

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 15, 2010 AT 9:00 A.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
District 4 Seat vacant
Sherrie Taylor, District 5
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

Absent: Gene Morgan, District 3

CALL TO ORDER

Chair Lamb called the meeting to order by calling for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF THE AGENDA

The agenda was amended as follows:

Add 19A: Board Approval to Sell Surplus Ambulance at Auction – add to General Business

Add Material to Item 18

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE AMENDMENTS TO THE AGENDA.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Hospital Update Craig McMillan

Craig McMillan reported that the hospital opened for business on June 14 and they saw 57 patients in the first 17 hours. On the day of this meeting, they had already seen 7 patients before 7:00 a.m. All but 3 patients were released after treatment. They utilized all of the equipment at the facility during those hours. He said that Capital was excited about the opening day.

He stated the following:

If you recall, you did a \$10 million permanent financing which took care of the construction. Then you authorized us to take money out of the trust to purchase equipment and get the hospital open. These numbers may change a little bit, but I don't think they will change a great deal. We are

looking at somewhere in the neighborhood of \$2.915 million for equipment in opening the hospital. Now, that may change because there are a few more items that Clyde needs. He can talk about that and he has to get some bills paid. But, I think we are going to be in the neighborhood of \$3 million. We had speculated that we would spend \$3.2 million just on equipment. I will tell you about \$260,000 to \$270,000 of the \$2.915 million was for things that had to be done that we were not even aware of. Like, we had to do something for the pharmacy because it was not properly designed to meet AHCA requirements. And, we had to do something to the floor. There were some construction items in that \$2.9 million that we are talking about. So, you are looking at a total project of about \$13 million. Those are the current numbers. Currently, and it depends on what day, hopefully it is up a little bit, this was last week, but currently you have left in the trust \$8.8 million. Now, there are some obligations. There are some encumbrances to that. We still have some purchase orders that we still have to pay. We haven't gotten the final bill on it. So, I would say that you are going to have over \$7 million left in the trust by the time it is over with. and, that depends on what the markets do.

You know, if we had talked about this three weeks ago, that number would have been a little bigger. But, as you know, the market – the stock market took a hit in the last week or so. That number fluctuates. But, I would say that you would be fairly safe to say that we are going to have \$7.5 million left in the trust. I would say that is pretty close. And, that is as close as I can get it for you right now. It is one of those things where we spent less money than we had projected that we were going to spend. So, I feel real good about how we got it done. All that credit goes to Clyde and Arthur Lawson, those people at Capital Regional and Mike Glazer. They did a great job of keeping up with what was going on.

Do ya'll have any questions about any of that?

Lamb:
Commissioner Croley?

Croley:
Yes. Before I ask my question, I want to make a point of clarification. You said that the board authorized the money to be taken from the trust. We approved the hospital board going to ask Judge Sheffield if you could take the money out of the trust. We did not approve the actual drawing down of the money. But, I think he did the right thing, obviously and he was present and we appreciate his support of your efforts.

I think also that you are to be commended. Under your board's leadership and getting this project completed at such a favorable cost as compared to what had been earlier projected. As Commissioner Morgan said last Tuesday morning, there are a lot of wild figures being thrown out, but you all are to be commended in getting this project in in what I consider certainly under the budget that was projected.

I want to come back and ask a question, though about the people that were seen out there. You mentioned about insurance. Is there any way that maybe in the coming weeks, you could monitor the number of people who have insurance or some sort so that we will have a better feeling about the ability of the hospital to sustain a revenue source?

McMillan:

I am sure that they will be able to give us some idea of what percentage of the people that come in have some type of payment. I will talk to them and see what they can come up with.

Croley:

I think that would be helpful, Mr. Chairman, if we could monitor it and have some idea of what the paying customers cash flow out there was.

Lamb:

He will check on that.

Croley:

Thank you.

McMillan:

The other couple of items that I want to talk to you about and just to let you know that we are planning on some meetings with Mr. Glazer, Mr. Lawson and Clyde and a couple of people from Capital Regional and anybody else that you suggest that we have –They truly want EMS on the campus. And, I think it makes all the sense in the world to have EMS at that campus. I don't where or how we are going to do it or how they propose to do it, but we have talked about utilizing the old Urgent Care area. But, I've got some doctors that want the whole Urgent Care area and are willing to pay rent on it. So, Clyde can talk to you about what the cheapest and the best way to handle that. I would really like to see from our standpoint, and echoing what Capital Regional was saying, that EMS should get on campus as soon as possible. But, we've got to plan to.

The other thing is –And what - As further explanation about Urgent Care, I know there were times when people were saying, "The thing for us to do would be just to move Urgent Care, I mean, EMS into where Urgent Care is and that would be the cheapest thing to do and we could utilize it." But, they've got a group of doctors that want to use that area basically like a time share several specialties would come into that area one, two or three times a week. Quite frankly, I think that is a great thing – to be bringing those specialties to Gadsden County that are not here now. They are talking about OB/GYN, ENT, and different specialties that we just don't see now. This would give good access to the citizens of Gadsden County – to be able to come out and utilize that facility. The more we can utilize that facility for medical – there is one other space they want other doctors to come into. So, we are getting calls, but we've got to start doing some planning.

I met with a doctor who wanted the Urgent Care area and I told him to put together a proposal and I would bring it to you all and that would get us off dead center and get us started in trying to get started about what to do. I think it has gotten past that. With your permission, we will start having meetings to come up with a plan on how best to utilize that facility. Like I said, I don't want to overstep my bounds, but if ya'll in agreement that EMS needs to be on campus, let's look at the best way to get them on that campus.

Lamb:

To my board members, that is one thing that I have asked and been talking about myself. What I

think we need to do is to have you and your board and Clyde and Mr. Lawson to bring back a proposal to us and a plan as to how we can get them in there and how soon we can get them in. We need to get them in. I agree with Capital Regional on that. On the other hand, like you said, there are other doctors that would like to use the Urgent Care area. If it is your plan for them to do that, then give us another area where we can get EMS in.

