

**MINUTES OF THE
BOARD OF COUNTY COMMISSIONERS
MEETING
TUESDAY, MAY 26, 2009
PUTNAM COUNTY, FLORIDA**

The Board of County Commissioners convened in regular session on Tuesday, May 26, 2009, at 8:30 a.m. in the Board of County Commissioners Meeting Room, located at 2509 Crill Avenue, Suite 100, Palatka, Florida.

Present were: Chairman Commissioner Nancy S. Harris, District One; Vice-Chairman Commissioner Chip Laibl, District Two; Commissioner Kenny Eubanks, District Three; Commissioner Ed Taylor, District Four and Commissioner Brad Purcell, District Five.

Also present were: Rick Leary, County Administrator; Russell Castleberry, County Attorney; Mike Anderson, Deputy Administrator/Budget Officer; Tim Smith, Clerk of Courts; John Jones, Finance Director; Tabitha Lassiter, Executive Assistant to the County Administrator and Toni Pace, Administrative Deputy Clerk.

CALL TO ORDER

Commissioner Nancy Harris called the meeting to order at 8:32 a.m.

INVOCATION/ PLEDGE

The Invocation was offered by Reverend Brian Oswald, Victory Christian Church and Commissioner Eubanks led the pledge of allegiance.

APPROVAL OF MINUTES; BOCC MEETING MAY 12, 2009

On Motion of Commissioner Purcell, Seconded by Commissioner Eubanks, the Board unanimously approved the Minutes of the Tuesday, May 12, 2009, Board of Commissioners Meeting, as recommended.

(See Supplementary File for copy of Minutes)

CONSENT AGENDA

Commissioner Harris pulled Item N for discussion.

On Motion of Commissioner Purcell, Seconded by Commissioner Taylor, the Board pulled Item N, and unanimously approved the balance of the Consent Agenda, as recommended.

(See Supplementary File for copy of Agenda)

**A.) LIST OF COMMITTEE MINUTES/ RECOMMENDATIONS
DISTRIBUTED TO BECOME PART OF THE RECORD**

The Board unanimously accepted the List of Committee Minutes/Recommendations Distributed as part of the record, as recommended.

(See Supplementary File for copy of List)

B.) LIST OF CORRESPONDENCE DISTRIBUTED TO BECOME PART OF THE RECORD

The Board unanimously approved the List of Correspondence Distributed to become part of the record, as recommended.

(See Supplementary File for copy of List)

C.) TASK ORDER NO. 93; JONES EDMUNDS & ASSOCIATES, INC. CENTRAL CLASS III LANDFILL RAI RESPONSE AND MINOR PERMIT MODIFICATION

The Board unanimously approved and authorized the Chairman's signature on Task Order No. 93 in the amount of \$7,590.00 to Jones, Edmunds & Associates, Inc. to provide professional services necessary for the Central Class III Landfill RAI Response and Minor Permit Modification, as recommended.

(See Supplementary File for copy of Task Order No. 93)

D.) CHANGE ORDER NO. 8; REYNOLDS, INC. EAST PUTNAM REGIONAL WATER SYSTEM PHASE I

The Board unanimously approved and authorized the County Administrator's signature on Change Order # 8, for a decrease in the amount of \$20,000.00 regarding project # 16810-481-02, Reynolds, Inc., for the East Putnam Regional Water System Phase I project, as recommended.

(See Supplementary File for copy of Change Order No. 8)

E.) CHANGE ORDER NO. 9; REYNOLDS, INC. EAST PUTNAM REGIONAL WATER SYSTEM PHASE I

The Board unanimously approved and authorized the County Administrator's signature on Change Order No. 9, to Reynolds, Inc., in the amount of \$18,020.00, for the East Putnam Regional Water System Phase I project, as recommended.

(See Supplementary File for copy of Change Order No. 9)

F.) CHANGE ORDER NO. 2; PROGRESSIVE CONTRACTORS, INC. EAST PUTNAM COUNTY WASTEWATER SYSTEM FORCE MAIN

The Board approved and authorized the County Administrator's signature on Change Order No. 2 for a 20-day extension on the East Putnam County Wastewater System Force Main project, as recommended.

