AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JULY 6, 2010 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: Eugene Lamb, Chair, District 1
          Doug Croley, Vice-Chair, District 2
          Gene Morgan, District 3
          Sherrie Taylor, District 5
          Nicholas Thomas, Clerk
          Deborah Minnis, County Attorney
          Johnny Williams, County Administrator

Absent: District 4 Seat - Vacant due to resignation of Brenda A. Holt

INVOCATION AND PLEDGE OF ALLEGIANCE

The chair called the meeting to order and called 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 as 1A: Hospital Update by Mike Glazer
Summer Youth Program as 1B
Move item 12 ahead of Item 10 under General Business
Taylor/Croley approve the amendments to the agenda 4 – 0
Croley/Taylor Approve remainder of agenda 4 – 0

AWARDS PRESENTATIONS AND APPEARANCES

1. Pipeline Update – Thomas Nestor, Public Relations Consultant, Florida Gas Transmission Company, LLC

Charles Chapman introduced Thomas Nestor.

Mr. Nestor addressed the Board

80% of Natural Gas piped into the state goes for production of electricity.

Construction began in Spring 2010. 3.1 billion cubic feet of natural gas
In Gadsden County they are adding 20 miles of pipeline parallel to other gas lines. Will be finished in mid August.

Commissioner Taylor’s remarks and questions.

Are there local jobs available? Contracted Services are very specialized and they travel to where the jobs are.

Is it safe? They operate it in safest manner possible. Tested with high pressure water first to determine any potential failures.

Why did it not come before the board?

Can local municipalities tap into this line? It is built for current capacity. There are times that there is excess capacity. Quincy buys from company in Georgia. Quincy has never asked.

Mike Glazer, GHI attorney reported hospital is seeing 45-50 patients per day. Many are covered by insurance. It has been very well received. During the first three weeks, ambulance transports to Tallahassee has been reduced to 50%. They no longer have to call on outside agencies in the Mutual Aid Agreements to help with transports.

Gadsden County Commission needs to make certain findings. Old furniture left by Ashford is now in possession of Gadsden County. It is old and needs to be disposed of. Some have been donated to Senior Center and other to GTI.

Furniture, computers, old X-Ray machine. We now need the space. Goodwill will take the computers and dispose of them.

Two Statutes – surplus property and alternative procedure

Alternative Procedure – Provide the administrator in conjunction with the clerk to dispose of furniture and equipment in disposing of the FFE found to have no value

Read motion into the record. Findings: FFE are without value and should be disposed of by alternative procedure FS 274.6

Croley/Morgan approve findings and motion . 4 – 0

Morgan’s comments. Urged staff to work with people that could use the equipment before just “junking” it.

Excuse Gene Morgan from last June meeting 4 – 0
Add roll call to the beginning of the meeting. (Taylor)

**Library System**

IB  Dr. Olga Connally – in support of Library Youth Services Programs

Administrator and Library Director directed to restore the Youth Services Program and report back at the next meeting.

Tom Connally – this is a year round program.

Commissioner Taylor’s support – need to continue the Youth Services. Want to see a line item in the budget to protect the program

Commissioner Morgan’s statements and support – frustrating when there is no open communication – issues escalate – if there are changes that we need to make, sit down and talk about it.

Reality is funding of library has been cut at the State level. This is not a want. It is a need. Should be a priority in funding in the budget cycle.

Commissioner Croley’s remarks – want to see improvements made – want to see a plan and a communication plan to see how the director is communicating her needs. Citizens need to see a commitment to them from this administration.

**CONSENT AGENDA**

Pull Item 7, 4, 5

Croley/Morgan approve remainder 4 – 0

2.  Approval of Minutes of May 4, 2010 Regular Meeting

3.  Ratification of Approval to Pay County Bills

   Accounts Payables Dated:       June 18, 2010  
                                   June 25, 2010  
                                   July 2, 2010  

   Payrolls Dated:                June 17, 2010  
                                   July 1, 2010  

4.  Post Approval of Notice of Intent to Apply for Funding – 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program JAG Countywide Certificate of Participation from the Florida Department of Law Enforcement, Office of Criminal Justice Grants - A Reimbursable Grant of
$75,160,000. (No county match required.)