McMillan:

Clyde can talk to that and about abatement issues and that kind of thing. Mike Glazer and Ms. Minnis and their law firm are working on a commercial lease right now as a model for us to use for that facility for outside parties. So, we are already moving. We just need to figure out what is the best way to plan for the future.

Lamb:

My fellow commissioners might want to say something on the EMS situation.

Taylor:

I only will be echoing what you just said. Craig did come to us a meeting or two earlier and ask for a special meeting with us to sit down and look at space and ways to capitalize off of it through revenues. I am looking forward to that meeting. I guess it is kind of piggy backing on what you said a moment ago when you asked that the interested parties get together and come back – maybe we can do it in the form of a workshop. I would like to see both of them there, obviously. Maybe some renovation might be necessary which is a cost. We need to renovate to accommodate one or the other.

McMillan:

Commissioner, I was going to get Mr. Glazer to try and identify where those funds might be able to come from, legally.

Taylor:

I am looking for a workshop or a special meeting where we can make decisions and not have to come back to make decisions.

McMillan:

That is why I say that we need to hold some preliminary meetings – myself, Clyde, Arthur and interested parties and try to nail something down and come out with a plan, then come to you so that you don't have to meet numerous times to agree to something.

Lamb:

Once you come up with your plan and in looking at your plan, you will be able to look at EMS because the EMS budget is going to dictate to them now some things that they can do extra by not using the funds going to Tallahassee all day everyday.

Commissioner Croley.

Croley:

Thank you, Mr. Chair. You know, I hear specific county employees being named, but I think our

primary contact should be the county administrator, Mr. Williams. And, our chief financial officer, Clerk Thomas obviously plays a key role in this. I know there is talk around both of them, but procedurally, I am sure that we all know that the county administrator and Clerk Thomas as the chief financial officer for the board are ones that we need to hear from as well in any plan that you come up with.

I do think it is the right thing to try and expand the medical services. The more traffic you generate, the more pay and the more revenue. From a business standpoint, we know that has got to be done. But, again, you've got my full support on getting back with a plan.

Williams:

Mr. Chairman, may I make a clarification? The motion that was made referencing the facility was that I and my staff meet with the attorneys and the hospital board and come up with some recommendations to bring back to this board for consideration.

Croley:

Correct. That is what was said.

Lamb:

Exactly.

McMillan:

Like you say, I like it. As I said, I don't know the protocol. I apologize Mr. Williams, I don't want to overstep my bounds.

Lamb:

We know that. He will be the person – right.

McMillan:

But, it is the same group who has been meeting, including Clerk Thomas.

Lamb:

Do you want Clyde to come up and say anything?

McMillan:

Yeah.

Lamb:

Do you have any comments, Clyde?

McMillan:

I tell you, I think we are attached at the hip.

Collins:

There have been a lot of doctors who want to come out here and I don't want us to bail off here into anything until we actually look at this thing and see what doctors you actually want to come in

there. I can get some pricing. I have already started kind of working on it. Putting a separate building out there like we did out at Gretna or at Robertsville. It would have to be bigger, but we will start working on it. It is going to go. You've got it open now and everybody is wanting to come in here. You've got specialists wanting to come in and I have even heard that some are wanting to build out there where we are. So, I mean, there are a lot of things that are going to happen with that hospital.

Lamb:

We will look forward to you getting with Mr. Williams and the Hospital Board chairman and Mr. Lawson and ya'll work it out. Get a plan and bring it back to us so that we can have a meeting like Commissioner Taylor has stated so that we can go forward. We don't want to waste any time. Let's go forward on it.

Mr. Crum, do you want to say anything about yesterday.

Crum:

The first day at the hospital, I would say was a major success. Like I said, they had a very low number that they thought they would see. They didn't think the word would get out or whatever. Like Mr. McMillan said, they saw 57 people in 19 hours. I mean, they had people out in the hallways. They had all the rooms full and they were treating people out in the hallways.

As far as EMS is concerned, we had 25 EMS calls yesterday in a 24 hours period from when the hospital opened until this morning. 10 of those got transported to Gadsden ER up here. Three people got transported out of the ER and one of the persons that got transported out of the ER was one that we had brought. So, that one person got brought up there, then got transported out. But, still, that was 7 trips that we did not have to make to Tallahassee that we would have made yesterday. It is roughly 25 miles one way from this hospital to either of the other hospitals in Tallahassee. So, you are looking at saving roughly 50 miles per trip. So, you are at 350 miles saved yesterday on the ambulance. It is still a little too early to tell what the savings are going to be. But, yesterday, we saved 350 miles. That's got to be worth something as far as repair and maintenance goes. The preventive maintenance to the trucks and all of that. It is nothing but a great thing.

I have spoken with the fleet maintenance man and we are going to be tracking the miles on the ambulance to see if we can't extrapolate out some type of plan with what we had been doing preventative maintenance to the ambulances to what we will be doing and the money that we will be saving there, but only time will tell -before we can get the information we need to pull out to realize why the financial savings might be. .

Croley:

Aside from cutting down on the number of trips outside the county, did having the hospital improve your response time to the citizens within the county?

Crum:

Absolutely. Absolutely. We had yesterday where all the trucks were out twice. We were taking patients up there that would have taken at least an hour or call for other resources to come into our county to take our EMS calls. So, absolutely. And, the number of calls that we ran yesterday were

decreased to the number of calls that we have been running on a daily basis. So, the actual 911 emergency calls are also going to drop.

Croley:

And the people you got into the hospital were able to receive faster than they were?

Crum:

That is correct. They do not have the advertised 10 minute wait time like they do at the Tallahassee facility. At one point, somebody walked in and five minutes later, they were talking to a doctor. Capital Regional is on the ball with seeing patients at this facility.

