

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON OCTOBER 19, 2010, THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: Eugene Lamb, Chair, District 1
Doug Croley, Vice-Chair, District 2
Gene Morgan, District 3
District 4 seat vacant
Sherrie Taylor, District 5 (Arrived at 6:13 p.m.)
Nicholas Thomas, Clerk
Deborah Minnis, County Attorney
Johnny Williams, County Administrator

INVOCATION & PLEDGE OF ALLEGIANCE

Chair Lamb sadly announced the sudden death of Planning and Zoning Commission Chairman John Yerkes who died on Sunday, October 17, 2010. He made a few remarks about Mr. Yerkes faithful service to Gadsden County.

Commissioner Morgan then announced the passing of Ms. Rebecca Gregory, who was a past Executive Director of the Senior Center and also a member of the Gadsden County Library Commission.

Chair Lamb asked that everyone pause to remember the above families as he called for a moment of silent prayer. He then led in pledging allegiance to the U.S. flag.

AMENDMENTS TO THE AGENDA

Chair Lamb called for amendments to the agenda. The following amendments were made:

- Add as Item 1 : Jake Hatcher Boys and Girls Club
- Move Item 1 to 1A: Weatherization Program Update

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE TO APPROVE THE AMENDMENTS TO THE AGENDA.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE REMAINDER OF THE AGENDA.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Boys and Girls Club Presentation

Ms. Teresa Flury, Executive Director of Boys and Girls Club of the Big Bend, Mr. Jake Hatcher, Director of the Havana Boys and Girls Club, and Andrea Giley, Director of Operations of Boys and

Girls Club of the Big Bend appeared before the board to introduce themselves to the commissioners and the public. They invited everyone to visit at the Gadsden County sites.

1A. Weatherization Program Update - Capital Area Community Action Agency

Ms. Dorothy Inman-Johnson, Executive Director of Capital Area Community Action Agency, addressed the board to give them an update on the weatherization projects in Gadsden County.

- 172 homes have been weatherized in Gadsden County; 8 of them are currently in progress. (ARRA Stimulus Funds)
- 35 homes were denied because they had received previous service in weatherization and the federal law requires that you cannot weatherize a home that has been previously weatherized under the program within 10 years.
- 42 were denied because their household income exceeded the criteria.
- 31 homes had roof or structural issues that prevented them from meeting the criteria. Weatherization cannot be used on houses that need other major rehab work.
- 377 homes are on the waiting list.
- The initial allocation that was given to Gadsden County has been depleted twice. They requested for additional allocation. DCA took some money from other counties that were not meeting their production goals and reprogrammed it and gave Gadsden an additional \$379,652 that allowed them to continue working.
- The program is out of money again with 377 homes still on the waiting list.
- Another request has been put to DCA and they have responded favorably.
- 53 homes have been accomplished with regular weatherization funds. (not stimulus funds)
- 4 different multi-family projects have applied for services and Riverside Apartments in Havana (50 units). They are moving forward with it.
- A second Gadsden County multi-family project is under review by DCA, however, they will do one project in each county before they will go back and do a second project in the same county. The Greenwood Terrace is the second project on hold. (35 unit project)
- Five contractors in Gadsden County have been approved by the agency to work on projects in Gadsden County.
- There are 21 eligible contractors that can do multi-family units, four of which are located in Gadsden County.
- \$1.2 million has been spent on weatherization in Gadsden County thus far since the ARRA weatherization program took place.
- Job training classes have been conducted in Gadsden County with the Community Services Block Grant stimulus program. (Micro enterprise business development)

2. Gadsden County Soil Survey and USDA Natural Resource Conservation District (NRCS)

Marcus Edwards, Chairman, Gadsden Soil and Water Conservation District, introduced Harvey Sweeney, member of the Soil and Water Conservation District; Andrew Williams, soil scientist who was on the team that did the work in Gadsden County; Corine (inaudible), local DC. He briefed the board as to how the soil survey was accomplished.

- The first soil survey was done in 1959
- In 1999, The District realized that the old survey was no longer useful and needed to be

updated. Efforts began to get the funding at the FL Legislature. \$542,000 was appropriated, but it was vetoed by Governor Bush.

- They put forth a region wide effort which included Gadsden, Suwannee, Pinellas, Holmes and Washington Counties. It was presented again to the Legislature and it was appropriated. However, Governor Jeb Bush vetoed it again.
- The regional effort was then taken to the federal level. USDA agreed to fund the regional survey, but would only do it one county at a time with Suwannee County being first. Gadsden County was second with the funding.

Mr. Edwards reported that the soil survey has been completed and is up to date. He presented a copy on CD to each commissioner. He also presented the hard copy to the Growth Management Director. He then expressed appreciation for the funding that the county makes to the District.

He pointed out that the 1959 survey was done at 4 ft. below the surface whereas the new one was done at 8 ft. below the surface. That resulted in the identification of two new soils in Gadsden County. They named one of them Telogia and the other one Harden Heights – both around the Chattahoochee area.