Gadsden County receives annual grants from the Florida Department of Law Enforcement, Office of Criminal Justice Grants for the Gadsden County Sheriff’s Office Drug Taskforce. These funds are used to partially fund one Narcotics Investigator position and operating expenses for the Narcotics Taskforce Unit. The grant period is from October 1, 2010 through September 30, 2011.

Questions raised by Commissioner Morgan about why it was submitted so late by the Sheriff’s office. The letter was received from FDLE on May 21.

Taylor/Croley  4-0

5.  Resolution 2010-034  Approval of the Supplemental Local Agency Program Agreement (LAP) – Florida Department of Transportation (FDOT) – County Road 269 (Resurfacing of South Main Street in Chattahoochee) (Authorizes Chairman to Execute the LAP Supplemental Agreement 1) Financial Project 426685-1-58-01

This items sought board approval and execution of the attached LAP Supplemental Agreement for acceptance of a reduction of funding for the CR 269, South Main Street in Chattahoochee.

The State of Florida is administering Federal Funding for road projects through the American Recovery and Reinvestment Act (ARRA). These projects are selected from the candidate projects submitted by the County and approved by the FDOT. This item will reduce the amount of the funds in the contract from $272,023.00 to $148,233.00. The remaining balance of $123,790.00 will be returned to the State for projects of need.

Questions by Commissioner Morgan. Why are we sending back money.

Robert Presnell, Public Works Director’s response. There was not an option to keep the money. The funds were limited in scope.

Commissioner Croley – make formal request to get this money back for bridge repairs.

Commissioner Taylor – received various requests for sidewalks. Are there any stimulus money available for this?

Taylor/Morgan approve.  4 – 0

6.  Approval of Public Works Mosquito Control Budget FY 2010-2011 (Anthropod Control)

The County must apply to the Department of Agriculture and Consumer Services (DACS) for Matching funds to operate the Mosquito Control program in Gadsden County (FS 388.341) Annually the County must submit a Detailed Work Plan Budget. DACS reviews the documents and if approved, the State of Florida provides partial funding for the spraying of mosquitoes during the
year. Based on historic funding, the proposed Work Plan will provide for the spraying of mosquitoes during the next fiscal year. It includes a base salary for one employee and required materials to carry out the program. The County match is $36,686 for the 2010/2011 fiscal year.

7. Approval of Contract for County Auditing Services with Purvis Gray and Company of Tallahassee, FL

On May 18, 2010, the board approved Purvis, Gray and Company, LLP as the auditing firm to provide auditing services for the county for the years ending September 30, 2010, 2011 and 2012. The Board requested that certain items be added to the contract in addition to the basic contractual terms. The requested items are included in the contract as follows: 1.A – Audit Report Delivery Date; 1.F – Requiring the auditor to provide a written report of individual audits of each constitution officer’s operation; 19.G – includes a provision to disallow immediate family members of the contractor to be employed or under contract with any unit of Gadsden County government during the term of the contract; Section 8 – increases for funding based on ability to pay and service satisfaction.

Comissioner Taylor – will vote against this. One vendor received no points and she did not think it was fair. She felt the Procedure was unfair and must be consistent in the process.

Commissioner Croley – the award was already made by previous action. This only follows up on the bid award.

Croley/Morgan approve 3 – 1(Taylor opposed)

CONSENT AGEND ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Ms. Kimberly Cooper – Youth Services Program – encouraged the BCC to visit the library and see the benefits of the art programs.

Sharon Franklin – Represents “Whole Child Gadsden” - children need every opportunity to see what they can do. They need art, music, and story telling.

Millie Forehand – Crossroads Academy – agreed to do sidewalk on Kelly Road, but they have come to believe that it doesn’t make sense. She asked the BOCC to look at it again and see “if it makes sense.”
PUBLIC HEARINGS:

8. Public Hearing – Transmittal of Comprehensive Plan Text Amendment to Policy 1.1.5(D) – Neighborhood Commercial (NC) (CPA-2010-01)

On April 6, 2010, the Board of County Commissioners voted 5-0 to remand Policy 1.1.5(D) Neighborhood Commercial (NC) back to the Planning Commission to discuss and recommend amendments to the Comprehensive Plan and Land Development Code (LDC) NC is a land use overlay which is designed to provide commercial services to rural communities. Policy 1.1.5(D) was amended in the second comprehensive plan cycle of 2009. The Cycle 2009-2 amendment to Policy 1.1.5(D) expanded areas where such uses are permitted by removing intersection criteria and allowed historically existing waterfront commercial uses to expand as a special exception use with Board approval (Ordinance 2009-032.) NC uses were limited in intensity and size to more specifically ensure that the scale of the commercial uses remains compatible with the existing neighborhoods and community. The on/off premise sale of alcohol was added as permitted with BOCC approval.