Taylor:

I do have a question. You said there were 25 runs, however only 10 were taken to our facility. What differentiates who goes where?

Crum:

The problem. The patient has a determination, the doctor has a determination, the problem that the patients has determines which facility they go to. It is basically a paramedic preference. When you get into the back of the truck, the paramedic is going to say, "Listen, this is what is wrong with you." They know what can be handled at what facility and this is what they are going to advise. But, ultimately, it is the patients request. We fall under the kidnapping law if we take somebody to a facility against their will. If we take somebody to where they do not want to go, we have essentially kidnapped them.

Taylor:

And I can understand that and I appreciate that. But, as you said earlier, the issue that we really have is getting the word out there and letting folk know what is available. The fact that this facility is new is statue, but also in quality of services. Somehow or another, either from this board or this county, we are going to have to re-advertise what is going on out there so that the patients can be confident in saying "Take me to Gadsden County". 10 is great, but I would have liked to have heard of 15 or better. You still have people out there that have syndromes from the way it was.

Crum:

In Gadsden County, nothing works as well as the word of mouth. I think that someone going there and having a good visit and getting exactly what they think they deserve as far as healthcare and patient care is concerned, then they come out and tell their friend and they tell another friend. I think it is going to run rampant. We are only on day two. I think we will begin to see the number of people that get transported there by EMS will increase. We are also going to see the number of calls that EMS is used to receiving go down also.

Taylor:

You are right. The word of mouth will certainly carry, but I guess I am asking Craig this question – I do know that Capital Regional had indicated that they were doing some PR work. I don't know if that was just for the grand opening or if that will proceed in the next 30-60 days that we can get that word out, especially to those people as you said a moment ago in your presentation –that have insurance that will help the bottom line. We need to give them some kind of assurance that this is

“state of the art.”

McMillan:

First of all, Commissioner, and let me clarify. Don, I don't want there to be a misinterpretation and maybe I have misinterpreted it. Of those 26 patients that you saw and you transported how many?

Crum:

We transported 26 people yesterday. We had 26 911 calls to be transported to “a” hospital. Of those 26 calls, 10 were transported to this facility. Now, there were 3 or 4, or 5 that wanted to be transferred to this facility, but the doctor at this facility said, “No, that patient needs to go on to Tallahassee.” So, that number could have been more if those patients had been seen at this facility. They wanted to go to this facility.

McMillan:

Of those 911 calls, were some of them just people that you called on, but did not transport anywhere?

Crum:

No, those were transported.

McMillan:

Oh, O.K. So, they did go somewhere. I did misunderstand, then.

Crum:

Of the 26, five did not go by ambulance anywhere. So, that number even went down.

Taylor:

So, that number reduces it. That is good clarity, Mr. McMillan. Thank you. So, that is 50%, then.

McMillan:

On your PR question, yesterday, I got a call from Clyde and he said, “You've got to come out here, I've got an issue.” So, I was on my way back from Tallahassee and I stopped by. There was a newspaper, there was Channel 6 news with cameras and all and Emily Reed, who works for the PR firm for Capital Regional – they were there. So, they are not looking at it for just the grand opening. They were out there doing what they are supposed to be doing and getting publicity out there in publicizing what is going on.

Taylor:

Thank you.

Lamb:

O.K. Thank you for that update, Craig.

This item was not discussed because the Tax Collector was unable to be present.

~~3. **Human/Bear Conflicts in Gadsden County** — Alan Knothe, Wildlife Assistance Biologist, Florida Fish and Wildlife Commission — Mr. Knothe was not present.~~

4. Judicial Correction Services, Inc.

Richard Stewart, Operations Manager, Stewart Consultants, Inc. addressed the board and explained that Judicial Correction Services, Inc. is a private misdemeanor probation company. They serve 137 courts in Florida, Alabama, Georgia and Mississippi. (Florida counties include Franklin, Gulf, Bay, Osceola, Volusia, and Okaloosa but they expect to expand into two larger counties soon.) Robert McMichael is the CEO of Judicial Corrections. He has 40 years of experience in the criminal justice system and served as Sheriff of Fulton County, GA from 1989-1992. He was also the US Marshall in North Georgia for two terms under two former Presidents – Bill Clinton and George Bush. He then introduced the a software system called Probation Tracker and explained how it works toward successful termination.

Harold Bazzel, former Clerk of Bay County, addressed the commission and told them how successful this program had worked in Bay County. He stated that Judicial Corrections doubled the collections from probationers in that county while he was clerk.

Brief discussion followed.

When questioned by the board, Clerk Thomas stated that he thought the system merited consideration.

County Administrator Williams stated that he has some experience with similar programs and it has worked well. He supported further exploration of the system.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, FOR THE COUNTY ADMINISTRATOR TO PUT TOGETHER (IN CONJUNCTION WITH THE CLERK) TO FORMALLY CONSIDER THE CONCEPT AND MAKE FURTHER EXPLORATION.

CONSENT AGENDA

Items 11 and 12 were pulled from the Consent Agenda for discussion.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE REMAINING ITEMS FROM THE CONSENT AGENDA.

5. Approval of Minutes of April 20, 2010 Regular Meeting

6. Ratification of Payment of County Bills
 - Accounts Payables dated: June 4, 2010
June 11, 2010
 - Payroll Dated: June 3, 2010

7. Approval of Chairman Lamb's Travel to the 2010 National Association of Counties' Annual Conference and Exposition in Reno/Washoe County, Nevada – July 16-July 20, 2010 Approximate Cost \$1,750.00

8. Resolution 2010-031 Appealing to the City of Quincy for Downtown Parking Solutions

9. Approval of Gadsden County Appointments to the Gadsden County Industrial Development Authority by Gadsden County Chamber of Commerce
 - Nick Bert** – Havana (District 1)(New Appointment to replace Wilson Hinson whose term expired on 5/18/2009)
 - Barry Haber** – Quincy (District 5) (New Appointment to replace Felecia Battle-Jones whose terms expired 5/18/2008)
 - Calvin Dawkins** Chattahoochee (District 3) (Reappointment)

10. Approval of Settlement in the Matter of Herb Chancy v. Gadsden County, Florida

Mr. Chance, a Gadsden County employee, filed suit against the County alleging race discrimination and retaliation related to several employment decisions affecting Mr. Chancey's employment. The matter proceeded through the federal system through the end of discovery, when the parties were able to agree on a tentative settlement figure of \$20,000, inclusive of any and all fees and costs, in exchange for complete dismissal of Mr. Chancey's action against the County.