(See Supplementary File for copy of Change Order No. 2)

G.) SHERIFF'S OFFICE – GRANT RESOLUTION AND BUDGET AMENDMENT/ REQUEST FOR EXPENDITURE OF FDLE AND FEDERAL TITLE II GRANTS IN CONNECTION WITH HALEIGH CUMMINGS CASE AND TROPICAL STORM FAYE

The Board adopted a Grant Resolution and authorized the Chairman's signature on a Budget Amendment to the Sheriff's FY 2008-2009 budget in the amount of \$164,729.00 from grants and reimbursements, as recommended.

(See Attachment No. 1 for copy of Resolution)

H.) SHERIFF'S OFFICE – REQUEST FOR EXPENDITURE FROM CRIME PREVENTION FUND # 119

The Board unanimously approved expenditure from Crime Prevention Fund # 119 in the amount of \$4,011.00 for the purchase of additional equipment, as recommended.

(See Supplementary File for copy of Recommendation)

I.) SHERIFF'S OFFICE – REQUEST FOR EXPENDITURE FROM CRIME PREVENTION FUND # 119

The Board unanimously approved expenditure from Crime Prevention Fund # 119 in the amount of \$2,093.27 for the purchase of additional equipment, as recommended.

(See Supplementary File for copy of Recommendation)

J.) SHERIFF'S OFFICE – REQUEST FOR EXPENDITURE FROM CRIME PREVENTION FUND # 127

The Board unanimously approved expenditure from Crime Prevention Fund # 127 in the amount of \$1,000.00 for the Crime Stoppers Community Banquet honoring law enforcement, as recommended.

(See Supplementary File for copy of Recommendation)

K.) RESOLUTION; REALLOCATING THE DISTRIBUTION OF LOCAL GAS TAX REVENUE IN ACCORDANCE WITH RECENT POPULATION ESTIMATES

The Board unanimously adopted a Resolution approving the reallocation of the distribution of Local Gas Tax Revenue in accordance with recent population estimates, as recommended.

(See Attachment No. 2 for copy of Resolution)

L.) RESOLUTION; ESTABLISHING RATES AND FEES FOR THE EAST PUTNAM REGIONAL WATER SYSTEM

The Board unanimously adopted a Resolution establishing rates and fees for the East Putnam Regional Water System, as recommended.

(See Attachment No. 3 for copy of Resolution)

M.) SHIP; NEW CONSTRUCTION PARTNERSHIP FOR HABITAT FOR HUMANITY- CALDREN ATKINS, 09-2138

The Board unanimously approved a Certificate of Eligibility for Caldren Atkins, 09-2138 for the Habitat for Humanity New Construction Partnership strategy, as recommended.

(See Supplementary File for copy of Recommendation)

PULLED FROM CONSENT AGENDA: ITEM N; SURPLUS INVENTORY

Commissioner Harris discussed the storage building on the list stating that a building was needed for the Community Garden project.

Commissioner Laibl stated that the building was to be used at the County Animal Shelter.

Following discussion, on Motion of Commissioner Purcell, Seconded by Commissioner Laibl, the Board unanimously accepted the List of Surplus Inventory, as recommended.

(See Supplementary File for copy of List)

AMENDMENT TO THE FY 2008-2009 CIP

Don Jacobovitz, Public Works Director, requested the Board approve an amendment to the FY 2008-2009 CIP. He said the recommended projects included in the amendment are required to be listed individually in order to meet eligibility requirements for Federal Stimulus funds through the American Recovery and Reinvestment Act (ARRA).

Following brief discussion, on Motion of Commissioner Eubanks, Seconded by Commissioner Taylor, the Board unanimously approved an amendment to the FY 2008-2009 CIP, as recommended.

(See Supplementary File for copy of Information)

**ADDENDUM NO. 1; JONES, EDMUNDS & ASSOCIATES, INC.
PARADISE POINT WASTEWATER TREATMENT FACILITY**

Don Jacobovitz, Public Works Director, recommended the Board approve the Chairman's signature on Addendum No. 1 in the amount of \$34,477.00 to Jones, Edmunds & Associates, Inc. for consulting services associated with a Compliance Plan for the Paradise Point Wastewater Treatment Facility as required by the Department of Environmental Protection Consent Order.

