

**REGULAR MEETING  
LEVY COUNTY BOARD OF COUNTY COMMISSIONERS  
MAY 3, 2011**

The Regular Meeting of the Board of Levy County Commissioners was held on May 3, 2011 at 9:00 AM in the Levy County Board of County Commissioners meeting room, with the following Commissioners present:

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

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. Comm. Johnson gave the invocation, followed by the Pledge of Allegiance.

**EXPENDITURES**

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

<b>CHECK NUMBER</b>	<b>104663-104794</b>
<b>FUND</b>	<b>AMOUNT</b>
GENERAL REVENUE	1,234,940.05
ROAD	46,888.58
COURT TECH/CRIM PREV	495.38
TRANSPORTATION	34,944.51
911	31,377.03
COURT FACILITIES	8.00
PROGRESS ENERGY	430.13
EMS	12,298.34
FIRE	47,573.52
TOURIST DEVELOPMENT	2,675.61
UTILITIES	613.13
DRUG TASK FORCE	1,005.00
CAPITAL PROJECTS	482.45
LANDFILL	8,514.73
<b>TOTAL</b>	<b>\$ 1,422,246.46</b>

**MINUTES**

Approval of minutes for the Regular Board Meeting held April 19, 2011.  
Comm. Drew made a motion to approve the minutes for the Regular Board meeting held April 19, 2011 as presented. Second was made by Comm. Johnson and the MOTION CARRIES.

## **SUWANNEE RIVER SHRINE CLUB**

Claude Blackburn & Shellie Downs, Suwannee River Shrine Club

Mr. Blackburn announced the Suwannee River Shrine Club is presenting the Shriner's Annual Kids Fishing Tournament to be held on the Suwannee River at the Hart Springs Public Boat Ramp, Saturday, June 11<sup>th</sup> from 6:00 A.M. to 12:30 P.M.

The Commissioners decided to make a sponsorship donation to the event. Comm. Drew stated she would be willing to use money from her recreation fund to make a donation as a silver sponsor.

Comm. Drew made a motion to take \$60 from her recreation fund to make a donation to the Suwannee River Shrine Club Kids Fishing Tournament. Second was made by Comm. Johnson and the MOTION CARRIES.

## **LEVY COUNTY HEALTH DEPARTMENT**

Barbara Locke, Swain Strickland

A. Requests Board adopt Resolution 2011-15; establishing a Health Care Citizens Advisory Board.

Mr. Strickland spoke on behalf of Barbara Locke and presented updated changes to the Board on the Health Care Citizens Advisory Board. The membership has been reduce from 17 members to 9 which consists of 3 providers, the Levy County Health Department, 2 Healthcare Consumers, 2 Community Groups, and 1 Attorney. The quorum is now set at 5.

Atty. Brown asked the Board to note the Resolution number had been changed to Resolution 2011-18 as Resolution 2011-15 had been used.

Comm. Drew made a motion to approve Resolution 2011-18, establishing a Health Care Citizens Advisory Board as presented. Second was made by Comm. Bell and the MOTION CARRIES.

The actual members will be appointed at another meeting.

## **EMERGENCY MANAGEMENT**

Mark Johnson, Director

A. Request permission to purchase a used forklift for the new radiological emergency planning storage building using Emergency Management Preparedness Grant (EMPG) Funding.

Mr. Johnson requested Board approval to purchase a used forklift for the new radiological emergency planning storage building and presented bids as follows:

Ring Power,	\$17,900
Bay City Forklift, Inc.	\$10,500
Florida Lift Systems, Inc.	\$13,990

Mr. Johnson recommended the bid from Florida Lift Systems, Inc.

Comm. Bell made a motion to approve the purchase of the forklift from Florida Lift Systems, Inc. as presented. Second was made by Comm. Drew and the MOTION CARRIES.

## **PLANNING**

Shenley Neely, Director

A. Request the Board schedule a Public meeting date to hear a small scale Future Land Use map amendment petition. Staff recommends June 7, 2011.

Ms. Neely requested the Board schedule a Public meeting date on June 7, 2011 at 9:00 A.M. to hear a small scale Future Land Use map amendment petition.

Comm. Johnson made a motion to set the date for June 7<sup>th</sup> at 9:00 A.M. as requested. Second was made by Comm. Bell and the MOTION CARRIES.

## **COUNTY COORDINATOR**

### **PERSONNEL ISSUES**

Fred Moody

#### **A. Public Safety Director Job Description Review.**

Mr. Moody requested the Board review the proposed Public Safety Director job description and make additions or changes in order to advertise for the position.

