

BAKER COUNTY BOARD OF COMMISSIONERS

MINUTES

April 19, 2010

The Baker County Board of Commissioners met in a regular session with the following members present:

Chairman Alex Robinson
Commissioner Michael R. Crews
Commissioner Mike Griffis
Commissioner Mark Hartley
Commissioner B. Gordon Crews

Also present:

County Clerk Al Fraser
County Attorney Terry Brown
County Manager Joseph L. Cone

Chairman Alex Robinson called the meeting to order and led in the prayer and flag ceremony.

Chairman Alex Robinson asked if there were any changes or additions to the agenda. Joe Cone requested putting an item under the County Manager section of the agenda to introduce the new extension office agent. Commissioner Gordon Crews moved to approve the agenda with the addition of the extension agent introductions under Joe Cone and the motion was second by Mike Griffis. Motion carried unanimous.

Chairman Alex Robinson asked for a motion to approve the Consent Agenda items, which were:

1. Approval of Minutes for April 6, 2010 meeting
2. Expenditure Report
3. Approve request from EMS for Radio Purchase
4. Raiford Road Church-mobile home park permit
5. Resolution 2010-10; FACT Fourth Amendment
6. Approve request for equipment needed for new Public Defenders Office

Commissioner Mike Griffis moved to approve the Consent Agenda and the motion second by Commissioner Gordon Crews. Motion carried unanimous.

County Manager Joe Cone introduced Jane Corless as Baker Counties Extension Agent until one can be hired to replace the position vacated by Mike Sweat. Ms. Corless will represent Baker County, Bradford and Clay counties until a replacement can be hired. The Board welcomed Ms. Corless to Baker County.

Joe Cone gave an explanation of the proposed agreement with Kasper Architect Firm in the amount of \$2400 dollars. The purpose of the proposal is to define the steps involved in establishing a scope of work and develop a bid narrative for the rehabilitation of the existing jail building for the Baker County Board of Commissioners. It is understood that certain grant funds have been appropriated for the cost of this work, and it is necessary to evaluate the need, and advise on the most efficient and expeditious way to utilize these funds in a manner that provides the greatest benefit. The sub committee appointed by the Public Safety Coordinating Council to work on the renovations of the old jail suggested we have someone with expertise to advise them. Mr. Kasper has scheduled time for sub contractors to come in and tour the facility and report to the board estimated cost for the renovations. This is all scheduled for May 12, 2010 and the inspector from the NIC (National Institute of Corrections) will be here also from Maryland and

there is no cost associated with that. The NIC inspector and Mr. Kasper will tour the facility and will be here for three days to evaluate the old jail and then the reports will give the county a feel for what the renovations will cost and whether the county has enough money to renovate the facility next door. Chairman Alex Robinson commented he thought the \$2400 dollar fee was reasonable. Commissioner Mike Griffis questioned would the \$2400 dollars come out of the grant money for the renovations or from General Revenue funds? Joe Cone stated we would pay for it out of the grant however, if it is decided by this board for whatever reason that you do not want to use the facility or move ahead with the renovations then we will have to pay for it out of General Revenue funds. Joe Cone stated he questioned Eric Kasper if he thought \$416,000 was enough to renovate or do anything and he said if you want to renovate the whole facility you would need more money but it is a matter of perhaps putting possibly 50 or 60 inmates even though it is licensed for 132 inmates. John Finley told us at any given time you want to make sure some of those people because of the crimes committed need to be at a higher security facility like BCDC. We may want to renovate only half of the building and make it suitable.

Commissioner Mike Crews commented he was glad Mr. Cone mentioned for the contractors to meet with the architect at the same time so the NIC representative will get a clear understanding straight from the architect what needs to be done.

Commissioner Mike Griffis moved to enter into the agreement with Kasper Architect and the motion second by Commissioner Gordon Crews. Motion carried unanimous.