Mr. Andrew Williams, soil scientist, addressed the board. He said, “The life of a soil survey, when we make these books, they have a certain shelf life and then they become outdated. For one thing, the maps are outdated. Trying to find your way around in the survey area, one thing that Marcus mentioned – the old survey looked at soils to a depth of 40”. The new survey looked at soils at a depth of 80”. That helps us make other updated soil interpretations for septic tanks, for instance, crop production, housing sites, pine trees and different things like that. So, we have new maps, we have updated interpretations. We have a lot more interpretations than the old survey did. The old survey was really strictly geared towards agriculture. As times change and more people come to us looking for soil information, we have more urban interpretations, building site interpretations. One of the things that we did was to get together with the State health department – the folks that do the septic tank permitting. We brought their laws and rules and regulations into our soil interpretations for septic systems. That is a help because we worked closely with them. Those are probably the major changes.

As well as the maps being out of date, you know the map and the survey, our soil classification system gets refined over time. So, that same piece of ground out there doesn’t change really, but the way we look at it and the way that we classify it and the interpretive information that we can get from it is always being updated and changed. That is why the new survey has a lot more information in it. Of course, it has the updated maps and we have a few of the published books. But, everything today is getting more and more digital, so we have the CDs that Marcus gave you and also the information about how to go to the web soil survey and pull down any source of information that you might want.”

Commissioner Croley remarked that it would be a good thing to link the county’s website to the on-line information. He thanked Mr. Edwards for his public service as well as all those that serve along with him.

Commissioner Morgan made two comments. 1) He reinforced the need to link the two website in view of the septic tank issues that are coming up soon. 2) He voiced his appreciation to all parties

involved in their voluntary efforts to get the soil survey completed.

Chair Lamb concurred with the remarks of other commissioners.

3. Update on the EAR Based Amendments

Growth Management Director Anthony Matheny reported the following:

- The department has been going through the process to get the EAR based amendments and do what was agreed to in the adopted plan.
- After consultation with the county administrator and the county attorney, he will take six of the eight amendments to the Planning and Zoning Commission on Thursday on October 21. (Some companies voiced disagreement about two of the proposed amendments, so staff decided to pull them until a later date.)
- The Planning Commissioners will vote on the first six amendments on the 21st. and the will move forward to the county commission on the first meeting in December.
- In the interim, the county attorney will be preparing a presentation for the Planning Commission in November to talk about the other two amendments (including the right and wrong things (language) that have been put in the EAR based amendments – things that may not be legal or proper.
- A workshop will be held in January for the BOCC to talk about the same legal issues that have to do with the two EAR based amendments that have been pulled.
- The final two amendments would come to the BOCC for a vote in February.
- The two amendments have nothing to do with the area plans. (U.S. 90 and Lake Talquin/Wetumpka.) Those area plans will come later. They tie in closely with items in the Future Land Use Element and the Conservation Element.
- The net affect will be that Gadsden will be a little behind on the deadline with DCA. (3 – 4 months)

Commissioner Croley stated that he had been contacted by an official of BASF regarding their interest in the fullers earth mine operations in the county. They voiced concern about their input into the process. He instructed them to speak with the Planning and Zoning Department regarding their interest.

Commissioner Morgan called attention to the fact that several workshops had been held with citizens so that they could have input to the process. He asked, “Are the concerns that were stated from our citizens at these different workshops being addressed and included to reflect what their issues and questions and input throughout the process?”

Matheny:

To the best of my ability and knowledge, they are. We are passing everything on to the county attorney. There are no secrets. As you eluded to, we had three workshops with the last one on September 30 to discuss all of these amendments. We were going to have workshops to discuss the area plans, but we have put those on the back burner for right now. So, everything that is coming in, we are making sure that we are hearing the “pro” and the “con”. Unfortunately, right now, we’ve got a series of letters from companies that have real concerns about what we are

doing in our Future Land Use Amendment and our Conservation Amendment. That is why the delay on those two.

Morgan:

I know and I appreciate your comments and I didn't mean to imply that there were any secrets or anything of that nature going on, but, whatever their true intent into the process, I just wanted to make sure that was relayed properly.

Taylor:

I did have a point or two. My comment is along the same line as Commissioner Morgan. A few minutes ago, there was a comment about citizens coming together and representing each of the five districts. There have been meetings where information was gathered from the citizens based on what they would like to see in their community. From my understanding, because I participated in that process, is where the EAR Report and information was suppose to derive from the citizens. Then that information from them would be brought before us and it gets our blessing or it doesn't or it comes before the Planning and Zoning and then this board.

You just said a minute ago that because of businesses and citizens that you are now having to delay two of the amendments. I am kind of confused with that because if this whole process is supposed to be citizen driven, then why is it that the businesses are at the point that they want to hold this up or to stall this? I can understand that you're being mindful of their concerns and issues, but explain to me why the true definition of this process, which is citizen driven, was not presented to the businesses. We have been at this time for quite some time, almost two years and here we are going to push this thing past the deadline. So, I guess what I am trying to find out is why is it that the businesses are holding it up and they have not yet been explained as to where they are in this process and how imperative it is that the citizens issues and concerns is what the driven cause behind this process? So, explain to me why it is that we are at a divide. Why are we not on time in listening primarily to what the citizens had to say and their input into this amendment primarily?