Discussion followed by the Commissioners as to whether this should be a dual-role position or strictly an Administrative-based position.

Paul Shear, a Paramedic with EMS emphasized the need for the person to be a Paramedic.

David Florance, Fowlers Bluff Fire Chief, spoke in favor of requiring the person to be a Paramedic and questioned how much fire qualification would be necessary.

Trish Seibold stated there is a definite need for the person to be administrative qualified and to be a Paramedic, but feels a Fire 1 qualification would be sufficient. She asked the Board to not settle for a less qualified person and to realize the person needs to be paid what they are worth.

Jacqueline Martin read to the Board the Public Safety Director job description and the Commissioners specified additions and changes to each item. The salary range will be \$55,000 to \$75,000 per year.

Comm. Bell made a motion to accept the job description for Public Safety Director as presented with the changes and additions as discussed. Second was made by Comm. Drew and the MOTION CARRIES.

Mr. Moody requested the Board to hear a non-agenda item.

Comm. Johnson made a motion to hear a non-agenda item as requested by Mr. Moody. Second was made by Comm. Bell and the MOTION CARRIES.

Mr. Moody requested to give signing authority to Paige Hiers with EMS in the absence of Trish Seibold.

Comm. Johnson made a motion to authorize Paige Hiers to sign in the absence of Trish Seibold for EMS. Second was made by Comm. Bell and the MOTION CARRIES.

#### **B. County Attorney Contract.**

Comm. Drew stated questions and concerns she had regarding the County Attorney being an employee of the Board as well as being a Contractor.

Discussion followed with the Commissioners. Atty. Brown stated she had researched how other counties paid for legal services and offered to put this information in a comparable format to present to the Board

## **DEPARTMENT REPORTS**

### **CORRESPONDENCE**

Karen Blackburn

#### **A. Request from Meridian Behavioral Healthcare, Inc. to approve Debra French Jones for an appointment to a vacant position on Meridian's Board of Director as a Levy County Representative.**

Ms. Blackburn requested Board approval to appoint Debra French Jones to the vacant position on the Meridian Behavioral Healthcare, Inc. Board of Directors as a Levy County Representative.

Comm. Drew made a motion to appoint Debra French Jones as requested. Second was made by Comm. Bell and the MOTION CARRIES.

## **PUBLIC COMMENTS**

Carol McQueen of the Levy County Visitors Bureau let everyone know this week is National Tourism Week and invited everyone to visit the booth set up in the lobby for information.

## **ATTORNEY**

Anne Bast Brown, County Attorney

Atty. Brown gave information to the Board regarding the case involving impact fee litigation where several counties and cities are challenging the legislature from 2010. The Governor has signed current legislation on the impact fees to correct the problem. The first DCA issued an opinion yesterday overturning the trial courts determination of the state entities named as parties were the proper parties. The first DCA said they were not, but since legislature had already mooted the issue, this case has concluded.

## **COMMISSIONERS' REPORTS**

Danny Shipp advised the Board the 2<sup>nd</sup> quarter report of revenues and expenditures may be ready to present at the next board meeting for their review.

Comm. Bell stated the Withlacoochee Regional Development Council is undergoing some financial constraints and have adjusted dues by 15% to help the counties out.

Comm. Stevens

A. Commissioner Liaison with Departments. – TABLED -

The meeting recessed at 10:49 A.M.

The meeting reconvened at 11:06 A.M.

## **HEALTH INSURANCE**

Richard Schell, Arthur J. Gallagher & Company

A. Blue Cross Blue Shield group health insurance program presentation.

Mr. Moody introduced Mr. Schell of Arthur J. Gallagher & Company. Mr. Schell gave a presentation to the Board about the PRM (Public Risk Management) pool program used by the Board and explained the advantages of PRM Group Heal Trust.

A member of the audience, Ruth Bolling from Brown & Brown Insurance asks questions to Mr. Schell regarding the property and liability insurance and whether or not it affects the health insurance.

Mr. Schell stated he could only answer the benefit side and the bylaws state by leaving the pool the only responsibility is the Blue Cross Blue Shield administrative fee.

The meeting recessed at 11:32 A.M.

The meeting reconvened at 6:34 P.M.

## **PUBLIC HEARING**

### **SPECIAL EXCEPTION 3-10 – TARMAC MINE**

Comm. Stevens called the meeting back to order.

Atty. Brown gave an overview of quasi judicial issues and procedures for the meeting to the audience.

Atty. Brown then read into record ex-parte communications for each of the following Commissioners:

<sup>1</sup>Comm. Stevens, <sup>2</sup>Comm. Bell, <sup>3</sup>Comm. Drew and <sup>4</sup>Comm. Johnson.