Joe Cone explained a grant application for new updated radio equipment for Fire, EMS and City of Macclenny filed last year. David Richardson, EMS director, explained to the board this purchase if approved would come out of existing grant monies, which have been approved by the state as an allowable purchase. This grant does not use any matching funds or require any sort of return payment. The County Grant is designed for the purpose of request such as this to improve EMS's ability to serve the residents of this county. The purchase is for ten Kenwood TK2170-LKP radios. The radios will replace and upgrade some of the existing pagers. The Motorola Minitor V pagers were also priced and were higher than the radios with fewer capabilities of the radios. The Kenwood radios allow the calls to be paged and offer the ability to have two communications with dispatch, other personnel on a call, shift leaders, and the ESD. The existing pagers only receive the initial page. The total grant amount is \$618,400 dollars and has a 10 percent local match. The matching portion of the grant requires Baker County Fire \$35,070, Baker County EMS \$10,790, and Macclenny Fire \$15,980.00. The difference in the contribution is based on type and quantity of equipment needed by each entity. The City of Macclenny approved their match at their last meeting. Commissioner Gordon Crews made the motion to commit the match from contingency funds for the radio equipment for Fire, EMS and the City of Macclenny and the motion was second by Commissioner Mike Crews. Motion carried unanimous.

Joe Cone explained to the board the Department of Community Affairs letter regarding a 2008 application for a Community Development Block Grant Disaster Recovery Program funds in the amount of \$395,781 was approved for funding. Mr. Cone stated with this grant money and the funds from CSX for the by-pass road the county could pave Cow Pen Road up and then possibly over left to CR 127. Commissioner Mike Griffis said he had been working with the residents on Tennessee Street and Noel Street concerning an MSTU and told the residents he would talk with Mr. Cone and see what the next step in the process would be to get their road paved.

Commissioner Mike Crews commented he would be happy to see any improvements on Cow Pen. Commissioner Mark Hartley stated the residents of Cow Pen have been waiting a long time for this and then made the motion to accept the CDBG agreement for \$395,781 dollars and the motion was second by Commissioner Mike Crews. Motion carried unanimously.

Joe Cone stated the board has to notify the State regarding the addition to the St. Mary Shoals property. Mr. Bob Guido got the county an extension until the 21st of April. Mr. Cone stated he needed an affirmation and acceptance of the additional property tonight.

Chairman Alex Robinson stated the Commissioners had an hour-long workshop regarding the additional land acquisition to the Shoals Park on April 6, 2010 and did not think we were going to open the floor tonight to discussion and I am not going to open the floor to discussion. I do however have two speaker cards and will hear those two speakers for of course three minutes.

Danny Norton who lives in Copper Creek Subdivision stated he is here as a taxpayer and does not have a dog in this fight and does not even know anyone who will profit from this additional land acquisition to the park. He requested the board not make a decision that will cost the taxpayers down the road. With unemployment the way it is and sometimes-free things aren't free and when the board makes their decision tonight to please take that into consideration.

Mike Yarborough, 7539 John Rowe Road, Glen St. Mary - gentlemen it is our understanding based on your comments that your decisions are independent and uninfluenced. They are made on the merits of the issue at hand. That being the case I hope you have been able to complete the due diligence necessary on this subject to have an informed opinion. Using the premise argued in the workshop that this might be a profitable venture for the county in the future it would stand to reason one would have a clear understanding of the property itself before deciding to accept ownership. Furthermore, it would seem logical to have a command of future funding, present park problems, and the possibility of the state having the legal right to take our investment back for violations of policy. In order to make the best decision for the taxpayers of the State of Florida one would presume a wetland survey (as discussed with multiple commissioners), a timber cruise, and a land appraisal have been done before arriving at the point of a vote. This same information would be critical to negotiating the price per acre under the Land Trust agreement with the private owners and the public be made aware in advance of what the true cost is to be. It is my firm conviction the landowners have done their business model on the acreage and are fully aware of its fair market value. They are astute businessmen and cannot be faulted for negotiating the best terms for their company. However, as our representatives in this matter we must depend upon you to know the value and the profitability of it on our behalf. Apparently as seasoned landowners they have concluded it is more lucrative to sell their interests than to produce timber or bank mitigation credits. It is confusing to many why successful private landowners would not retain the property if it were so valuable and develop its potential privately. May I conclude by asking may we please be made aware of what you consider based on the knowledge at hand a fair market price per acre for this land would be? I feel confident the negotiations of the price will not be public knowledge until a later date, should you decide to move forward.

Commissioner Mike Griffis asked if Bob Guido, Trust for Public Lands, could take the board through the process, because tonight what we are trying to decide is if all the due diligence that

happens after the land acquisition if we decide tonight to accept the property. There are a lot of things that have to happen before it actually comes to fruition.

