

## **BAKER COUNTY BOARD OF COMMISSIONERS**

### **MINUTES**

**May 4, 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 Will Sexton  
County Manager Joseph L. Cone

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

Chairman Robinson asked if there were any changes or additions to the agenda. After no response Commissioner Gordon Crews moved to approve the agenda and the motion was second by Mike Griffis. Motion carried unanimous.

Chairman Robinson asked if there were any corrections to the Consent Agenda items, which were:

1. Expenditure Report
2. Approval of Minutes April 19, 2010
3. Proclamation/National Law Enforcement Week and Memorial Day
4. Proclamation/EMS Week
5. Planning Department request to schedule Public Hearing May 17, 2010 beginning @ 6 p.m. for a Small Scale Land Use and Zoning Change
  - a. FL. Dept. of Corrections as agent for Trustees of International Improvement Trust Fund (Ord. 2010-06 & Ord. 2010-07)
  - b. James and Nancy Oliver (Ord. 2010-08 and Ord. 2010-09)

Commissioner Mike Griffis moved to approve the Consent Agenda and the motion was second by Mark Hartley. Motion carried unanimous.

Sheriff Joey Dobson announced to the Board the Senior Citizen Fish Fry will be held at the Dowling Center in Olustee on May 27, 2010 beginning at 12 noon.

Greg Shepard representing the Boy Scouts of America requested the opportunity to put a recycle bend next to the Courthouse for paper to be recycled. Chairman Alex Robinson requested the County Manager meet with Mr. Sheppard to coordinate the effort.

Helen Guest came before the Board presenting a plan for a community garden that will provide many benefits to our community. The land she stated is owned by Baker County and located south of the parking lot of the Sheriff's new facility. Ms. Guest requested one acre to secure the land for the purpose of growing vegetables and fruits as a food supply to the needy and to also educate people in successful food production, inspiring people and children in the art of service to

others, and instilling a healthy lifestyle by incorporating fresh foods into the diet. Commissioner Mark Hartley moved to approve the proposal if the county insurance will cover the liability and the motion was second by Commissioner Mike Griffis. Motion carried unanimous.

David Richardson EMS Director came before the Board with a proposal to contract with NCS Plus Inc. for collection services for delinquent unpaid rescue services. Harv Platig, NCS Plus representative explained the collection process to the Board. Commissioner Mike Crews and Commissioner Mike Griffis pointed out they did not want a collection agency-calling constituents in the county. After many questions from the Board Attorney Will Sexton requested Mr. Platig bring an agreement back to the Board for review at a later date.

James Bennett explained the FDOT solicitation for Enhancement Projects due by May 7, 2010 which are federally funded and will be included as part of the FDOT Work program. He also explained the Board needed to submit their list of Priority Projects no later than July 1, 2010. Commissioner Mike Griffis questioned if the City and the County both got a choice to submit projects. James Bennett explained FDOT looks at both and bases the projects on merit. The Enhancement Projects are usually sidewalks. Safe Routes to Schools Program he explained is different than the Enhancement Projects. Commissioner Mike Crews made the motion to submit a request for a sidewalk on 127 N in Sanderson from Tony Givens Road to Five Churches Road and a sidewalk on US 90 to the Post Office in Sanderson. Chairman Alex Robinson wanted to include a request for a sidewalk on SR 228 S from the Post Office to the Wal-Mart Super Center.

Joe Cone presented a formal bid for surplus property owned by the county from First American Title Insurance Company for Lots 32,33,34 and 35 all in Block 33, Lincoln Park Sub. for the amount of \$15,000. Commissioner Gordon Crews moved to accept the bid and the motion was second by Commissioner Mike Crews. Motion carried unanimous.

Jeffery Cox representing the Sheriff's Department came with a request to drop the Deputy Sheriffs Blanket Bond Coverage. As explained the Deputies are insured completely by Hunt Insurance for all eventualities so the blanket bond may no longer be needed. Per Mr. Cox they pay \$124.32 per Deputy in the budget, and it only covers \$1,000 if a Deputy fails to faithfully perform their duty. Commissioner Gordon Crews made the motion for the Sheriff not to carry the Blanket Bond and was second by Commissioner Mike Crews. Motion carried unanimous.