Following discussion, on Motion of Commissioner Purcell, Seconded by Commissioner Laibl, the Board unanimously approved the Chairman's signature on Addendum No. 1 in the amount of \$34,477.00 to Jones, Edmunds & Associates for consulting services associated with a Compliance Plan as required by the DEP Consent Order, as recommended.

(See Supplementary File for copy of Information)

Discussion regarding local damage and needs resulting from the recent Nor'easter storm followed. Mr. Jacobovitz stated that he would be meeting with FEMA representatives to evaluate the damage.

PUBLIC COMMENT

DAVID MIDDLETON – FINNEGAN ROAD DRAINAGE

David Middleton discussed drainage issues on Finnegan Road, which have been depositing into a private canal and creating sediment build-up.

PAUL POE – DRAINAGE CULVERT

Paul Poe discussed drainage issues in his neighborhood, which have been depositing into a private canal and creating sediment build-up.

ROBIN HOLT – DRAINAGE CULVERT/ CANAL

Robin Holt discussed drainage issues on Finnegan Road, which have been depositing into a private canal and creating sediment build-up.

DIANE COOK – DRAINAGE/ CANAL

Diane Cooke discussed drainage issues on Finnegan Road, which have been depositing into a private canal and creating sediment build-up.

FRANK WALSTON – DRAINAGE/ CANAL

Frank Walston discussed drainage issues in his neighborhood, which have been depositing into a private canal and creating sediment build-up.

The Board directed Public Works to evaluate this issue bringing a recommendation to the Transportation Committee for review.

SONNY HARRELL – WJGV; DIGITAL BROADCASTING TRANSITION

Sonny Harrell appeared to discuss the mandated transition from analog to digital broadcasting.

RECESS – RECONVENE

The Board of Commissioners' meeting was recessed at 9:26 a.m. and reconvened at 10:04 a.m.

PUBLIC HEARING – PD-09-003; STOKES LANDING LLC & JACKMAC PROPERTIES LLC

Pete Grigas, Planning and Development Services, discussed the applicant's request to rezone approximately 100 acres from Agriculture to PUD. He stated that both the Planning Commission and staff recommend approval.

The Public Hearing was opened for comment at 10:07 a.m. and the following persons appeared to speak regarding the issue:

- Phil Leary, Representing St. Johns Ship Building
- Jack Robinson

There being no further comment, public comment was closed at 10:16 a.m.

The Board disclosed there had been no Ex Parte Communications regarding the issue.

Following discussion, on Motion of Commissioner Laibl, Seconded by Commissioner Purcell, the Board adopted an ordinance amending PD-09-003, Stokes Landing LLC & JackMac Properties LLC from Agriculture to PUD, as recommended.

(See Supplementary File for copy of Information)

PUBLIC HEARING – PD-09-022; MAGNOLIA DUNES, LLC

Brian Hammons, Planning and Development Services Director, requested that the Board continue the hearing to July 28, 2009 to complete review by the Planning Commission and Development Review Committee.

Following brief discussion, on Motion of Commissioner Eubanks, Seconded by Commissioner Taylor, the Board unanimously agreed to continue PD-09-022, Magnolia Dunes, LLC to July 28, 2009, as recommended.

(See Supplementary File for copy of Information)

PROCLAMATION – STATE OF LOCAL EMERGENCY

Commissioner Harris presented a Proclamation declaring a Local State of Emergency resulting from the recent storms.

On Motion of Commissioner Eubanks, Seconded by Commissioner Laibl, the Board unanimously approved the Proclamation declaring a Local State of Emergency, as recommended.

(See Supplementary File for copy of Proclamation)

EMERGENCY EXECUTIVE ORDER – IMPOSING EMERGENCY WATERWAY RESTRICTIONS

Commissioner Harris presented an Emergency Executive Order imposing emergency waterway restrictions resulting in the form of “No Wake” zones in the area of Dunn’s Creek and Sportsman’s Harbor from recent storm flooding.

On Motion of Commissioner Laibl, Seconded by Commissioner Taylor, the Board approved and authorized the Chairman’s signature on an Emergency Executive Order Imposing Emergency Waterway Restrictions, as recommended.