Chairman Alex Robinson said he did have a speaker card for Bob Guido but Bob was not going to speak unless he was called on to speak. Bob you are not on trial.

Bob Guido, Trust for Public Lands, thank you Commissioners and citizens for this opportunity. In 2004 the board was responsible and I was fortunate enough to have the opportunity to work with you and help create the St. Mary Shoals Park. Phase I of the St. Mary Shoals Park preserves almost two miles of riverfront. If the Longbranch Farms owners did not work with the Trust for Public Lands in trying to put this park in public ownership then chances are they could have hung on to it for a few years and sold that river front for a whole lot more than what they got paid. To address the question on the fair market value, and what that property will cost today. The landowners will not be paid more than that property is worth. There has to be two appraisals done by private appraisers, and done independently just like on the first 1600 acres. Then there is a third appraiser that they hire that reviews both appraisals to make sure the appraisals were done properly. The appraisals are scrutinized to no end I can assure you on that. The Trust for Public Lands has a contract so we are the seller to it. Those appraisals will be confidential because the Commissioners have a confidentiality agreement in this contract. We will not be able to know what the price is on those appraisals and we will not know. The state in this case (Florida Communities Trust) will negotiate with the Trust for Public Land on a purchase price. They are tough negotiators make no mistake about it. They are under Florida Statue that they cannot pay more than what the full market value says on those appraisals that will be heavily scrutinized. The funds that are now available for that purchase of land. If there are monies left over (the grant requires \$3,750,000 dollars, from the cost of the land and the due diligence) then it will go to the next project which is Putnam County.

Commissioner Mike Griffis stated Commissioner Michael Crews raised a valid point a couple of meetings ago about obligating the county to any future financial obligations. I want to make clear today if we do decide to accept this that if there are not any funds available to enhance the park in any way what happens to the park? Does it just lay dormant until the county has funds to enhance it or does the state take the park back? What happens if the county does not have any money to enhance the park?

Bob Guido- You saw the 2008 list of how many municipalities have applied for these grants. Rest assure all of them would like to be in Baker Counties position to have an income stream coming from the property. In this case the income stream would be timber sales, silva culture activities and activities from ball fields and concession stands. If something happens and the county does not have the funds to maintain the park do like the state and national parks do and shut a portion of the park down or close the gate until the economy comes back. The county should be real blessed to have the park because in today's economy it is real tuff for everyone and instead of taking trips to Europe or Disney they can go in their back yard and have a natural park. The state parks are busy now days due to the economy. Parks are good for our health and we need to get out on the land. This is a great opportunity.

Commissioner Mike Griffis-Is there a designated time line to do any of these improvements?

Bob Guido-the state is very reasonable on comments of the management plans. Lets say there is a five year management plan to build the ball fields, if there are reasons why you cannot build them or canoe launches or trails, the state understands this and they will give you extensions. As far as Mike's question on taking the park back. This has been going on since the early 1990's for almost twenty years and I am not aware of any park that was taken back. I am aware of people given extra length of time by the state to do things.

Commissioner Mike Crews-Herb Rodgers sent me an e-mail with two questions. One is the counties obligation to fund the park and I spoke with Mr. Guido's partner Will Abiture and he told me the county is not obligated to fund anything there. If at any point the park is not self sufficient the Board of County Commissioners, whether it be two years or twenty years from now, will spend whatever they budget the park for. If they budget zero dollars for the park then it ain't cost the county nothing. So the only taxpayer's money spent on it is whatever that sitting board at that time appropriates to the park. If you make money off of the timber sales and you put it back into the park and it goes on then at some point it looks like it is going to cost the county money then it will be that Board of County Commissioners at that time that determines what the taxpayers will have to pay and not this sitting Board at this time. The grant I do not see it costing the taxpayers anything other than the grant. I know a lot of folks throw around the term free money. It ain't free money. It is taxpayer's money that generates these grants and I do understand that. Whether it is in Baker County Florida or in Cheyenne Wyoming it is all taxpayer's money. We have an opportunity here for some of the taxpayer's money to come back to Baker County. I think this is a good opportunity. The other question I have is about bonds and if they are available to the public? Yes they are. My understanding is the public can buy into the bonds. That should take care of Herb Rodgers two questions.