Matheny:

We are listening to the citizens. That is one of the main problems with some of the letters that have come in from businesses. The citizens group – to give you an example, one of them is the Wetumpka Lake Talquin folks, that group. They have some concerns. They have some things that they want to see, which I can perfectly understand, in the Future Land Use Element and their area plans. Some of those items may not be things that we can do. We are listening to their input. In fact, we have put everything they have asked us to put into those elements. We have done that. The citizens input – if there is anything that has been done right, the citizens input has been put into the documents. So, that is not a problem. But, when that came up, I wanted to make sure that I ran that through our county administrator and our county attorney to make sure that these things are proper and legal to do. There are some questions in that arena. We are not 100% sure if those things are actually legal to do. So, that is where we put on the brakes and we are giving the county attorney the chance to look at the documents a little closer and to give an opinion on those things and to advise the Planning Commission before they, in turn, recommend and advise you on what they have found. So, that is why it is taking a little bit longer. But, the citizens comments, both originally, the workshops we had, everything is very much in the plans.

Taylor:

So, these legal issues that you are mindful of that might cause this county some kind of retaliation (I use that for lack of another word) - how long have you been aware of these issues? If it has been some time, then why have they not been shared with the county attorney so that we can move expeditiously and get this thing before DCA in a timely manner?

Matheny:

Everything – well, with some of them, there is a question, again, my staff and I are not attorneys, so we are not sure sometimes what to put in there as far as what is legal and what is not. But, if I start seeing things that really starts bothering me after I have talked to other folks, including our county administrator, then our county administrator makes the call on when I can contact the county attorney. That is the rule that I am operating under.

Taylor:

You didn't answer my question -what I was trying to get to, but I will talk to the county administrator, but what I am trying to get from you is – How long back did you know that there were issues that were being presented that you could look at your plan, your policies and procedures and address in a nutshell? I can appreciate that there are no attorneys in your department. But, I know that you know the rules and you know the laws and you know the policies and you know the procedures. When there was an issue that came up that nothing in your book could address, I am trying to get a timeline as to when you saw such a thing. That it then should have gone to the administrator and from the administrator to the attorney. You know, time is everything. I have always harped on the fact that the Planning and Zoning Department is one of the most important departments in this county because it controls growth and development and that is economics. That is money. So, we don't want to hold up what goes on that department, so I am just trying to get a timeline from you when you came to the conclusion, "O.K. I can't address this, I need legal help." When did that happen? How far back was that?

Matheny:

Recently. Within the last 30 – 60 days.

Taylor:

Thank you. That is it.

Lamb:

We have someone that wants to speak on this Item, which is Item 3. Ms. Marion Lasley. Will you come up please and state your name?

Laslie:

My name is Marion Laslie and I live at 5 Dante Court, Quincy, Gadsden County.

Having read the proposed amendments, I am very pleased with the delay because I feel like the public input box is just being checked and not really addressed and I feel like we need a lot more time to change our Comp Plan.

I know the public was involved, as Ms. Taylor knows, at many, many meetings to have their input

as to how they wanted the county to develop. I don't think that those concerns and ideas are addressed in the changes that are presented in the current draft of the Comp Plan. So, I am pleased with the delay. I think there are a lot of loose ends and a lot of things that don't protect the citizens of the County. I think the businesses are probably fairly well protected in most areas. I am more concerned with the citizens being happy with the growth of the county. I think we are at a point where we need to have some pretty clear guidelines. So, I am pleased with being able to have more meetings and not to rush through things and to have everything that the Planning and Zoning Board needs to be able to vote on the document. They need to have everything in their hands. Maps and everything that is required in the EAR based amendments. So, I am looking forward to having that data before we have to go forward.

Thank you.

Croley:
Mr. Ed Allen, please.

Allen:
Good Morning, Commissioners. How are you this morning?

My name is Ed Allen and I live out at Lake Talquin. I am a member of the Planning and Zoning Commission. I believe, as Chairman Lamb mentioned, we lost a good man on the board this week, John Yerkes. John gave to this county unselfishly, but recently, you could tell that he was upset. He has been working on Planning and Zoning, working on EAR Amendments, and area plans. He left an opening statement that he was going to read this Thursday at the Planning and Zoning meeting on the 21st. I want to read this statement that John left. It is a statement that he had – it is the US 90 East Corridor Area Plan, Revised on 10/15 and it is John Yerkes' opening statement that he was to give to Planning and Zoning this coming Thursday.

It reads, "For this commission's consideration, it is critical for me to provide you with my thoughts and conclusions on this area plan. This needs to be done before any action is taken on this commission. I have been one of the two existing Planning and Zoning Commissioners involved in the US 90 studies in the past year. I know the subject and I have documents from past studies and I have recently reviewed these contents.

Up front, I want to say that I am 100% against the process by which this area plan was put together. The consultant's original area plan and it's policy dated September 8th, 2010, would be totally unacceptable to the area citizens. I assure you, the Board of County Commissioners and area citizens should be appalled. My upcoming comments will provide proof and support of this statement. "

Mr. Lamb, you were absent. This is John Yerkes last statement that he was going to give.

Lamb:
I heard it.

Allen:
I am sorry, I didn't know that you heard this.

“The original draft area plan was three pages long and was inserted at the end of 2 ½ in. collection of proposed Comp Plan amendments. It really did not stick out at all. Most of you may have paid little attention to it. It is possible for a casual overview of these three pages would not invoke much of a reaction to some people, but for those of us who have been involved in land use abuses, issues of past economic development studies of the eastern portion of the US 90 Corridor, there has been considerable negative reaction. Something was happening under the radar for concerned citizens. Something is still happening under the radar for concerned citizens.