The attorney for the County's insurance carrier recommended approval of the proposed settlement.

11. ~~Approval of Signatures for Special Assessment Liens for Crystal Jones; Philynsia Jenkins for Impact Fee Proviso Down Payment and Closing Cost Assistance~~

This item was pulled for discussion.

12. ~~Approval of Signatures for Special Assessment Lien and Rehabilitation Contract using Impact Fee Proviso funds and State Housing Initiative Program funds for Rehabilitation of Homes of Margaret Odom and Clara Pride~~

This item was pulled for discussion.

13. Approval to Enter Into Interlocal Agreement with Town of Greensboro for Watermain Extension

In April 2009, the Board approve the Immediate Needs Report and associated recommendations as prepared by Preble-Rish, Inc. (PRI) One of the recommendations contained in that report was to provide \$250,000 of the legislative appropriation funds received by the County in 2008 to the Town of Greensboro to use as leverage funds toward a Community Development Block Grant grant. The leverage funds, along with the CDBG grant funds would be used to construct a watermain from Gretna to Greensboro. The Department of community Affairs (DCA) requires that an Interlocal Agreement be entered into if any portion of th grant activities will take place outside of the jurisdiction of the applying government. Since a section of the line will be installed in unincorporated Gadsden County, this agreement is necessary for Greensboro to move forward with the grant application.

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

11. Approval of Signatures for Special Assessment Liens for Crystal Jones; Philynsia Jenkins for Impact Fee Proviso Down Payment and Closing Cost Assistance

Commissioner Taylor expressed her concern about how the applications are being processed and considered for services in the county department. She said that she is not confident that the process is being conducted fairly. She stated that she had sent people to that office for services who have come away with little or nothing done for them. She concluded by saying, "I am not satisfied with the way that department is being run and I want to see it improved. I have had several conversations with the administrator. I have talked with him about it. He has supported some of my issues and concerns, but I have not seen any improvement. That is where I am at."

Chairman Lamb admitted that he had very little knowledge of how the department is run, but he has never had reason to question it. He asked the County Administrator to have someone from the State to come to this body and explain how this program is supposed to be run. Let them put this program in proper prospective before the board. He also asked that the staff provide a copy of the local ordinance to the commissioners which defines how the committee should function.

Mr. Williams stated that he would be happy to contact the State and request that they meet with the board.

Commissioner Croley asked that they have the Planning Department prepare a map with their software that will demonstrate the locations where the housing projects have been completed over recent years in the county. (All the houses that have benefited from the program)

Mr. Williams stated, "The board has very little discretionary authority because it has to be in accordance with the state regulations. The state regulations require "first come, first served" unless you are elderly or handicapped. Then, you get to jump to the front. They tend to cluster. In other words, if you do a house in one neighborhood, the neighbors see it and the neighbors talk and then all the neighbors come in and apply. So, they tend to actually go in little clusters. The board, as it is set up, has very little discretionary authority."

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE ITEMS 11 & 12.

12. Approval of Signatures for Special Assessment Lien and Rehabilitation Contract using Impact Fee Proviso funds and State Housing Initiative Program funds for Rehabilitation of Homes of Margaret Odom and Clara Pride

This was approved as part of the motion on item 11.

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

GENERAL BUSINESS

14. Department of Homeland Security Grant for Planning Training and Functional Exercise Contract No. 11-FG-39-02-30-01 (CFDA# 97.042) \$44,967 July 1, 2010 through June 30, 2011

Charles Brinkley was present. There was no discussion among the board.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT NAMED ABOVE.

15. Approval of Maintenance I Position for Gadsden Memorial Hospital Campus

The lease agreement with Tallahassee Medical Center, Inc. d/b/a Capital Regional Medical Center requires the County to maintain the grounds of the facility. In order to fulfill that requirement, the County's Facilities Maintenance Division needs to add an additional employee with responsibilities specific to maintaining the grounds of the hospital. Cost - \$30,000 per year. Funds will come from the same fund which paid for Urgent Care. Capital Regional has requested that inmate labor not be used for this purpose.

Clyde Collins was present and answered questions of the board.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE NEW POSITION DESCRIBED ABOVE.

16. Public Officials Bond Reviews

At the instruction of the Board on June 1, 2010, the staff and Clerk Thomas reviewed the public official bonds for sufficiency in relation to the functions that each elected official performs. Their recommendation was to increase the amount of the Sheriff's bond from \$10,000 to \$100,000. The fiscal impact would be approximately \$275.

Staff recommended that the county attorney be directed to amend Ordinance 2009-005 to

increase the bond amount for the Sheriff.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE NEW BOND REQUIREMENTS FOR THE CONSTITUTIONAL OFFICERS AS RECOMMENDED IN THE AGENDA REPORT AND INSTRUCTED THE COUNTY ATTORNEY TO PREPARE THE APPROPRIATE AMENDMENT TO THE ORDINANCE IF NECESSARY.

17. Approval of Resolution No. 2010-027 and Appropriation of Funds (0020-120) Tourist Development Council (TDC) for Website Development & Marketing, Advertisement and Promotional Planning OMB-BA# 100086

The TDC currently has \$215,806.94 accumulated in fund reserve from previous fiscal years that were allocated and budgeted for marketing, but not utilized. The TDC requested an additional \$64,450 of that money be used to implement the website and marketing plan identified in the adopted TDC Strategic Plan. The funds would be spent to develop a market/media driven website, advertise with VISIT FLORIDA, advertise in statewide regional marketing materials and prepare collateral materials that will be spread over the five year strategic plan planning horizon.