Chairman Alex Robinson - At this time the Chair will entertain a motion to accept the additional land to the park.

Commissioner Gordon Crews-I make a motion we accept the additional property to the Shoals Park. The motion was second by Commissioner Mark Hartley. Motion carried unanimous.

Joe Cone-Mr. Brown for clarification do we need to have something drawn up that authorizes the Chairman to execute the documents or anything. Mr. Guido is that necessary?

Bob Guido-I think that motion signifies it right there.

Chairman Alex Robinson-This is the grants contract anyway.

Joe Cone informed the Chairman he has talked to several Commissioners and even at one of the previous meetings we had discussions on Impact Fees. One commissioner I talked too the other day said that Nassau County rescinded their Impact Fees. I do not think we want to rescind them but a thought would be to put a moratorium on the Impact Fees for twelve months or something of that nature. We have had a number of people coming in that it is an additional expense no question about that. With the hard times people are having when people buy a piece of property or they may not own it the bank owns it and they purchase a mobile home and put the mobile home on it and then they build a house. The house gets foreclosed on and they loose the property and the house. They still have that mobile home and they have a relative in the county or someplace that they can place the mobile home. You know as well as I the Impact Fee runs

with the property and it does not run with the mobile home. If the Board is interested in doing something regarding a moratorium I do not know what we have to do legally. What do we do to revoke something like that for a twelve-month period or if we can do it?

Terry Brown-Bradford County sometime last year did exactly that with the idea of trying to stimulate new construction and new jobs in the county.

Mike Griffis-I did talk with one realtor last week and they said anything to help

Joe Cone-I know that Chairman Robinson does not want to rescind or revoke the Impact Fees. The Board went through a lot of blood sweat and tears to get them in place. I am not suggesting that they be completely rescinded. It is a policy decision Mr. Brown said if we want to try to stimulate some activity. Apparently it is not killing Nassau County.

Chairman Alex Robinson-I do not have a problem negotiating and doing a moratorium on the Impact Fees. If it will enhance growth and construction for contractors then that would be a blessing, really.

Joe Cone-that is the way I look at it. It would be helping people out.

Commissioner Mike Crews-I am curious as to how much growth Bradford County or Nassau County has seen since imposing the moratorium. My last word, after speaking to a Nassau County Commissioner, there are no improvements at all.

Terry Brown-I do not know that Bradford County has experienced any improvements. They did this some time ago for twelve months. They have extended it though beyond the twelve months. I guess because they felt it necessary to extend it for another twelve months.

Joe Cone-if the Board wants to do something we can put the gears in motion.

Chairman Alex Robinson-that's the situation that is going to have to be resolved over there.

Commissioner Gordon Crews-I think it is a two-fold situation here with maybe a moratorium on the Impact Fees. Number one I think the impact fees came in the past due to all the gross development that was taking place and to take advantage of that at the time which did not seem to turn out so great and now that is not happening. On the other hand the down side to it was my daughter graduated, she wants to build a house, and now we have added five thousand dollars plus on her bill. Everybody saw that but with the laws the way they are in the State of Florida and the courts rulings on it you cannot exclude one it is everybody or no body. I see if we can do a moratorium we would be in a perfect timing to maybe help the people of Baker County that their kids want to build a home and their daughters can move and with no big development taking place in the county right now the county would not stand as much a risk of loosing a lot of income because it just ain't happening. Looks to me as if it would be a win for the county residents that have children and relatives that would really like to be able especially in these economic hard times to make that move but impact fees is what is holding them. I would be all for a moratorium for a certain amount of time and whatever would be acceptable to the Board.

Terry Brown-I can simply prepare the same document as I prepared for Bradford County and bring it to you for your consideration.

Chairman Alex Robinson-would you do that Mr. Brown please and give us something to study.

Commissioner Mark Hartley questioned what the City of Macclenny or the School Board thinks and have they had any discussions on this? The School Board went up on their Impact Fees.

Chairman Alex Robinson-we are going to have to review the document that the Attorney presents and see if we are favorable going forward with that and then the School Board and the City of Macclenny is going to have to be involved also is the way I look at it. If we try to encourage that and they do not feel responsible to do it then we got a problem.