In the early stages, the Planning and Zoning Commission worked on Comp Plan revisions. I looked ahead and noticed a reference to the area plan in the Table of Contents. Only recently did I get involved in studying the details of the document. As a result, I have had several meetings with the consultants and talked with others about the area plans proposed policies and I have researched the past history of studies and resulting recommendations going back to the year 2000, 10 years ago. I have reports from two studies which were published and formally presented to the Board of County Commissioners. I must tell you up front that the original three-page area plan you received in your packet is all wrong in what it is attempting to do. Researching conclusions have surfaced many, many issues and problems with this proposed area plan. I have documented the issues and problems. If most of what I have uncovered and concluded is factual, and I believe it is, then the area plan must be rewritten or scrapped and a new study conducted.

There is great irony when I think about comparing the consultant’s original plan with the purpose of Referendum 4, which is scheduled to be voted on in the November 2nd election. You will see what I mean when I described the issues below. Referendum 4 is intended to focus attention on under the radar initiatives like we find in this consultants version of the economic area plan for US 90 from getting legs. I won’t go over my first list of concerns, but I do want to point out the most egregious items uncovered. I do want to give the consultants what may be a weak defense. They seem to have no choice but to play the hand that they were dealt. They received very little help and guidance from the County due to the heavy reduction in P & Z staff. They did not know anything about the documented recommendations from earlier studies. Of course, they may be on the other side of this story.

The most alarming issues, failures and deficiencies are as follows:

- In the envisioning session held this spring in Midway, one person showed up. The efforts to put this area plan together continued to this date with no citizen input, oversight or evaluation even though the area plans goal states, “The Plan is to reflect the vision of the community.” Can you imagine that?
- There is strong evidence that the Board of County Commissioners did not know about this area plan amendment, which if approved, will put policies in place that could lead to wide open industrialization of 7.5 miles of U.S. 90 Corridor. I mean heavy industrialization, not nice, neat, clean business parks. Due to the P & Z Department losing half of its staff and not having a director for much of the time, it appears that no staff personnel has been able to devote sufficient time to the U.S. 90 Area Plan project. It appears that the consultant firm was given free hand. This may not be a problem of staff ‘s doing, but having good sound input from the P & Z Department made it very difficult to do anything other than create their own area plan based on what they and others would like to see. The primary consultant, by her own admission, wrote all the individual policies you see in

this area plan. (By, the way, that is illegal.) This approach is unprofessional and should be unacceptable to the county. Was she under some sort of outside influence when she put together these policies? This question needs answering. Can one imagine how the public would react to this action being taken. An action that, unchecked, it could result in affecting the residential property values and the quality of life affecting the people living along the US 90 Corridor.

- Careful review of the area plan policies, uncovered a concentrated effort to direct the area plan toward the development concept that would call for a large well organized push over time to industrialization of US 90 Corridor with little or no consideration of the views or concerns to the area citizens. Unwanted businesses could slip in objections to offensive off site impacts being pushed aside supporting a major drive to this end.
- There is much said in the area plan about special economic development. Councils, public/private partnerships, the new county sponsored training programs, action teams for rapid response, streamlining of the permitting process and funding tax incentives for special developers. That will be the Board of County Commissioners view as far as buying into this commitment.
- The area plan is very weak in protecting residential and environmentally sensitive areas. In an earlier plan, citizen input resulted in watershed protection of Lake Yvette. This should and will be a major concern of all area citizens.
- Nothing is said in the area plan about dealing with offensive off site impacts that causes me to have visions of industrialization as the south side of Chicago.
- For some reason, the City of Midway lands were included in the original set of developing policy. It was later determined to be an error and was depleted.
- These are issues with various area tracts of land that were included, excluded in the economic study map that were included with the policies.
- This area map is not a map that was put together for this economic development purposes. It was a map that was used earlier in 2009 consideration for Urban Service Area Boundaries. Recently, the consultants agreed with me to change the map to delete the City of Midway and expand it to include just up to north of the Little River. Possibly ideal for development considerations.
- All the non-development lands along the US 90 Corridor North to South were viewed as candidates for the same type of industries. This logic fails to recognize the differences in current land uses along the corridor and other characteristics. Instead, the US 90 economic development area plan should separate corridor into sections, each unique in how it should serve the needs of the citizens of the county. Much work has been done on this vector concept in the last month or so.
- Very little was said in the area plan about residential development along the US 90 Corridor.
- Nothing was in the consultants original area plan addressing commercial business parks, official residential parks. Prior economic studies heavily addressed that these types of land use needs and defined the need for such.
- There are other area plan concepts which will reduce the rural character of US 90 that we love.

So, what is the bottom line? Work is being done in an attempt to turn the situation around through modifications to the consultant's original plan. If the P & Z Commission chooses to demand a more citizen friendly economic development plan, then there is reason to believe that it

is possible to end up with a fairly good plan. But, this will be done without any citizen input. This must be considered.