In addition to the \$64,450 outlined in the TDC Strategic plan, an additional \$6,000 is required from the reserve fund to contribute to the anticipated cost of the regional billboard blitz.

Commissioner Taylor raised some questions about the use of the funds. She stated that she does not intend to approve a staff position by the recommended action.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE RESOLUTION 2010-027 AND THE APPROPRIATION OF FUNDS (OMB-BA# 100086) CONTINGENT ON THE FACT THAT IT DOES NOT INCLUDE A STAFF POSITION) TO BE USED FOR THE MARKETING PLAN AS IDENTIFIED IN THE TDC STRATEGIC PLAN.

18. Bradwell Restaurant & Infrastructure Project & Economic Grant Funding CDBG

The agenda was amended at the beginning of the meeting to include additional material to support this agenda item.

The County submitted an application to the Florida Department of Community Affairs (DCA) in 2007 for Mr. Monte Bradwell's proposed project for a restaurant on the Bradwell property located on U.S. 90, west of Quincy. Parcel No. 3-10-2N-4W-0000-00134-0100. On August 13, 2007, the staff was informed of the funding award in the amount of \$750,000. The BCC approved the award on August 21, 2007. The grant funds were to be utilized for infrastructure improvements – sewer lines, lighting and paving of access roads to extend to the proposed restaurant site. The funding was tied to and contingent on the construction and extension of infrastructure to a restaurant which was to result in an economic benefit and employment center.

Subsequent to that August 21, 2007 meeting, a number of events unfolded throughout the entire country and the world which led to recession and credit crunch which posed a financing challenge for Mr. Bradwell. However, he remained hopeful that the project would move forward. At the April 6, 2010 BCC meeting, the BCC granted a sixty day extension to allow him more time obtain funding. As of June 2, 2010, Mr. Bradwell had not provided information to the board to document that he had secured financing to construct the restaurant.

As the application stands at present, the project must be completed by January 2, 2011. As that deadline approaches, it does not seem likely that the project could be finished by that time. A decision is now required of the county to either apply for another extension or close the application out and return the \$22,450.00 already expended. (Used to purchase an easement for roadway.)

It is noted here that the county cannot apply for another CDBG grant until this project is closed out.

The staff recommended the following:

- 1) Submit a closeout package to DCA so that the county may continue to apply for CDBG grants;
- 2) Authorize payment of \$22,450 to DCA;
- 3) Request that Mr. Bradwell repay the \$22,450.00 paid to him for the ingress/egress/utility easement located on his property;
- 4) The county vacate the easement and return the property within the easement to Mr. Bradwell.

Mr. Bradwell has withdrawn his project. He has submitted a check for \$21,000. The difference was county incurred expenses that should not be reimbursed by Mr. Bradwell.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE STAFF RECOMMENDATIONS STATED ABOVE.

Commissioner Taylor noted that Mr. Bradwell withdrew his project and she wanted the record to reflect it in that way. She stated that she wanted the county to continue to pursue installation of infrastructure in the area proposed by Mr. Bradwell's project.

19. **Approval of Change Order # 2 to the Contract with Peavy and Son Construction Co., Inc. for Paving of Dupont Road to Include the Paving of Talquin Ave**

The original contract to pave Dupont Road was approved on August 25, 2009 through a Joint Participation Agreement with Florida Department of Transportation (FDOT) using funding from the County Incentive Grant Program. The original project was designed and bid with the lowest bidder being Peavy and Son at \$693,701. However, the bid was award contingent on bringing the contract amount at the grant. Public Works Director Robert Presnell then went back to Peavy and Son and negotiated a reduction in the scope of the project, thus reducing the contract award to match the grant award. The first change order not only reduced the scope of work to Dupont Road, but also included some work to Dodger Ball Park Road – bringing the contracted amount to \$314,928. The BCC approved that contract change order and directed the staff to come back to the board with estimates to pave Talquin Ave in anticipation that perhaps it could also be paved by a change order to the Peavy and Son contract as well.

Change Order # 2 would increase the contract with Peavy and Son contract by approximately \$40,701.58 to include the paving the unpaved section of Talquin Ave. (It was already paved on either end leaving an unpaved portion of the road because the homeowner refused to give the right of way. The new home owner has agreed to give the necessary right of way and requested the unpaved portion now be paved.)

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 0, BY VOICE VOTE TO APPROVE THE CHANGE ORDER DESCRIBED ABOVE.

19A **Approval to Sell Ambulance At Auction 2001 Ford F-350 SN 1FDWF36F21ED01035**

Gadsden County EMS Department requested board approval to declare an ambulance that is no longer in service as surplus and sell it at auction. They further requested that the funds received from the sale be allocated to the FY 2009-2010 budget 0144-54600 line item. (Maintenance and repair) These funds would give some financial relief to EMS as they encountered some unexpected repairs to the ambulance fleet during the year.

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UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO DECLARE THE AMBULANCE AS SURPLUS AND AUTHORIZED STAFF TO SELL IT AT AUCTION AND UTILIZE THE FUNDS FROM THE SALE AS RECOMMENDED BY STAFF.

20. **COUNTY ADMINISTRATOR'S AGENDA**

Update on Board Requests

Commissioner Croley asked for a status of Inventory of County Property. The administrator was not certain of the progress so far, but the staff put in charge of preparing it had promised it by the end of June.

Commissioner Taylor raised several issues that should be considered for funding during the budget cycle such as new fire hydrants, grant writer position, and other matters previously raised by the board.

21. **COUNTY ATTORNEY'S AGENDA**

Update on Various Legal Issues

Drug Abatement Board

Ms. Minnis reported that she is working on a draft of an amendment to the ordinance. She would have something for the administrator to review within a few weeks.