Terry Brown-I will be glad to bring something back to you at the next meeting.

Juanice Padgett, Mayor of Glen St. Mary, stated the Town of Glen St. Mary put a moratorium on Impact Fees last year for the same reason but we did not have the authority to not collect the School Board impact fees. We still collect them for the School Board but we do not collect the additional fees for the County for the Town of Glen.

Chairman Alex Robinson-we will review that when we get the documents. Sounds like it is working anyway.

PUBLIC HEARING

Chairman Alex Robinson called the regular meeting back to order. Terry Brown read Ordinance 2010-03 by title which amends Ordinance No. 91-1 regarding the Future Land Use Map of the adopted Comprehensive Plan, with respect to a parcel of land being approximately 10 acres in size, relating to the small scale development amendment procedures submitted by Hugh D. Fish, Jr. as agent for Glen Plantation, LTD. Providing for a change in Land Use Classification from Agricultural B land use to Commercial. Chairman Alex Robinson closed the regular meeting and opened the Public Hearing for comments. Ed Preston explained the applicants are requesting a small scale land use and zoning change and the Local Planning Agency heard this matter on March 11, 2010 and recommended approval with discussion concerning the buffer and future lighting. At the request of the LPA, the property owner/developer will be required by the Development Review Committee to comply with these provisions at site plan approval. The Land Development regulations requires a 20' buffer between commercial and residential zoning districts at 7.06.01 E. and requires the following lighting restrictions: "Outdoor lighting shall be located so as to illuminate the project as necessary to provide safe passage within the development but the source of the light, such as the bulb or filament, or outdoor lighting fixtures shall not be directly visible from property outside the lot on which it is located. Additionally, the maximum illumination permitted at the lot line shall be 0.20 foot candles." Ed Preston stated he notified the St. Johns River Water Management Committee for the potential involvement with the wetlands as the St. Johns River Water Management Committee requested we contact them every time that we see wetlands from the generalized wetlands map being affected. Ed Preston stated county planning staff, the DRC and the LPA find that this request is consistent with the provisions of the land

development regulations and recommends approval of this request for a small-scale land use change. Attorney Hugh Fish, agent for Glen Plantation explained the street light shields on the lights and the buffer surrounding the project. After a brief moment and no comments from the public Chairman Alex Robinson closed the public hearing and opened the regular meeting for comments from the Board.

Commissioner Gordon Crews moved to adopt Ordinance 2010-03 and the motion was second by Commissioner Mike Griffis. Motion carried unanimous.

Terry Brown read Ordinance 2010-04 by title a rezoning request of 10 acres of real property owned by Glen Plantation LTD., from Agricultural (AG 7.5) to Commercial General (CG). Chairman Alex Robinson closed the regular meeting and opened the Public Hearing. Ed Preston stated the zoning is consistent with the LDR's and Planning Staff recommends approval. Chairman Robinson closed the Public Hearing after no public comments. Commissioner Gordon Crews moved to adopt Ordinance 2010-04 and the motion was second by Commissioner Mark Hartley. Motion carried unanimous.

Joe Cone asked the Board have they noticed how far along Ed Preston has come in the last three years? Ed Preston is doing us a good job compared to where he was three years ago. Maurice Postal's wife had their baby Leah Elizabeth Postal. Clint Shivers has a job offer somewhere else. I do not have to tell you how valuable Clint is. We only have two people in the whole county to handle all our computer stuff for us. Nick Frilling is down at Tim Sweat's office and shows up here occasionally for staff meetings and that is about the only time we see him. Clint has a job offer and I am working with him to see if we can come up with some type of reclassification to help him out. I may be talking to you about that the next meeting. Commissioner Gordon Crews questioned was it not about a year ago we talked about a reclassification for Clint anyway? We considered that during the budget process last year per a memo from Nick. Last year the budget was tight and we did not do anything with it. I have been checking around to see what competitive salaries are and we are a little low in a lot of different categories. Chairman Alex Robinson questioned is there a time limit? Joe Cone said obviously Clint needs to tell them something and he needs to give the county two weeks notice. I will be bringing something to you at the next meeting. Joe Cone added Supervisor of Elections office has an election this year and Clerk Al Fraser's office is fixing to go on a new system in 90 days and it is hard to train someone. Commissioner Mark Hartley commented he hated that we trained people and then loose them. Commissioner Gordon Crews questioned Al Fraser how valuable is Clint to your department? Al Fraser responded to learn these programs it takes months if not years to get there. Al Fraser made the offer to help with Clint's salary to keep him. Joe Cone stated Nita Crawford offered to help also.