I have no idea as to the reaction that the Growth Management staff and consultants to my opinions and the changes I have thrust in front of the consultants. What will the fate of the heavily modified version of the area plan be? If we continue to revise this US 90 area plan, then we must remember that there has been no citizen property owner input put into the undertaking. We must find a way to make sure that interests are fully protected. We must address the environmental protection carefully and we must not end up with an area plan that creates a depository of unwanted industries and urban sprawl taking over 7 miles of the US 90 Corridor.

In closing, please understand that I have said to the consultants that it is very wrong for me to be doing what I have been doing on this area plan. As a single entity, I should not be writing policies. It is wrong to be writing a back room economic development policies that could negatively affect the citizens of this county.”

This is the same problem that we are having at Lake Talquin. It is disenfranchising the citizens of this county. For some reason, you all appointed a engineering firm to run the EAR amendments. Why would you appoint an engineering firm to run the EAR amendments. They know absolutely nothing about the EAR amendments. Now, here we are disenfranchising the citizens of this county.

We had our meetings out there at Lake Talquin. We know what they were trying to do. We know what has been involved.

Ms. Taylor, to answer your question regarding the “why” these were delayed and “why” the things are coming up – this is a seven page letter from an attorney - just his comments. Things are put on hold because of his comments. Nothing but comments. Just blather and things are put on hold because an attorney walked in and gave seven pages of comments.

And here is something that I want to point out. Ms. Minnis, I hope you check into this. This is his last statement on the front page. “We would appreciate your consideration for these comments and inclusion on the record for the workshop. We also encourage the Planning Commission to be mindful and respect private property rights as they consider the effect of the proposed amendments on the property owners. See Section 701.41 Florida Statutes i.e. the Bert J Harris Private Property Rights Protection. The Bert J. Harris has won zero in a court of law. He is in here citing law that has won zero in a court of law. Not only that, it is called the “Hick Stick.” These attorneys bring it into small counties to use it on Planning and Zoning Commission. It is jokingly called the Hick Stick. It is also called the “Bat” with zero wins in a court of law.

Thank you for your time.

Lamb:
Wait just a minute, Ed.

Croley:
May I ask the attorney a question?

Lamb:
What?

Croley:
May I ask the attorney a question?

Lamb:
Before you leave, Ed, Commissioner Croley has a question for the attorney.

Croley:
Ms. Minnis, you know, this commission passed a Citizens Growth Management and Planning Bill of Rights, which you drafted the ordinance. The intention being to protect the public and their right of having input into this planning process. Would you just please clarify what impact and affect that ordinance has on this process for everyone.

Minnis:
I can generally tell you that, based on the amendment, it does allow for meetings and citizen input into not only the development process, but as I recall, into the planning process as well. I don't remember the specifics of it because it has been a while since I worked with it. But, it was designed to allow more citizen input into the process overall.

Croley:
What I am trying to, I guess, establish here is that ordinance, if properly applied, raises the bar of protection for the citizens input. Is that a fair statement?

Minnis:
Yes, it does, especially for development. It does allow more input to the private citizens -more notice to the citizens, more public meetings for the citizens to be involved in the development process.

Croley:
So, we are doing the things to address some of the concerns being raised here this morning.

Lamb:
Let me say this. I think, Ed, that this will help. I believe that you have a meeting, or you have already had a meeting with the administrator and staff.

Allen:
No, that is tomorrow.

Lamb:
Tomorrow. But, Mr. Administrator, from what I can see here and what I hear here, there are a lot of differences with the citizens and this plan. From what I can hear.

Williams:
I hear the same thing.

Lamb:

What I think is that we need to stay out of it, now. But, I think what you need to do with staff and with citizens – ya'll need to meet. You need to find out where these differences are at and what is going on because citizens are saying that one thing is going on under the table and they are not bringing them to the surface. So, you need to check into that. You really need to check into this.

Williams:

Yes, sir. That was the purpose of setting up the meeting.

Lamb:

And, then you need to bring us a report. Although, this has to go through Planning and Zoning. All this stuff has to go through Planning and Zoning before it even gets to us. But, you need to deal with the citizens and staff and see where the break down is and see what is not being reported like it should be if it is not being said. It is staff's job to look into this in depth. There might be some things that has not been said or not been done or not brought to the surface.

Allen:

I agree because we have entered stuff in there and when it comes back, or doesn't come back, and things are missing – things that we put in there. There is sufficient inconsistencies within that report and it needs to be addressed and it needs to be solved.

Lamb:

The administrator and staff, then Planning and Zoning. When it gets to us, it ought to be worked out before it gets to us.

Allen:

I agree, it should be worked out before it gets to you, but it apparently, it is not getting done. That is exactly what we are saying. That it is not getting done.

Lamb:

O.K. so, Mr. Administrator, the citizens are saying that it is not getting done, so look into it and find out what needs to be done. If you find something that is not being done, then it needs to get done.

Williams:

Yes, sir, we will do that.

Lamb:

O.K.

Morgan:

Mr. Chair, if I could just make a comment, please.

Lamb:

Go ahead.

Morgan:

Mr. Administrator, the meeting for tomorrow – Mr. Allen, is this the one that I inquired about a couple of months ago or is that a different one?

Williams:

I am not sure which one you are referring to.

Allen:

I believe the one that you inquired about by email a few months ago.

Williams:

No, you inquired about the meeting concerning the status of the Roberts case.