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<sup>1</sup> Ex-parte Communication, Comm. Stevens

<sup>2</sup> Ex-parte Communication, Comm. Bell

<sup>3</sup> Ex-parte Communication, Comm. Drew

<sup>4</sup> Ex-parte communication, Comm. Johnson

Atty. Brown swore in members of the audience wishing to speak for against the petition.

Rob Corbitt presented the Development Department staff report and read Petition SE 3-10 into public record. He stated the petition comes with a recommendation for approval from the Planning Commission. Shenley Neely presented the Planning Department Staff Report.

Frank E. Matthews, Esq. Senior V.P. with Hopping, Green & Sams, P.A. began a power point presentation and introduced the experts in various fields working with the applicant, Tarmac.

Mr. Matthews stated the U.S. Army Corps of Engineers Section 404, Clean Water Act Permit Application had been submitted but had not been granted yet. This permit is required before any work at the site can begin.

Mr. Matthews explained two performance bond options for potential inclusion in the Order to Approve. Mr. Matthews then asked for the Board's conditional approval of the petition.

Listed below are the speakers who continued the presentation for Tarmac:

Jeff Harris, the Project Manager for the King Road Mine Project with Tarmac explained the mining operations.

John E. Garlanger, Ph.D., P.E. with Ardaman & Associates, Inc. explained studies done with regard to Hydrology & Hydrogeology.

Brent Meyer, M.S. with GeoHydros, LLC discussed Field Verification of Thermal Anomalies and Feasibility of Dye Tests in the Waccasassa Bay Area.

Doug Durbin, Ph.D. with Cardno ENTRIX discussed the Environmental Analysis of the site.

Steve Henry, with Lincks & Associates, Inc. presented the Traffic Analysis.

Mike McElveen, with Urban Economics presented the Economic Analysis.

Ethel Hammer, with Hammer & Associates presented the Comprehensive Plan Overview.

The meeting recessed at 10:15 P.M.

The meeting reconvened at 10:35 P.M.

The following members of the audience spoke against the petition:

Dawn Marie Clary, Mayor, Town of Yankeetown  
 Ralf Brooks, Attorney for the Town of Yankeetown  
 Kurt Woerner, Yankeetown Zoning Official  
 Kevin Faugh  
 Mark Rains  
 James Williams, Mayor, Town of Inglis  
 Jim Farley, Mayor, Crystal River  
 Mike Gudis, Councilman, Crystal River  
 Dan Hilliard, Withlacoochee Area Residents  
 Dr. Richard Weisskoff  
 Helen Spivey, Co-Chair, Save the Manatee Club  
 Darden Rice, Nature Coast Coalition/ Sierra Club  
 Whitey Markel, Suwannee/St. Johns Sierra Club  
 Brack Barker, Chairman, Suwannee/St. Johnson Sierra Club  
 Theodora Rusnak, Citrus County Council  
 Emily Casey, Environment and Natural Resources Committee  
 Dr. Burt Edoll  
 Michael Petry  
 Betty Berger

Steve Edmunds  
 Edward Candela  
 Patricia Candela  
 Lee Paulett  
 Renate Cannon  
 Ruth Ruppert  
 Nancy Tobertgte  
 Paul Tobertgte  
 Daryl Diamond  
 Noel Desmond  
 Sally Price  
 Jack Schofield  
 Larry Feldhusen  
 Bruce Criton  
 Beth Foley  
 Katherine Elkins  
 Douglas James

The following members of the audience spoke for the petition:

Larry Barrett, Crystal River  
 Diana Child  
 Darlene Slattery  
 Eddie Clemmons  
 Drew White  
 Jimmy Durden  
 Kendall Fountain  
 Greg Galpin

Robert Smith  
Jason Murphy  
Jackson Watkins  
Eugene Watkins  
Dixie Hollins  
Abraham Blich  
William Pease  
Tim Bible  
Ron Baily  
Mike Miller

Chairman Stevens closed the floor to public comments.

Frank Matthews gave closing statements and answered questions by members of the audience and Commissioners.

After each of the Commissioners gave comments on the petition, Comm. Bell made a motion to approve the Order to Approve Petition SE 3-10, Special Exception for Tarmac King Road Mine with conditions set forth with regard to the Order to Approve the rolling bond amount. Second was made by Comm. Johnson and the votes were cast as follows:

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

The MOTION CARRIES.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNED AT 2:45 A.M.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
LEVY COUNTY, FL

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Clerk of Court, Danny J. Shipp

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Chairman, Danny Stevens