Joe Cone presented results of the Request for Proposal (RFP) for insurance services. He stated they received a total of nine responses. The insurance committee consisting of representatives from all of the Constitutional Offices met on April 13<sup>th</sup> and the nine responder's information packets were delivered. Mr. Cone requested the committee review the information and meet back on April 22<sup>nd</sup> with a first, second and third choice. The 18 member committee met again on April 22<sup>nd</sup> and after some discussion, submitted their preferred ranking. The three firms receiving the largest number of votes were 1. Owen and Associates 2. Haught Financial 3. The Bailey Group. Commissioner Mike Griffis stated he was a big proponent of hiring local people if they can provide the services. He stated he was disappointed no local company was in the top three. Commissioner Mike Crews expressed he was not happy with the ranking either and how it was done. Al Fraser commented it was frustrating in the insurance meeting trying to rank the companies and felt the other members of the committee as a whole were frustrated also. Commissioner Gordon Crews moved to accept the recommendation of the insurance committee

and award the insurance consultant services to Owen and Associates. The motion was second by Commissioner Mark Hartley. Motion carried unanimously.

Joe Cone informed the Board Clint Shivers the counties Information Services Technician has been offered a job at the NEFSH as one of their IT personnel. Clint Shivers currently makes \$35,134 with the county and Mr. Cone suggested the Board offer Clint Shivers a salary adjustment to keep him and they needed to make a decision tonight. Al Fraser stated he had money in his budget for IT support and he could make up the difference in salary for at least two years. Al Fraser stated also this is the third employee they have trained to leave for a better paying position. Commissioner Hartley stated he spoke to a businessperson who gave him some guidelines and they hire at more than what Mr. Shivers was offered at NEFSH. Commissioner Hartley also stated it was a hard decision because the Board had employees at their office that definitely deserved a raise such as Ms. Ann Yarborough and others who do a good job for us. Commissioner Hartley stated he would support the raise if Clerk Fraser has the funds to fund it. Mr. Cone pointed out it was an election year and Nita Crawford needed the expertise of Mr. Shivers and she would like for the county to keep him. Commissioner Mike Griffis had Sara Little pull information from other counties on the pay scale for Information Technicians and their pay ranged from \$47,000 to over \$50,000. Commissioner Mark Hartley moved to offer Clint Shivers the salary of \$48,200 and the motion was second by Commissioner Gordon Crews. The motion carried unanimously.

Joe Cone informed the Board concerning the Request for Qualifications (RFQ) advertised for professional services to monitor the closed Steel Bridge Landfill to insure compliance with DEP rules. As a result of the solicitation the county received three responses. Frank Darabi, King Engineering and Jones Edmunds and Associates. Under the Florida Competitive Negotiations Act the responses are to be evaluated and based upon each firm's qualifications and experience ranked first choice, second choice and third choice. Mr. Cone stated staff would enter into negotiations with the number one ranked firm and bring a proposal back to the Board for consideration at a future meeting.

Joe Cone presented the bid results for paving of the ATV parking lot at St. Mary Shoals Park. Of the two bids submitted APAC was the low bid \$51,553.98 and Anderson Columbia bid \$59,098.50. Commissioner Mike Crews commented he was disappointed with the workmanship APAC did on CR 229 was substandard. Commissioner Mike Crews stated he spoke with Road Superintendent Robert Fletcher and they felt it was in the best interest of the county to hire someone with engineering experience to monitor the paving projects to assure they are done correctly. Joe Cone stated he thought we could hire someone part time to do the inspections. Commissioner Gordon Crews moved to accept the low bid from APAC of \$51,553.98 for the paving of the ATV parking lot at Shoals Park and the motion was second by Commissioner Mike Griffis. Motion carried unanimously.