Morgan:

One of the areas of concern. O.K. I thought that might be a separate meeting. The reason that I asked the question is, and I hope that everybody will understand. Number 1 – This is a very complicated process and complicated issues that we have here. What I want to stress here is that in my opinion, I think that Mr. Matheny and his Planning Department have, in a lot of ways, addressed this very professionally. I don't think there has been any attempt in any way, shape or form to not have this done correctly. I do understand that we may be behind on some deadlines and that sort of thing and that is o.k. I don't mind missing a deadline to ensure that this is done properly.

I have asked questions. Mr. Ed, I have talked with you and I have talked with several other people. I want to make sure that on this and every other issue that citizens do have input, that it is addressed properly, and at the end of the day to remember that we may agree to disagree on some items. Everybody is not going to have everything in this Comp Plan like they want to have it, like we want it to have. That is just the way it is. However, that is o.k. if we have been through the process in the correct manner and we have addressed it in the right way. I think we all share that concern from the comments that we have heard this morning.

But, again, I don't want the public to walk away from this particular item thinking that Mr. Matheny has not followed through, from what I can tell, in what he should be doing. I think he is – this is a very complicated and difficult issue and I think it will be addressed properly as we move through the process.

Thank you.

Lamb:

I don't think they are really pointing a finger at the staff.

Allen:

No, we are not pointing our fingers at anybody. Mr. Matheny has not even been here half the time. This has gone on since 2007.

Morgan:

Well, I just didn't want him to think that he is getting all the bullets fired at him.

Allen:

I am not pointing fingers at Mr. Matheny. However, I will point out that you hired an engineering firm to run this thing and an engineering firm doesn't need to be running this thing. That is like putting a pilot in charge of a submarine. That is exactly what this

Morgan:

The engineering firm, in reality, is not running it, as you know, but I hear your point. That is not what is going on.

Allen:

But, you have hired a consultant without any help for the consultant because they know nothing of the EAR report. So, you've got one person trying to run the whole ship.

Lamb:

O.K. so, Ed, make sure you give all your concerns to him when ya'll meet, then let him take any action that he thinks he needs to take. Thank you very much.

Allen:

Thank you.

Lamb:

O.K. Mr. Administrator, next item, please.

CONSENT AGENDA

Item 7 was pulled for discussion. Victim of Crime Act Grant Number V10227

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE CONSENT AGENDA AS AMENDED, TO WIT:

4. Approval of Minutes July 20, 2010 Regular Meeting
August 3, 2010 Regular Meeting
August 17, 2010 Regular Meeting
5. Ratification of Approval to Pay County Bills:
Accounts Payable Dated: October 1, 2010
October 8, 2010
Payroll Dated: October 7, 2010
6. Approval of Justice Assistance Grant (JAG) Drug Taskforce \$ 75,160.00 Contract No. 2011-JAGC-GADS-1-B2-072
7. ~~Approval of Victim of Crime Act (VOCA) Grant Number V10227 Agreement between State of Florida Attorney General and Gadsden County Sheriff's Office~~

This item was removed for discussion.

8. Approval of the Chamber of Commerce's Appointment to the to Workforce Plus Governing Board - Linda Rumph and Trish Yahn
9. Approval to Accept the Annual Forestry Report and Operating Plan

CONSENT AGEDA ITEMS PULLED FOR DISCUSSION

7. Approval of Victim of Crime Act (VOCA) Grant Number V10227 – Agreement between the State Attorney General and Gadsden County Sheriff's Office

Commissioner Taylor noted that a cash match was required of the grant. She asked how the 20% cash match would be met.

Ms. Katherine Pondexter, Chief Financial Officer for the Sheriff, addressed the question above. She explained that 20% of the salary that is paid to the investigator who supervises the grant is used to meet the in-kind match for the grant. She further explained that the salary is documents by time sheets and earning statements.

Commissioner Taylor suggested to Ms. Pondexter that she make that clarification in the agenda report in the future – how they would meet the cash match on the grants.

Commissioner Morgan noted that the grant began on October 1. He asked, "Are we post-approving this?"

Ms. Pondexter explained that the grant has already been awarded and it was brought to the board for budgetary authority only.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE BUDGETARY AUTHORITY FOR THE VOCA GRANT DESCRIBED ABOVE.

Commissioner Taylor asked that someone come to the next board meeting and make a report on how WorkForce Development is moving in Gadsden County.

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEM

There were no requests.

GENERAL BUSINESS

- 10. Approval to Donate a Surplus Rescue Truck to the City of Quincy Fire Department to Become a Mobile Urban Search and Rescue (USAR) Unit for County Wide Deployment**
2003 Ford F-350 Vin No. 1FDWF36P73EC82722

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE

BOARD VOTED 4 – 0, BY VOICE VOTE, TO APPROVE THE DONATION OF THE VEHICLE DESCRIBED ABOVE.

UPON MOTION OF COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 3 – 0, BY VOICE VOTE, TO APPROVE THE CONTRACT WITH THE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2010-2011.

