

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JUNE 7, 2011 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

Present: **Sherrie Taylor, Chair, District 5**
 Gene Morgan, Vice-Chair, District 3
 Eugene Lamb, District 1
 Doug Croley, District 2
 Brenda Holt, District 5
 Nicholas Thomas, Clerk
 Debra Minnis, County Attorney
 Arthur Lawson, County Administrator

Invocation, Pledge of Allegiance and Roll Call

Chair Taylor called the meeting to order with a prayer followed by the pledge of allegiance to the U.S. flag.

Deputy Clerk Muriel Straughn called the roll and recorded the attendance as written above.

Amendments and Approval of the Agenda

The agenda was amended as follows:

Add:

- 1A. Kenneth Cooper of Wayne Frier Homes
- 1B. Henry McGill
- 2A. State Revenue Sharing Application
- 18A. Bid Award for Fortune Blvd. Change Order No. 1
- 14A. General Business: Twelve Month Temporary Certificate of Occupancy for St. John Community Church

- 21A. Public Record: Impact of Florida State Hospital Update

Delete:

- 22. Attorney/Client Session

A motion was made by Commissioner Croley to move items 5-11 from the Consent Agenda to the General Business Agenda as these items are financial in nature. The commissioners were taught in the

certified training classes to place such items under general business even though they are routine. In light of the fact that those items total \$708,133.00, he felt it would be more appropriate under the General Business agenda. **The motion died for lack of a second.**

Interim County Administrator Arthur Lawson stated that because the items referenced above had already been before the board for approval previously, he considered them routine and discussion would not be necessary because the requested actions were only to follow up on them. Similar items have traditionally been handled via the Consent Agenda.

Commissioner Croley held to his belief that they should be placed on the General Business Agenda even though they are routine and would require little discussion.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 1 TO APPROVE THE AGENDA AS AMENDED. COMMISSIONER CROLEY CAST THE LONE DISSENTING VOTE.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Acknowledgement of Appreciation to Ms. Louise Blackburn for her Years of Service as a Gadsden County Commissioner from November 1976 to November 1988

Commissioner Lamb recognized Ms. Louise Blackburn, former county commissioner, for her years of service and presented her with a plaque of appreciation. Ms. Blackburn was the first female to be elected to the Gadsden County Commission. In addition, she was elected at a time in history when commissioners had to run county wide, not just within their district.

Ms. Blackburn had a number of remarks but ended with words of encouragement to the sitting commissioners saying that they were doing a good job.

1A. Kenneth Cooper of Wayne Frier Mobile Homes -

Mr. Kenneth Cooper told the board of a situation where he had delivered a mobile home and set it up only to learn that the owners could not obtain a permit because the property is designated as AG3. The owners had received a septic tank permit and they had gone through the same process as they have done numerous times. During many conversations held with county staff, no one had told them that this property was AG3 and they would not be able to place the mobile home without going through another process such as a land use change.

Commissioner Taylor asked that the board to direct staff to move expeditiously within the current proper procedures to bring this matter to the board for a decision.

Commissioner Lamb had no problem with hearing the matter.

Commissioner Morgan cautioned that the board should be careful not to set a precedent in this instance.

The staff was directed to work with Mr. Cooper to get the matter back to the board in a proper fashion for consideration.

1B. Presentation to Mr. Henry McGill for his Service as a Crossing Guard

Chair Taylor acknowledged that the board has recognized traffic crossing guards some time ago. However, Mr. Henry McGill was not recognized at that time because he was no longer working when that round of recognition was had. However, she told the board and the audience that he had spent many years protecting and directing children as a crossing guard.

Chair Taylor then presented Mr. McGill with a plaque and token of appreciation.

CLERK OF COURTS AGENDA

2. Presentation of County Finance and County Clerk Issues

State Revenue Application for 2011-2012

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE APPLICATION FOR STATE REVENUE SHARING.

Chair Taylor recognized the visiting Gretna City Commissioners.

CONSENT AGENDA

Items 5 – 11 were pulled for discussion.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE ITEMS 3 – 4 OF THE CONSENT AGENDA BELOW.

3. Approval of Minutes of April 19, 2011

4. Ratification of Approval to Pay County Bills

5. ~~Approval of Maintenance Contract for E-911 System – Contract no. 11LNVNSJQMFO~~

Moved to the General Business Agenda for discussion.