22. **DISCUSSION ITEMS BY COMMISSIONERS**

Commissioner Morgan, District 3

Commissioner Taylor, District 5

Morris Long- Incorrect Legal Description on 1976 County Deed

Ms. Minnis attempted to explain the deed discrepancies surrounding Mr. Long's deed.

Minnis:

Apparently, the county was given the land in 1973 through a court order. There was a final judgment awarding certain properties to the county as a result of failure to pay taxes, as I understand it, by the then property owner. What happened was that the prior attorney did look at this matter. There was an indication that he was to do a survey if he thought it was necessary. The notes that I have in my file indicate that based on the title search that was done, there was a feeling that a survey was not necessary because they found out what happened while looking at the title search. Basically, what happened with the title search is they found out that the order from the court had given an improper property description for the property which ultimately ended up belonging to Mr. Morris Long.

In the interim from 1973, after the county got the property from the court order, the property

was actually bought from the county by Mr. Long's brother, David Long. So, the county has never really given a deed to Mr. Morris Long. Their involvement was with his brother, David Long who then deeded it to his sister who then deeded it to Mr. Morris Long. So, the county's involvement with the families two or three deeds back.

I did meet with Mr. Long. On at least one occasion we had conversations. I did send him a letter. The concern we saw with doing a corrective deed because there are some instances when that can be done, is that because the issue is so old. The original error was in 1973. Doing a corrective deed would not necessarily solve the disputes that Mr. Morris Long is talking about. We would first have to do a deed to his brother, not to him because he is not the person that we sold the property to. The corrective deed would not solve all of the other issues dealing with the adjacent land owners, any of the tax concerns, or any of the adverse possession issues that circulate around this property.

There are mechanisms by going through the court where this could be resolved where all the parties could be brought in at one time to resolve all of those issues through a court proceeding. But, since I am the county attorney, I don't have the authority nor can I ethically advise Mr. Long on what proceedings he needs to take or the other property owners need to take through the court system. Unfortunately, that is where this situation has kind of stymied. We sent Mr. Long a letter indicating that we didn't think that we could legally advise him on what he needed to do via the court system in order to resolve this issue. But, that we didn't think that simply giving a corrective deed to David Long, his brother was going to resolve the problems that he had.

I can tell you from looking at the notes in my file, a survey has not been done, nor was a survey ordered. The note indicated that because the problem was found through the title search, that they didn't believe a survey was going to add anything to that information.

Lamb:
So, what needs to be done now?

Minnis:
Well, you see, that is where you are putting me in an awkward position.

Lamb:
So, as the county attorney, you can't suggest that. What can we do on our part, that is what I am asking.

Minnis:
From a very technical point of view, a corrective deed could be issued to David Long, but, Mr. David Long has not approached us to give a corrective deed. Now whether giving him a corrective deed would then correct Mr. Morris Long's problem would depend on whether they redeed the corrective properties. You would basically have to have three corrective deeds. The concern with the corrective deeds is that in most instances where that has been done, it has been done in close proximity to the erroneous deed. So, everyone whose property was affected by that corrective deed had prior notice before they brought their property or decided to do anything with their property. At this point in time, since the error occurred in 1973, to do a corrective deed now and

record it may cause issues with adjacent property owners. There may be mechanisms that could get all of the parties into one location at one time and one proceeding to try to correct everybody's issue and all of the issues surrounding this parcel and the adjacent parcels and doing a corrective deed to Mr. David Long would not resolve those issues.

Lamb:

I see what you are saying. Was money involved in that transferring of deeds? You see, that is going to be another problem. That is why, as you were saying and I understand exactly what you said, all of them have to get together at one time.

Minnis:

You see, when I met with Mr. Long, he did indicate that there had been some issues with adjacent property owners. This is the first that I have heard that they may be interested in trying to get together to try and resolve this problem.

Long:

I have spoken with all of the neighbors and the property owners that are affected and I have them on board with me. So, there is no problem with that.

Minnis:

My concern is if we simply give a corrective deed to David Long, that is not going to solve the tax issues, the adverse possession and all of the other issues that the adjacent property owners may have. It is going to affect other property lines in that area. I think it would just make the problem escalate a little more.

Lamb:

They need to get together. Who needs to coordinate them getting together and who do they need to get together with?

Minnis:

The optimum thing would be, if they wanted to consult with their private counsel, an attorney or their own, even if Mr. Long could get an attorney for himself or some of the other property owners could get an attorney for themselves to look at the option of going into the court system to get this matter resolved for all parties to have an opportunity to participate and have a say-so about what happens to get this all straightened out. In that instance, then all the issues could be addressed. All the property owners could have their concerns and their rights and property issues resolved.

Lamb:

O.K.

Commissioner Croley?

Croley:

Ms. Minnis, I have spoken to Mr. Long as well. He's got something to add. Let us hear him.

Long:

I would like to add that I would really ask this board to just do a survey. I think a lot of the issue will be solved if they just do a survey for me. That way, it will put the boundaries straight for us and I think as far as the neighbors, they will be on board if they could just get the survey did. That is what I asked you to do. Do the survey and that way it will correct all the legal problems that we have. As far as getting counsel, I have already paid for the expense of the west side to be surveyed. All I am asking is for you to pay is for this side. From the west side, I have already paid for the surveyor to do all the markers and everything from Pat Thomas all the way back to Stewart Street. All I am asking is for you to go from Love Street to Stewart Street and do that survey for me. Then that will put the legal point straight. If you don't get the legal point straight, then that is not going to solve anything. So, I am asking the board to just do the survey. That is all I am asking you to do.

Croley:

But, Mr. Long, when you buy land, normally the one doing the buying is the one that pays for the survey. Not the seller. In this instance, Ms. Minnis, didn't his brother acquire this land on a tax deed?

Minnis:

Yes.