(See Supplementary File for copy of Executive Order)

RECESS – RECONVENE

The Board of Commissioners recessed at 10:44 a.m. and reconvened at 1:30 p.m.

PUBLIC HEARING – LEVYING AN ADDITIONAL ONE-CENT LOCAL OPTION FUEL TAX AND AN ADDITIONAL FIVE-CENT LOCAL OPTION FUEL TAX

Rick Leary, County Administrator, presented proposed ordinances to levy an additional One-Cent Local Option Fuel Tax and a Five-Cent Local Option Fuel Tax. He discussed the condition of the County budget due to funding cuts made by the State Legislature. He said the proposed fuel taxes would supplement the Transportation Fund and Capital Improvement projects enabling the county to continue providing the necessary services to the residents. He discussed action taken by the County within the last three years to counter the budgetary impacts, which included an overall reduction each of the last two years of 10% to department budgets, hiring freezes, voluntary staff one-day per month furloughs and a reduction in county contribution to employees’ health benefits. He discussed the number of counties within the State that have the Local Option Fuel Tax or are considering levying the Local Option Fuel Taxes. He said that the Board also had the option to raise the current millage rates or reduce services within other departments to accommodate the deficiency. He stated that if the Board chose to adopt the proposed ordinances, the fuel taxes would go into effect January 1, 2010.

The Public Hearing was opened for comment at 1:53 p.m. and the following persons appeared to speak on the issue:

- Earl Ballengee
- Allegra Kitchens

- Oliver Parsons
- Marvin Schultz
- Mayor Lee Kinsella, Crescent City
- Mayor Ray Singleton, Pomona Park
- Wayne Annis
- Craig Sherar
- Renato Santos – Lake Susan Road
- Carl Kuttler – Lake Susan Road
- Louise Kuttler – Lake Susan Road
- Alipio Garcia – Lake Susan Road
- John Jenkins
- Harriett Hebebrand – Lake Susan Road
- David Endsor
- Pam Morris
- Jeanie Edwards
- Fred Lantz

There being no further comment, Public Comment was closed at 2:52 p.m.

The Board addressed comment and concerns brought forward.

Russ Castleberry, County Attorney, advised the Board that two separate actions would be needed if the Board chose to adopt the two proposed Local Option Fuel Taxes.

On Motion of Commissioner Purcell, Seconded by Commissioner Laibl, the Board unanimously adopted an ordinance levying an additional One-Cent Local Option Fuel Tax, as presented.

On Motion of Commissioner Laibl, Seconded by Commissioner Eubanks, the Board unanimously adopted an ordinance levying an additional Five-Cent Local Option Fuel Tax, as presented.

Mr. Castleberry stated that should the Board choose to amend or rescind the ordinances in the future, that the action would have to be taken prior to July 1st in any given year.

(See Supplementary File for copy of Ordinances)

RECESS – RECONVENE

The Board of Commissioners recessed the meeting at 3:18 p.m. and reconvened at 5:06 p.m.

PUBLIC HEARING – AMENDING ARTICLE 12, LAND DEVELOPMENT CODE; CA-09-001

John Salmons, Code Enforcement appeared to recommend the Board adopt an ordinance amending Article 12 of the Land Development Code, which would require code violations to be in compliance prior to the property owner's application to acquire permitting for other projects.

The Public Hearing was opened for comment at 5:07 p.m. and there being no comment, Public Comment was closed.

Following brief deliberation, on Motion of Commissioner Laibl, Seconded by Commissioner Purcell, the Board unanimously adopted an ordinance approving CA-09-001, amending Article 12 of the Land Development Code, as recommended.

(See Supplementary File for copy of Information)

NEXT MEETING

The next regular Board of Commissioners meeting is scheduled for Tuesday, June 9, 2009, at 8:30 a.m., at the Putnam County Governmental Complex, 2509 Crill Avenue, Suite 100, Palatka, Florida.

ADJOURN

There being no further business, the Board of County Commissioners adjourned at 5:09 p.m.

**BOARD OF COUNTY COMMISSIONERS
PUTNAM COUNTY, FLORIDA**

ATTEST:

BY:-----
Nancy S. Harris, Chairman

Tim Smith, Clerk of Courts

Minutes By: Administrative Deputy Clerk, Toni Pace.