12. Approval of Continues Support of Riparian County Stakeholder Coalition (RCSC)

Mr. David McLain addressed the board on behalf of the RCSC. He recalled that the board has passed a resolution of support for their efforts. Each participating county had two members appointed to it by the respective counties. He gave an overview of how the coalition is structured and how they have been funded in the past by the Apalachicola River Keepers. However, they were not able to fund them this year. He reported that he is approaching each of the six counties which comprise their organization seeking \$5,000 from each of them to insure that they could stay abreast of the ongoing issues relating to “water war” upstream in Georgia and Alabama.

Mr. McLain directed the commissioners to their website at www.acfstakeholders.org where they can view their charter, by-laws, goals and objectives, etc. He offered to come back at a later date and come back better prepared to answer their questions.

Through discussion, it was noted that Mr. Lee Garner had been appointed to represent Gadsden County by former Commission Chairman Ed Dixon. Further discussion followed which led to many unanswered questions.

Commissioner Croley stated that he thought it would be appropriate for Mr. McLain to provide the information to the administrator and Growth Management Department as well as with the Clerk, including their financial reports.

Commissioner Morgan acknowledged the importance of the efforts to protect the water flow from upstream and the effect that it has on the local economy and the way of life in Gadsden County. However, he understood that the other board members may need more time to more carefully examine the matter more closely.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4 – 0, BY VOICE VOTE, TO TABLE ACTION ON THIS ITEM.

13. Approval to Award Bid Number 10-24 for Environmental Consulting Services for the Brownsfields Community-Wide Assessment Grant

Growth Management Director Anthony Matheny introduced the agenda item explaining how the committee reached its decision in ranking the bid responses.

A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER TAYLOR TO AWARD THE BID TO THE HIGHEST RANKING FIRM, CARDNO TBE.

Commissioner Morgan commented that the top three candidates were very close in the total points scored. He pointed out that one of them already has a working relationship with the county's engineer, Preble Rish. He asked if that would have any weight at all as being advantageous to the county as this goes through the process.

Mr. Matheny recalled, "It was discussed a little bit, the fact that Preble Rish is our current engineer. We did recognize that they were going to be a Sub to Aecom Technologies. The discussion did not go much beyond that. We noted that. We do have a good working relationship with Preble Rish as you and I discussed, but the committee, all four committee members felt like, while they ranked strong - and they were close as you see also is ESI Jacksonville when they got the five points. They are at 22.29 points now. We had five or six that were fairly close. Any of them could do the job. A lot of them as you can see, when I was tallying them, I put 4's and 5's on a lot of them. It was hard to make a choice. The firm we picked was because they are local in Tallahassee and the person heading the firm has Gadsden County ties and also has had a lot of direct experience in working with the Department of Environmental Quality here and helped develop the Brownsfield Program. That, in the end, was the heaviest weight we gave. That experience. As you notice on the criteria, 15 and 20 % were given to criteria such as "What is your past experience in working with Brownfields programs of Florida? Those types of things. So, we put a lot of consideration on that."

Commissioner Morgan then asked, "Are there any advantages to this firm having an existing relationship with our engineering firm? Is there any benefit that could provide to us as we go through this process?"

Mr. Matheny replied, "Always, when you already have an existing relationship that is good, there is nothing to be lost. If you were to pick that firm, I think it could be beneficial to be able to continue working with that engineering firm in that "Sub" capacity. But, it is just up to ya'll. You see that the county administrators recommendation was, "Board Discretion." You have to decide what is most important to you. We just went by the criteria and went by what we thought after a lot of discussion. We decided what we thought was the best fit. I can certainly see some advantages to what you are talking about. "

THE BOARD VOTED 3 – 1 IN FAVOR OF THE MOTION WITH COMMISSIONER MORGAN DISSENTING.

COUNTY ADMINISTRATOR'S AGENDA

Mr. Williams had nothing to report.

COUNTY ATTORNEY'S AGENDA

Nuisance Abatement Ordinance

Ms. Minnis reminded the commissioners that the next meeting had been changed to begin at 9:00 a.m. because of the General Election on November 2. In view of that, the Nuisance Abatement Ordinance would not be on the agenda until the second meeting in November because it must be a public hearing and all public hearings must be held at the 6:00 p.m. meetings.

Allen Ranch Road

Ms Minnis reported that the next step in the process of getting Allen Ranch Lane paved is for the board to decide whether it will accept the right of way.

Mr. Williams reported that the petition has not been submitted to him yet.

Croley:

What happens to all these other people and groups that have similar road requests and they have communicated. I had, at the Havana Concord Volunteer Fire Station Fish Fry this past Thursday. Another group of homeowners in Commissioner Lamb's district raised their question. So, my question to you is what process were you using and you haven't even collected the money on the last two roads that was supposed to be paid for?

Minnis:

The process – there is an ordinance that sets out the process that land owners can use to petition for it. We are basically following that process through to this point. Now, it is up to the commission. It is the commission's discretion whether they want to accept the road.

Croley:

I understand that, but what happens to people who said they had asked before this road we are referencing came forward?

Minnis:

You know, with all due respect, I can't answer to that because I wasn't asked to look into their particular issue. All I can tell you is that there is a mechanism in the ordinances where those individual petitions now. If they feel that they were told some erroneously, they can submit a petition under that same ordinance.

Croley:

Maybe you are misunderstanding my question. I am saying – is there a requirement of any sort that some orderly process be followed. In other words, if someone says that they had an application in with – say Public Works before a different group had theirs in. Is there some requirement that these be considered in order? That is what I am trying to understand.