Croley:

And that tax deed carries that same – ah, it is as good as a warranty deed - isn't it, generally?

Minnis:

Yes.

Croley:

The question then is if you conveyed an inaccurate warranty deed or a tax deed, the only obligation the county should have or the public is to convey a proper corrected tax deed. At that point, if Mr. Long and the other parties involved wishes to have a survey done, that would be their responsibility. I don't see where, from a business standpoint and from a legal standpoint in the community, and I supported getting this correct. I want to make sure that everybody understands that. I don't think the public has an obligation to run a survey for the purchaser of the tax deed. If you get one, the county never does that for other buyers.

Minnis:

That is my understanding. The title search did – when the title search was done cause the county did pay for a title search to be done – the error was found and there was information showing where the point of beginning had erroneously been moved in certain parcels of property. I have provided all of that data.

Croley:

But, we could give a corrective deed to Mr. David Long to correct the deed that he originally received, the tax deed that he originally received. Then from that point forward other interested parties would have to pull their own wagon about that. Is that not true?

Minnis:

That is my understanding. Like I said, the concern with the corrective deed is that normally, it is done closer in time to the error. Usually, there is a mutual error that is corrected by the deed. So, that is one concern.

Croley:

I understand that it should have been closer in time, but the question is – If the original plat is missing – Clerk Thomas may know more about whether it is in the courthouse records or not. I don't know. Do you know anything, Mr. Clerk about the original plat of the City of Quincy.

Thomas:

We have some plats going back to the 1830's. I understand that he is questioning whether or not there is an additional plat. We have what we have. What is in the courthouse is what we have. And, I understand that you have been there looking at them. It seems to me that if Ms. Minnis can provide to him the legal description, the correct legal description for the property that his brother originally purchased and give that to him, he could get his own surveyor to survey that particular piece of property. The correct legal description. He can go from there and correct this problem. Just listening to this and this is the first time I have heard it, he needs that correct legal description and he can then take it upon himself to have that matter fixed and not the county. If he can be provided the correct original legal description.

Croley :

That would be the right thing.

Long:

I went before the City and I have been to the Clerk, I have been to the Property Appraiser. Mr. Clay VanLandingham said that he had seen the original plat with the dimension of the town of Quincy. I have a problem when he (inaudible) seen the plat, and now I go before and ask for the plat, it is not on record. No one has no mention of it. It is lost and can't be found. I can't be found. I have proof where I have had documents signed from him. All I am asking is that the original plat of Quincy would have been surveyed and the dimension is 2640. All I want is the original plat. Not a duplicate of it. I know the duplicate, but it don't have the dimension. All they have given me is this here. This don't have the dimension on it. The one that Mr. Clay VanLandingham has looked at has all the dimensions and the layout. My point came out of Lot 128. That would put my land correct. That is all my brother's land and I have a power of attorney for my brother. He is still living. He has no problem. He has signed his rights over for me to speak for him. I don't know what she is saying. He has given me power of attorney and I have done gave her the power of attorney and I am speaking on his behalf. But, I am asking that you give me the original plat of the original town of Quincy. It is 2640. My land came out of that 128 out of the original plat of 1834, not 1955. That is what they keep showing me. The 1955 revised of the plat. All I want is the original plat of 1834, revised in 1923 of the original dimension of the Town of Quincy. Then, that will put my boundaries right. That is all I am asking.

Lamb:

Has he shown you that he has power of attorney? Has he shown you papers concerning that?

Minnis:

He has told me that he has them. I do not have a copy. I need to have a copy.

Lamb:

O.K. you can't give him anything unless he shows you something.

Minnis:

I need to have a copy of the power of attorney. He has told me that he has it. But he has not given me a copy of it.

Thomas:

If she could give him the legal description, the correct legal description, then that correct legal description can be provided to a surveyor who can then – they search the records all the time and know about all of the original boundaries and all and the plats. Then they can take that and try to figure out exactly where your property is. What we have – the records we have in the courthouse is what was there when I got there. I wasn't around in 1834, obviously. So, we have what we have. We have some originals. They don't have all of those detailed boundaries that you are looking for maybe, but you can go to some of the local surveyors, they have lots of records and they know what is available. You take that legal description and they can take it and find original plats and they can probably tell you where your property is. Then you might have to take that a little further with a lawyer.

Croley:

Mr. Chair, under the circumstances and since I made the motion prior back in January to deal with this for Mr. Long's situation, **I WOULD LIKE TO MOVE THAT THE COUNTY ATTORNEY ISSUE A CORRECTED TAX DEED TO MR. DAVID LONG OR HIS LAWFUL REPRESENTATIVE TO CORRECT THE DEED IN QUESTION AND THAT IF POSSIBLE THAT THERE BE INCLUDED IN THERE, BY SEPARATE REFERENCE – NOT IN THE DEED – BUT BY SOME OTHER COMMUNICATION A REFERENCE TO THE CLERK'S SUGGESTION SOMEPLACE FOR THEM TO LOOK AT. I DON'T KNOW WHERE, I WOULD SAY THE CLERK'S OFFICE, BUT HE SAYS HE DOESN'T HAVE IT SO I WILL AMEND MY MOTION AGAIN TO DELETE THAT PORTION AND MAKE IT THAT YOU ISSUE A CORRECTED TAX DEED TO MR. DAVID LONG OR HIS LAWFUL REPRESENTATIVE. PERIOD.**

LAMB:

O.K. CAN I GET A SECOND?

TAYLOR:

SECOND.

LAMB:

IT HAS BEEN MOVED AND PROPERLY SECONDED THAT THE ATTORNEY WILL ISSUE A CORRECTED TAX DEED TO MR. DAVID LONG OR HIS DESIGNEE. Now, she is going to have to see something from somebody to make sure that he is the lawful designee. That is the law. YOU HAVE HEARD THE MOTION. READY FOR QUESTIONS. HEARING NONE, READY TO VOTE. ALL IN FAVOR, LET IT BE KNOWN BY SAYING, "AYE."