Subsequent to the adoption of the amendment, there was concern among some of the commissioners over the addition of alcohol sales and the removal of intersection criteria that would allow commercial uses “smack in the middle” of residential areas. Therefore, the BOCC brought the matter back for consideration and remanded the issue back to the Planning Commission for further review.

In response to those concerns, the Planning Commission recommended changes to Policy 1.1.5(D) to permit alcohol sales only as accessory to commercial retail uses or for consumption in a restaurant use. No free-standing liquor stores would be permitted.

Intersection criteria are proposed that would require that NC uses in Agricultural (AG) Future Land Use categories be located within a .5 mile radius of an intersection of greater than local roadways. In Rural Residential (RR) NC uses must be located within a .25 radius from an intersection of greater than local roadways. The Planning Commission found that the proximity to an intersection should be greater in the designated AG use areas due to the large size and greater roadway frontage length of parcels. The test was also revised to be consistent between the AF & RR Future Land Uses districts.

No changes in density were proposed as part of this amendment.

Once the amended policy is adopted, it was proposed that the LDC be amended to be consistent with the language proposed by the amended Policy 1.1.5(D)

Attachments: Proposed Ordinance
Newspaper Advertisement of Notice of Intent
Attachment “A” – draft of policy 1.1.5(D) with changes proposed
Comp Plan Amendment Process Flow Chart

Anthony Matheny, Growth Management Director, addressed the board then turned the matter
Chair Lamb called for questions and comments from the commissioners.

Commissioner Taylor stated for the record that she had been on the prevailing side of the motion that approved the NC text change originally. After further consideration, she became aware of pitfalls in the policy change and asked that it be revisited and remanded back to the Planning Council.

Jill Jeglie, Senior Planner, Growth Management and Community Development Department, explained the changes as noted in the attached document.

Following discussion, the board made no other changes to the text amendment.

Chair Lamb called for public comments:

There was no response.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 4 – 0 TO TRANSMIT THE TEXT AMENDMENT TO DCA FOR THEIR REVIEW AND COMMENTS.

9. Mears Two-for-One Variance Request (V-2010-01)

Owner: Marilyn Mears
Agent: William Jolly and Gay Steffen
Property Location: South Side of Flat Creek Road, west of Lonnie Clark Road
TAX ID: 3-06-2N-5W-0000-00433-0000 (30 acres) Parent parcel
New TAX ID #S if Approved: 3-06-2N-5W-0000-00433-0300 (In Lieu of payment, Ms. Mears deeded this 10.27 acre parcel to Charles A. Curran in January 2009 who bargained to file the Two for One subdivision of the parcel in 2009, but he failed to do it.) & 3-06-2N-5W-0000-00433-0200(20.25 acre parcel still owned by Ms. Mears who now wishes to subdivide it into two ten acre parcel.)

Since the first subdivision did not take place timely in 2009, she is prohibited by the LDC to do the Two-for-One of this parcel unless the board will allow her to do two subdivisions of the parent parcel in the same year.
Requested Action: Variance from Gadsden County Land Development Code (LDC) Subsection 6003.G(5) and to allow two (2) Two-for-one subdivision to be filed and approved in 2010 (under normal circumstances, only one subdivision would be allowed during the course of one year.)
Type Action: Quasi-judicial action in conjunction with the advertised public hearing as a Type III action per Subsection 7203 and 7301 of the LDC.
Planning Commission Recommendation: June 10, 2010 – Unanimous Approval based upon findings that the applicant’s hardship met all seven requirements as identified in the agenda report, Attachment 3, but contingent on the special conditions noted in the draft final order (Attachment 2).
Anthony Methaney, Growth Management Director – Administered an oath by Muriel Straughn. He explained that one of the subdivisions proposed was only correcting an error that occurred in the previous year. The other is actually adding another subdivision of the parcel.