Minnis:

I am not aware of anything in the ordinance that deals with first come first serve. All I can tell you is that there is a mechanism that they can petition to have their road considered. Now, whether that mechanism was followed in the past or not, I can't speak to.

Croley:

I am just trying to make sure that you don't do for one what you don't do for the others and that it becomes discriminatory in the way that it is being applied. Then, what happens to the money that we have not recovered from the prior two paving projects? The Quail Roost and the Ames Barineau? That has not been addressed.

Thank you.

Lamb:

O.K. That can come up under the administrator, that won't come up under you. For those who have applied before, and didn't hear from us, they need to come back through the process. That is all they can do. Come back, go through the process and we will vote them up or down. That is all we can do.

Anything else?

Minis:

No, sir.

DISCUSSION ITEMS BY COMMISSIONERS

16a. Commissioner Morgan, District 3

Resolution 2010-044 – In Opposition to the Statewide Application of New Septic Tank Inspection and Replacement Requirements

Commissioner Morgan called attention to the resolution stated above. He asked that the resolution be changed a bit to actually call for a repeal of the legislation which imposes new requirements for inspection and replacement of septic tanks.

Commissioner Croley stated that he had asked for the Department of Health to come and give the board some insight and explanation of the Statute. He asked for more time to research it some more before making a decision on the resolution.

Commissioner Morgan did not want to delay action on the resolution.

Commissioner Taylor pointed out that there would be a tremendous fiscal impact on the public, but she did not see that point addressed in the resolution. She asked that point be included.

She also suggested that a less offensive word be substituted for "ill advised legislation." She supported the resolution and the call for repeal of the legislation.

Commissioner Morgan then withdrew the resolution from consideration.

Library Commission Appointment

He asked the administrator to agenda an item to address the replacement of Ms. Rebecca Gregory on the Library Commission.

Tourist Development Council (TDC) Report

He reported that the TDC is moving forward in its branding effort with Ron Sachs Communications.

He then noted the big success of the Pumpkin Festival in Havana. It was reported that as many as 15,000 people were there on Saturday. He commended the folks in Havana.

Commissioner Taylor, District 5

Parks

In response to a question from Commissioner Taylor, Mr. Williams stated that the Legislature is not funding park construction through the FRDAP grants at this time.

Health Council Funding – Indigent Care

Commissioner Taylor told the board that it was reported to her that someone went to the hospital for services, but were sent to the Department of Health for treatment instead. She asked the staff to look into the claim.

She then raised a question about funding for indigent care with the proceeds from the Indigent care surtax.

Ms. Minnis remarked that the hospital is providing indigent care services.

CRA Board

Commissioner Taylor remarked that she would like for staff to look into working with the City of Quincy to see if they would entertain the idea of having someone from the county commission to sit on the board of the Quincy CRA.

Commissioner Croley, Vice-Chair, District 2

New Soil Survey and Septic Tank Issues

Commissioner Croley asked the administrator to have Growth Management Department to look the septic tank legislation and report to the board on how it ties into Gadsden County and the new soil survey. He asked that they amend the resolution and bring it back for consideration by the board.

CRTPA Report

He reported that the **Quincy By-Pass** is the # 1 project that CRPTA has on the Five-Year Plan as funding becomes available. \$15,700,000 in construction cost. The right of way design work is in place. This will move the project forward. By it being the Number 1 project, it may enhance the possibility of TGER grant process.

He then reported that the **Quincy Shuttle** has been a success and ridership has exceeded expectations. It should be expanded to Havana with a park and ride parking facility in Havana and Midway.

Tier I Project Cost

He then filed the CRTPA Agenda Report with the Clerk.

Commissioner Lamb, Chair, District 1

Sheriff's Generator - Staff reported that they are still in the evaluation process and awaiting responses. He encouraged them to continue to press hard to get a new one in place.

Riparian County Stakeholder Coalition (RCSC) - the board expressed some concern that an appointment was made to this board without the board's knowledge. They emphasized that no appointment should be made to any board without the full knowledge and approval of the entire board.

Septic Tank Issues

He asked the administrator to schedule the Health Department and Growth Management to come to the next board meeting with information on the proposed legislation on septic tanks. (November 17)

Visitor

Chair Lamb introduced Gulf County Commissioner Warren Yeager, Jr., who was visiting for the evening.

17. RECESS

Attorney Minnis requested that the board recess the public portion of the meeting and go into a confidential attorney/client meeting to get guidance on litigation issues.

Chair Lamb declared the public meeting recessed at 11:32 a.m.

18. RECONVENEMENT

The chair reconvened the public portion of the meeting at 1:08 p.m.

19. ADJOURNMENT

20. RECEIPT AND FILE AGENDA

- a) Grant 2010-JAGC-GADS-1-4X-187 Adjustment # 3
- b) Letter to Gadsden County Health Department regarding the amount of their funding FY2011

NOVEMBER MEETINGS

- November 2, 2010 at 9:00 a.m. (Election Day)
- November 16, 2010 – 6:00 p.m.

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING
ADJOURNED AT 1:08 P.M.**



Eugene Lamb, Chair



Muriel Straughn, Deputy Clerk