Commissioner Gordon Crews moved for the County Manager to advertise for a position for an inspector. Commissioner Mike Crews second the motion. Motion carried unanimously.

Attorney Will Sexton presented a draft Ordinance for a moratorium on Impact Fees. Chairman Alex Robinson instructed the Board to review the Ordinance and they would have a workshop prior to the next Commission meeting for discussion. Commissioner Mike Griffis stated he

would like to extend an invitation to the Town of Glen St. Mary, the City of Macclenny, and the School Board to the workshop. The workshop is scheduled for 3:00 p.m. on May 17, 2010.

Mike Yarborough 7539 John Rowe Road, Macclenny, Fl spoke in objection to the moratorium on Impact Fees. He requested to have staff advise them on how this moratorium might affect the Capital Improvement Element and Senate Bill 360 State Statute on Impact Fees and how it supports infrastructure. Based on the comments by Jimmy Bennett earlier concerning FDOT's revenue problems and them sharing portions with the county it would not seem reasonable per Mr. Yarborough to do away with an impact fee designed to pave roads. Mr. Yarborough made reference to the comments made by Commissioner Gordon Crews at the last meeting concerning Mr. Crew's daughter wanting to build a house and she could not build one based under the pressure of various fees, impact fee being one of them. Commissioner Gordon Crews stated that was incorrect his daughter has no intentions of building a house. If that were the case, she may have two automobiles that would impact traffic and no funds to collect to help with the traffic impact and for the board to take that into consideration. Mr. Yarborough reminded the Board of SB 360 and the transportation improvements affecting industry coming into the community and they may challenge the board that if the county does not collect from the average citizen then why should they pay you. Mr. Yarborough asked that the commission consider these things.

Ann Yarborough announced that Thursday May 6, 2010 is National Day of Prayer and a citizen called requesting to use the Courthouse lawn to pray at noon on that day. The commissioners all agreed to allow them to do so.

Commissioner Mark Hartley requested a legal opinion from Will Sexton on the BCDC Impact Fee problem. BCDC did not pay the impact fee because of the study that was going on by BCDC and they came back and gave us a traffic number and Joe Cone thought it was too low. BCDC will have to do another traffic count to figure out what their impact fee is to request of them to pay. I also would like for the Board to go ahead and do the traffic study and find out what it is.

Joe Cone stated you could accept what they submitted. BCDC said there were 87 cars a day coming out of the facility. I thought that count was too low.

Mark Hartley responded when they were charged the fee based on the square footage it was too high because inmates do not drive. The cost I believe was \$227,000 dollars.

Chairman Alex Robinson stated he felt the direction should come from our immediate right (referencing Attorney Will Sexton).

Commissioner Mark Hartley stated I do too but I do not know if you wanted to hear the rest of the story from Robert Hathcox since he is the officer.

Robert Hathcox, Building Official, said that basically as the Ordinance is written given a few occupancies and the cost of those occupancies based on square footage or rooms. The Ordinance says that if there is an occupancy that is not listed, which half of the Sheriff's Department in my opinion as your Building Official is not listed; you can then enter into negotiations. When I calculated the impact fees it was based on business occupancy at 1500 dollars per square foot, which came out to \$224,000 dollars. There was a study done that Mr. Cone just alluded to and that is a very low number which is 87 or 89 I can not remember. The other issue is that half of

the new Sheriff's Complex is called eye restraint occupancy. The other portion in my opinion is considered business occupancy. Therefore it is not listed in that Ordinance. You have a complex building next door that just closed. In my opinion that building has a value to it that we need to take off of the building out there. The Sheriff has ex-number of deputies and they drive cars but in my opinion you have the same amount of cars that you had on the road before. He added a few employees and I think the best thing to do is get a good road count as Mr. Cone and I have discussed and once we get that good road count then that is going to tell us what is the traffic impact to the county.

Commissioner Gordon Crews questioned how long would we count the traffic to get a good average?