**CROLEY & TAYLOR & LAMB:
AYE.**

**LAMB:
OPPOSES?**

No response.

THE AYES HAVE IT.

Commissioner Croley, District 2, Vice-Chair

Tax Revenues –

Very briefly, Mr. Chair.

You know, I have had some communications with some business people and talked to the administrator about the tax revenues. We have possibly had some decline in traffic through here going to the beach because of this oil thing. I would like to have this situation reviewed by the county administrator, Clerk Thomas and Tax Collector Dale Summerford to see if they can detect any decline in revenue that may be attributable to this oil spill so that we can have the county attorney look at any type of claim we may have against the British Petroleum Company.

Fire Service Equipment Standardization

The second matter, and Mr. Administrator, I had an opportunity just in passing to discuss with Chief Crum the need to try to standardize the fire service equipment within the county. We seem to have different type of equipment among the different departments. If we could get with one of the regional, I'll just use the Tallahassee Fire Department or some other appropriate point of reference, and try to work on standardizing the fire equipment that we have in place. That would be good and maybe if you could come up with a plan for consideration by the board at some point in time, I think that would be beneficial to the public safety.

With that, Mr. Chair.

Commissioner Lamb, District 1, Chair

Brumby Street House

Thank you. I only have or two things right quick.

Mr. Administrator, I don't know if you could appoint somebody to look into this for us if you can,

but, the house that we built some time ago, using public funds for \$100,000 – Where are we on that now?

Williams:

The Brumby House – the so called Brumby House.

Taylor:

In the worst place they could have built it.

Williams:

We have made attempts to sell it. We can't get any offers. Of course, the location has a lot to do with it. The economy has a lot to do with it. People are actually stealing things off the house now and it is a problem.

Lamb:

Clyde, do you want to expound on that a little bit for us, please.

Collins:

We have, well, just recently, somebody stole the condenser unit, the air-conditioner, off of it. That is going to cost about \$2,000 to put one back. It is just

Lamb:

We spent \$100,000 of the tax payers money.

Collins:

Yes, sir. And then, the upkeep on it. We have to mow the grass, and I am fixing to have to put an air-conditioner in it. If we don't, it is going to get mold in it, then I will have to tear it down then. So.

Lamb:

Is there any way that you can put that place up for sale and try to sell it for something?

Collins:

We have tried to sell it. We had somebody that actually wanted to buy it at one time, but their credit didn't pan out so they could buy it.

Taylor:

Where they built it, no one with decent credit will buy it. As soon as you spend that \$100,000 and put your key in that lock and turn it, it devaluates the property almost 30%.

Lamb:

We probably won't sell it for \$100,000.

Williams:

You won't get \$100,000.

Lamb:

We probably won't get half that.

Taylor:

But, then like I say, those who, \$50,000 or \$60,000 don't want it or won't qualify for it. So, it is in a quagmire. Best thing the county can do is perhaps take it and use it for some other kind of space. Something. If you just give it away, you are going to have a loss.

Lamb:

Can the county rent that house?

Taylor:

We don't need to get into that kind of business.

Lamb:

I know we are not in it, but we need to do something. We spent \$100,000 of the tax payers money.

Taylor:

They lost. We lost.

Lamb:

We need to go get that money from the ones who spent it. That is what we need to do.

Collins:

I agree with you. I don't know what to do to be honest with you. Whether to try to sell it or - We keep trying to sell it. We will sell it to anybody that wants it that can qualify to get it. Even if we sold it for half what it was worth, I still don't know if I could sell it.

Lamb:

Will you investigate a little bit, Clyde, please, for us to see if there is anything we can do it – if we can use it for something else like Commissioner Taylor has mentioned. Is there a possibility that we can rent it or a possibility for whatever. Bring us back something if you can.

Collins:

What other uses would you want to do with it?

Lamb:

I don't know.

Commissioner Croley?

Croley:

What about, I know Habitat for Humanity is building a house in that area there, I mean, why can't we – They wouldn't accept it, Mr. Administrator to use as a rental property? I thought that they had done that.

Williams:

I haven't really discussed it with them, but I know that it would not meet their standards.

Croley:

Well, let me put it this way, I agree. Commissioner Lamb and I were here. We strongly opposed that. It was done and we've got to deal with it now. We have got to get rid of that house. If not, it is just going to get worse.

Williams:

Maybe an auction might be possible.

Croley:

Maybe we could do an auction, Mr. Chair.

Lamb:

That is why I asked him to go back and talk to administration and see what we can come up with to get rid of that house. We've got it now. I know Commissioner Taylor wasn't here, but we tried as hard as we could not to do that, Commissioner Taylor. That is just \$100,000 of our money – those that pay taxes – that we threw out the window. I would really like to go get that money from the ones who did it. That is what I would like to do. But, we can't do it, so Clyde, look into that for us, please. I don't care how we get rid of it, let's just get rid of it.

Thank you. If there is nothing else coming before the board, this meeting stands adjourned.

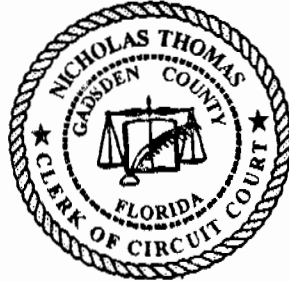
23. **RECEIPT AND FILE AGENDA**

- a. For the record: Grant Adjustment 1 Notice – FDLE- Havana Department of Drug Apprehension Program 2010-ARRC-GADS-1-W7-192

July Meetings: July 6, 2010 Regular Meeting 6:00 p.m.
July 20, 2010 Regular Meeting 9:00 a.m.

ADJOURNMENT


**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIRMAN DECLARED THE MEETING
ADJOURNED AT 11:00 A.M.**





Eugene Lamb, Chair

ATTEST:



Muriel Straughn, Deputy Clerk