Commissioner Mike Crews commented this past week in Tallahassee he received a call from two folks that brought his attention to the Folio Weekly article regarding the use of Easy Base. It is a rather blistering and lengthy article and calls in question whether easy base is actually safe or not. Apparently JEA was instructed by the DEP to do quite a bit of stuff and according to the article they did not do it. I think JEA's response is there are some untruths in the article. What I would like to do is bring it to your attention and before easy base is used again lets make sure that we are doing what we belong to do. My understanding is JEA was supposed to come out and do some site evaluations and Mr. Cone told me today that was done. Chairman Robinson and Mr.

Cone both commented JEA did come. They (JEA) were also supposed to do some other stuff that was not done. Anyway, I would like to make sure that before we use any more of that easy base material that we make sure that it is not hurting the folks. I hate that Joe Cone beat me to the punch as far as Clint Shivers. I know that Joe had the opportunity to go over there and speak to Cathy Williams too. I also spent some time with Cathy Williams on several occasions and if there is ever a lady or person or employee of the county that is over worked it is Ms. Cathy Williams. She *is* that department. She needs some help and if we have someone that can be available to help her she is doing the work the best she can do. A lot of her stuff is time restraints. Insurance is coming up again and she has to deal with that also. She herself is pulling the load and if there is an opportunity to find her some help whether an existing employee or whether we have to hire another one she needs help. I spoke with Joe Cone earlier today about the FWC (Fish and Wildlife Commission) contacting me concerning the St. Mary Shoals Park. The FWC stopped some folks that was riding their ATV's down the horse trails and also some other folks doing some mudding off the roads in the woods part and tearing up the planted pines out there. He would be more than happy to write them up with citations or what have you but there is no posting and no existing ordinances they found. I would like to ask Mr. Cone to give us direction and come up with something that we could have some sort of rules and regulations governing the use of the St. Mary Shoals Park. Maybe even post some fines for folks who tear up property or are caught riding ATV's on the horse trail side of the park. I would be concerned if they spooked some horses or something like that. FWC did issue two misdemeanor cases against some folks tearing up the dock at the fishing pond on US 90. It might help re coup some cost.

Commissioner Gordon Crews thanked the commission and public for their cards, letters and phone calls concerning his dad's heart attack last Saturday. He also stated he has a new Grandson as of March 17th.

Commissioner Mike Griffis invited everyone to the Public Servants Day at First Baptist Macclenny Sunday April 25th beginning at 10:45 a.m. and dinner on the ground following the service at 12:30 p.m.

Al Fraser commented he agrees with Commissioner Crews regarding his comments about Cathy Williams she is doing the work of three people and she cannot even schedule off time and she has lots of hours she cannot even take. I checked with other counties and they have two to three people doing what she does.

Commissioner Gordon Crews commented maybe hiring someone weekly or monthly to get all the insurance records processed during the insurance sign ups. Chairman Alex Robinson said he visited Cathy Williams on several occasions and gave Mr. Cone some suggestions and I hope Joe is working on those suggestions. We are trying to give her some relief on the insurance portion of her job and hope that is part of the way to relieve her of some of the stress and duties she is under. Anything we can do to come up with and help her I know she will appreciate.

Chairman Alex Robinson stated he wanted to close by thanking you and his Commissioners and Staff. Our job is a never-ending job and sometimes it is even stated we do not do anything but show up at meetings. I have a secretary that answers my business phone and answers my commissioners line at my office and if you have a question what a commissioner does and does

not do call her. These commissioners are as busy as they can be doing their other jobs but the sworn duty is our county. We hold our county at the most highest level of any Commissioners that I know and we are obligated to serve and we are going to serve Baker County to the best of our knowledge. We sometimes come off wrong maybe but our interest are your hearts and that is where we are going to continue to be until one of us leaves or one of us is no longer able to serve on this commission. I want to thank you so much for your participation.

Commissioner Gordon Crews moved to adjourn.

Al Fraser, Clerk to the Board

Alex Robinson, Chairman