm. Drew made a motion to accept the bid from C & H Electric in the amount of \$24,478 as presented. Second was made by Comm. Stevens and the MOTION CARRIES.

PLANNING

Shenley Neely, Director

- A. Renewal Service Agreement with Withlacoochee Regional Planning Council for Planning and Zoning Services for Fiscal Year 2010-2011.

Ms. Neely requested approval from the Board for renewal of the Service Agreement with Withlacoochee Regional Planning Council for Planning and Zoning Services for Fiscal Year 2010-2011.

Comm. Stevens made a motion to approve renewal of the Service Agreement with Withlacoochee Regional Planning Council as presented. Second was made by Comm. Drew and the MOTION CARRIES.

SOLID WASTE

Benny Jerrels, Director

- A. Request Board approval to renew the annual Withlacoochee Regional Planning Council contract.

Ms. Neely requested on behalf of Mr. Jerrels approval from the Board to renew the Annual Withlacoochee Regional Planning Council Contract. She stated this contract is renewed annually for verification of hazardous waste management practices.

Comm. Drew made a motion to approve the renewal of the Annual Withlacoochee Regional Planning Contract as presented. Second was made by Comm. Stevens and the MOTION CARRIES.

ATTORNEY’S REPORT

Anne Bast Brown, County Attorney

- A. Discussion and director on proposed settlement in class action suit, The County of Monroe, Florida v. Priceline.com, Inc. et al.

Atty. Brown asked for direction from the Board regarding the class action suit, The County of Monroe, Florida v. Priceline.com, Inc. et al. She stated the proposed settlement would mean Levy County would receive about \$250. Atty. Brown then gave details of the terms of the settlement to the Board members. The board decided by consensus to stay in the suit.

- B. Request approval and authorization for Chair to sign Short Form Consent Order with Department of Environmental Protection for settlement of proposed civil penalties.

Atty. Brown requested approval and authorization from the Board for the Chair to sign Short Form Consent Order with Department of Environmental Protection for settlement of proposed civil penalties. Atty. Brown stated DEP had made an inspection at the Landfill and issued a warning letter listing proposed violations and penalties in the amount of \$66,100. Staff from the Landfill then had a meeting with DEP and the alleged violations and penalties were reduced to two violations for the amount of \$4,000 and \$250 in costs. After discussion, Comm. Rooks made a motion to pay \$500 for the improper slope penalty, but to re-negotiate the remaining \$3,500 penalty. Second was made by Comm. Stevens and the MOTION CARRIES.

COMMISSIONER'S REPORTS

Comm. Johnson gave follow up information on the Levy County Beast Feast.

Comm. Rooks stated the Clam Association would donate and come to the Beast Feast to cook the clams. The Board members will serve.

Comm. Bell presented a letter requesting a letter of support for Florida's Pure Water Wilderness application for a Rural Regional Development Grant to the Governor's office of Tourism, Trade and Economic Development. Comm. Stevens made a motion to submit a letter of support as requested. Second was made by Comm. Drew and the MOTION CARRIES.

NON-AGENDA ITEM - 2

Comm. Rooks made motion to hear non-agenda item. Second was made by Comm. Stevens and the MOTION CARRIES.

Comm. Rooks asked Pat O'Neal and George Sresovich to come to the podium and Mr. O'Neal presented for Board approval a Proclamation to designate October, 2010 as the Helen Denham Month. He explained the Helen Denham was a paddle-wheel steamer recently found in the #4 Channel at Cedar Key. Work is being done to bring it up to the surface. This steamer was used to ferry cypress and lumber on the Suwannee River. Mr. O'Neal then read the Proclamation into record.

Comm. Rooks made a motion to approve the Proclamation as presented. Second was made by Comm. Johnson and the MOTION CARRIES.

Comm. Rooks introduced Lindon Lindsey and Toni Collins from the Levy County Historical Society. On behalf of the Levy County Historical Society, Toni Collins made a contribution to the fund designated for the excavation of the Helen Denham in recognition of the entities trying to preserve a piece of Florida History.

NON-AGENDA ITEM - 3

Comm. Johnson made a motion to hear a non-agenda item. Second was made by Comm. Stevens and the MOTION CARRIES.

Comm. Johnson asked Pat O'Neal to bring the Board up to date on the progress of the Chiefland Hospital. Mr. O'Neal stated Levy County would need to send a letter drafted by Atty. Brown to the State to ask for re-allocation of funds and to send to Chiefland so they can send the appropriate attachments with it. Discussion followed as to whether the College could be included in the request for re-allocation of funds.

Comm. Johnson made a motion to have Atty. Brown draft a letter asking for re-allocation of funds as requested for the Hospital as well as for the College. Second was made by Comm. Drew and the MOTION CARRIES.

Comm. Rooks announced there will be a "meet and greet" with Rod Smith at the Dogan Cobb Municipal Building Friday starting at 8:30 A.M.

Atty. Brown stated in order for the College to be included in the letter, the Board would need to adopt a Resolution naming is as a Recovery Zone Project and authorize the Chairperson to sign.

Comm. Stevens made a motion to adopt a Resolution naming the College in Chiefland as a Recovery Zone Project and authorize the Chairperson to sign. Second was made by Comm. Rooks and the MOTION CARRIES.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNED AT 1:08 P.M.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
LEVY COUNTY, FL

Clerk of Court, Danny J. Shipp

Vice-Chairman, Danny Stevens