Chair Lamb called for discussion among the board.

No other testimony was given.

Chair Lamb called for public comments. There was no response.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTE 4 – 0, BY VOICE VOTE TO APPROVE THE VARIANCE REQUESTED.**
GENERAL BUSINESS

12. **Approval of Bid Award for Frank Smith Road Repair Project, to Duggar Excavating, Inc. for $249,413.80 (Road Culvert Replacement)**

This agenda item seeks Board approval to award the contract for the repair of Frank Smith Road to Duggar Excavating, Inc. Staff also requested approval for the chairman to execute the agreement, Notice of Award and Notice to Proceed. Staff hopes to negotiate a reduction of the contract amount to $200,000. There is $100,000 in the current fiscal budget for $100,000 which will not be adequate. A budget amendment will follow once this contract award is approved.

Frank Smith Road is the only access in or out to approximately 40 homes. It has served as an earthen dam for an impoundment until a failure in 1994 and has failed on three occasions since that time due to water overtopping the roadway and breaching the road and back slope. The pipe under the road is undersized and has been repaired twice and additional culverts have been added to increase flow capacity, but the structure remains substandard and is a safety hazard.

Eleven bids were received for the project. The low bidder, Cal-Co Construction and Development made a written request to withdraw their bid. The next lowest bidder was Duggar Excavating, Inc.

Robert Presnell addressed the board.

Matt Clark, Preble Rish – talked to the contractor and they expect to do the project for $200,000 and will be there for 100 years.

Taylor/Croley approve.

Questions:
Commissioner Morgan. Bid tabulation form.

Vote 3 – 1 (Morgan)


This grant is for $7,000.00 to fund citizen emergency preparedness planning, training exercises and equipment for Gadsden County first responders and volunteers. This program is referred to as the Citizen Corp Program (CCP)  This is a federal non-matching grant with a period of agreement of October 2009 through April 2012.

This item followed Item 11.
11. **Approval of Contract for Emergency Debris Management Services - Ash Brit Environmental Services**

The Board of County Commissioners currently has a contract in place with Grubbs Emergency Services to handle debris removal and emergency repairs if Gadsden County were hit by a major hurricane or other emergency.

FEMA is currently implementing a Public Assistance Pilot Program which increase the federal cost share by 5% (80/20). To qualify, a county must have an approved debris management plan and at least two prequalified eligible contractors. Public Works would like to add an additional debris contractor to comply with this requirement. Staff issued RFP and eight firms responded. Ash Brit Environmental Services ranked the highest total score.

Mr. Presnell will forward rates to County Administrator to be distributed to the BCC

Croley/Morgan approve 4 – 0

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Eleven bids were received for the project. The low bidder, Cal-Co Construction and Development made a written request to withdraw their bid. The next lowest bidder was Duggar Excavating, Inc.

Move to go ahead of Item 10. See above.

13. **Approval of Resolution No. 2010-035 Approving Participation in the Florida Rural Broadband Alliance, LLC.**

This is an economic development initiative seeking American Recovery and Reinvestment Act funds to construct a "middle mile" broadband trunk line in the big Bend region.
In January 2010, the Office of the Governor re-designated Gadsden County as a Rural Area of Critical Economic Concern (RACEC) by Executive Order 10-22. As a RACEC, each county is encouraged to participate with its regional economic development organizations to align the critical mass of resources and talent needed for success therefore increasing the competitive advantage of rural communities. In the summer and fall of 2009, Opportunity Florida, on behalf of its members, applied for and has subsequently been successful in proceeding to the due diligence phase of a $30 million broadband technology infrastructure grant allocated from the American Recovery and Reinvestment Act of 2009. The success of this grant is hinged upon the creation of the Florida Rural Broadband Alliance, LLC.

Local internet service provider will be able to purchase bandwidth from the Florida Rural Broadband Alliance and the Florida Department of Management Services and install the “last mile” connectivity to end users in the local area.

Charles Chapman addressed the board.
Commissioner Croley's questions.

Mr. Morgan

Croley/Taylor 4 – 0 approve.