Joe Cone said the standard is you count it four times per year. You can do a twenty four hour count or a thirty six hour count or whatever you want to do. You then divide it to come up with an average daily count. You can even get a timer that would give you peak hour traffic. I am not a traffic engineer and I think we are concerned more so with the actual count. You can do the count when they have 300 inmates or do it when they have 500 inmates. You can do it tomorrow if that is the pleasure of the Board.

Chairman Alex Robinson stated he thought the Board should proceed accordingly.

Commissioner Mike Crews suggested doing the count seven days a week and then average it out.

Joe Cone said if that is what you want then that is what we will do.

Commissioner Mike Crews stated at the last commission meeting he talked about the EZ Base article in the Folio Magazine. He said whether his comments were misunderstood or misinformation or a complete fabrication in somebody's imagination. At no time did I say that the EZ Base that Baker County was using failed to meet the standards. Actually it was just the opposite. The EZ Base that we use did meet the standards. I was simply bringing to the Boards attention that there was some materials that had been used in other areas outside of Baker County that did not meet the standards and I wanted to bring it to the Boards attention because citizens have brought it to my attention and to ensure that Mr. Fletcher was made aware of it if he was not, to make sure that any materials we did get or use did meet the standards. This notion that someone has gone out and spread that the Board of County Commissioners is poisoning our citizens and our children and our waterways is absolutely a figment of someone's imagination as far as I am concerned based on the information that I have to where the EZ Base we use has passed the standards. I wanted to clear that up.

Chairman Alex Robinson stated we have reports from OSIA and we have lab reports that there is not a problem with our EZ Base and a matter of fact it has been released for use on the roads.

James Bennett with FDOT stated the Department of Transportation continues to look at the use of EZ Base as well. EZ Base is a product that is produced by the Jacksonville Electric Authority and they are the only ones that produce it and it is a particular mixture that they have marketed. There are certain restrictions that they are putting forth now which is to make sure you are at least two feet above the minimum water table and things like that. I would suggest that as you move forward with the use of EZ Base that you look at the literature and make sure it is the right

application. The DOT continues to look at it and do some research on it as well and that is all public record that if you have a question with we would be glad to make that available to you. It is not just used on roadways it is used on other type of transportation projects and has been used at some airports. We have had some issues with it in certain locations. That is because we found there was some inconsistencies with the way it was placed and things like that. In fairness to the EZ Base product if it is used in the right locations it will work very well but the DOT does have some research work that we would be glad to share with you should you ask for it.

Commissioner Gordon Crews thanked everyone for the prayers and concerns for his dad who is recovering from a heart attack.

Chairman Alex Robinson stated we are being inundated or whatever you want to call it with e-mails and I want to ask that whoever sends an e-mail if you cannot e-mail with the right attitude or with the right tone, I am asking my Commissioners not to respond to your e-mails. They are derogatory and I refuse to and have made this statement before, I refuse to have our Commissioners subdued to such manner that is going on with some of these questions. The very same ones that are concerned about their taxes that we pay are the very same formula costing you guys a lot of money. We are spending hours on end responding to e-mails. Sara Little mentioned she had work that was delayed for eight hours of County use due to responding to e-mails. Mr. Joe Cone has spent hours on end. The e-mails to Ed Preston, Planning Director, Maurice Postal, Grants Coordinator and Debbie Perryman in Finance e-mails have to stop. If you cannot come by or call or something then we are not going to answer the irresponsible e-mails we are getting. This commission does not deserve the e-mails we are getting and I have had a meeting with Joe Cone and Terry Brown and we have asked the Board Secretary Ann Yarborough to respond to those e-mails. Some how we are going to have to put an end to some of this stuff it can't just continue in its present state. I am asking if anyone cares to e-mail the Commissioners then Ann Yarborough is suppose to answer those e-mails and she is suppose to send the Commissioners a copy of the answer. I just wanted you to know how I feel we do not mind helping anyway we can but there is a right way to do it. We expect to be treated with due respect.

Commissioner Gordon Crews moved to adjourn. Meeting Adjourned.

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**Al Fraser, Clerk to the Board**

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**Alex Robinson, Chairman**