14. **Approval of Bid Award and Notice to Proceed for Drake Acres Florida Recreational Development Assistance Program Renovation and Authorize the Chairman to Execute Contractual Agreements with North Florida Construction for $135,611**

Approve Bid Award, Notice to Proceed, Authorize Chairman to execute the contract and authorize staff to make appropriate change orders in advance.

Taylor/Croley approve option 1; vote 4-0

15. **Approval of Memorandum of Agreement with State of Florida Governor’s Office for the “Rural Area of Critical Economic Concern” (RACEC) Designation for Gadsden County.**

Morgan/Taylor 4 – 0

16. **Approval of Bid Number 10-13 for Solid Waste Division Portable Restrooms Service at Rural Waste Sites and Authorize the Chairman to Execute Contractual Agreements - to Talquin Portable Restrooms (Waste Sites and Post Plant Pit)**

Commissioner Taylor’s remarks and questions

Commissioner Croley – had one vendor to say they did not get notice of the upcoming bid.
Morgan/Croley approve award  3 – 1 (Taylor)

COUNTY ADMINISTRATOR’S AGENDA
17.  **Update on Board Requests**

   Two new maps District maps – SHIP programs

COUNTY ATTORNEY’S AGENDA

18.  **Update on Various Legal Issues**

   No report

**Discussion Items by Commissioners**

**Commissioner Morgan, District 3**

   Budget Workshop – anticipate difficult year.

   Hospital –

   Meeting with Sawdust Community – commitments made. Charles Chapman – awaiting inmate labor to execute.

   Public Works mowing, weed killing – looks like it has been done haphazardly – county personnel to check into it.

   Mowing Program – Is weed killing following mowing? They cannot keep up with mowing crew.

Lost two inmate crews due to budget cutbacks at DOC. That will impact Public Works.

Evidence of more trash strewn along the roadways.

**Commissioner Taylor, District 5**

Killing weeds – hazardous to the environment
Tourist Development Advertisements – make sure that TDC is getting some of those advertisement dollars to get the word out that Gadsden County is not impacted.

Get with utility providers and get the word to them to approach Florida Gas

Crossroads Academy - Kelly Road is an alley. However they have donated right-of-way. Asked the board to consider looking at paving it and maintain the cut-a-way during the budget cycle. Earthen buffer is there and wouldn’t seem necessary to require more buffering.

Chair Lamb concurred. Kelly is a county road. He asked Robert to come back with some figures as to the cost. Also the cost to complete sidewalk to Kelly Road and Stone Road.

Anthony Methany will go to the site to look to see what the county can do to help them.

New director at Senior Services – really need to look at why.

SHIP map – Do you have an intake letter? There should be a detailed list, not certain about an intake letter.

**Commissioner Croley, District 2**

Condolences to Mr. Williams in loss of his mother.

Recognized Commissioner Taylor and Commissioner Morgan for Gadsden County certification program.

Florida Association of Counties – projected state revenue – the financial outlook for the state is very challenged. Go into the new budget cycle with very basic services.

Remind county staff – oil spill and impact on state revenue. Had BP claims representatives who encouraged counties to file claims. Don’t have to prove them yet, but must file them. As an interior county, Gadsden County does need to file.

Roadside spraying – has the operator completed the training? No.

Are you using a liquid dye? No. But operator is getting better. State official came over to give demonstration. Perhaps a dye would help.

**Commissioner Lamb, District 1**

Directed remarks to administrator regarding spraying for roadside.
Commended Commissioner Morgan and Commissioner Taylor for completing certification. All BOCC members are now certified.

FAC report. Governor and Alex Sink were present.

Presentation and Approval of County Administrators Evaluation

Taylor - Concern for employee morale.

Croley/Morgan approve evaluation and contract (continuation of the original contract.)

4-0 approved.

RECEIPT AND FILE AGENDA

20a. For the Record: Gadsden County CDBG-Ed Contract – Bradwell Huddle House Project – close out

20b. For the Record: Appointment of New Executive Director for Gadsden Senior Services, Inc.
Latoya G Moody, MSW

20c. For the Record: Budget Amendments – Approved by the County Administrator
OMB-BA 100085; 100088; 100089; 100090; 100081; 10087

Meeting adjourned at 8:15