6. ~~Approval of Resolution Number 2011-018, Budget Amendment OMB BA # 110043 and Post~~

~~**Approval to Accept the Award Letter from the Bureau of Justice, State Criminal Alien Assistance Program (SCAAP)** Justice Benefits, INC. \$6,537.00 For incarcerating undocumented criminal aliens who have committed serious crimes.~~

Moved to the General Business Agenda for discussion.

~~**7. Approval of Resolution Number 2011-009, OMB BA 110044, and Post Approval to Accept the Award Letter from the Bureau of Justice Grant) Project No. 2009 SB B9 1539** Period 03/01/2009 – 02/28 2013~~

Moved to the General Business Agenda for discussion.

~~**8. Sublease of the W.A. Woodham Justice Center Building to the City of Quincy Police Department**~~

Moved to the General Business Agenda for discussion.

~~**9. Approval of Award of Bid No. 11 002 to Gulf Atlantic Culvert Co. Inc.** for asphalt coated culvert pipes~~

Moved to the General Business Agenda for discussion.

~~**10. County Incentive Grant Program Agreement (CIGP) Resolution 2011-021 ; Project No. 429983-1-58-01 for Resurfacing of CR 159A (Dodger Ball Park Road) from CR 65 (Attapulugus Highway to CR 159 (Salem Road)**~~

Moved to the General Business Agenda for discussion.

~~**11. Approval of Lease Purchase Agreement with Caterpillar Financial Services Corporation for the Lease/Purchase of a New Generator for Sheriff's Office** Total \$93,580.00; Payments \$1,712.87~~

Moved to the General Business Agenda for discussion.

CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

~~**5. Approval of Maintenance Contract for E-911 System Contract no. 11LNVNSJQMFO**~~

Finance Director Connie McLendon addressed the board to explain that this particular service is unique and the vendor is a sole source provider and the manufacturer of the system. She assured them that the county would not be not violating any of the regular procurement policies by approving the above stated contract. Ordinary procurement policy does not apply to sole source vendors.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE MAINTENANCE CONTRACT AS DESCRIBED ABOVE.

~~**6. Approval of Resolution Number 2011-018, Budget Amendment OMB BA # 110043 and Post Approval to Accept the Award Letter from the Bureau of Justice, State Criminal Alien Assistance Program (SCAAP)** Justice Benefits, INC. \$6,537.00 For incarcerating undocumented criminal aliens who have committed serious crimes.~~

This grant was previously approved by the board. This request was for formal approval of moving the money from the BOCC Budget to the Sheriff even though the money has already been distributed to them.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE ITEMS 6 & 7.

7. Approval of Resolution Number 2011-009, OMB-BA 110044, and Post Approval to Accept the Award Letter from the Bureau of Justice Grant) Project No. 2009-SB-B9-1539 Period 03/01/2009 – 02/28-2013

See the motion on Item 6 above.

Commissioner Croley reiterated that he does not want to continue to see matters come before the board for post approval.

8. Sublease of the W.A. Woodham Justice Center Building to the City of Quincy Police Department

Croley:

This is the lease agreement between the City of Quincy and the County. Item 8, we discussed conceptually, but having read the agreement, I understand that the basis is \$10 per year lease for the Quincy Police Department to move into the first floor of the WA Woodham Justice Center, which is owned by TCC. That 25% of the utility charges, I understand, but I don't understand – what about the wear and tear on the building? What about other costs associated with the building? If the building needs a new roof- is that something t – and Ms. Minnis, you handled this, so I may direct my question to you. Does this contract provide for any financial assistance with the wear and tear on the building?

Minnis:

I don't believe it does. This is a draft agreement and it is at the will of the commissioners. It is brought for you consideration and review. If you want to change some items in it, then it hasn't been signed or voted on. So, it is well within the parameters to do so. This is just a basic lease agreement.

Croley:

Did you draft it, if I may ask?

Minnis:

I did. I drafted one and then took input from the City of Quincy Attorney and go some input from the Sheriff's attorney and talked to TCC's attorney. So, it was kind of a joint effort. It is just basic commercial sublease.

Croley:

Well, it is not a basic lease with no disrespect to you, from a business standpoint that I have seen because you would normally have some sharing of costs of the maintenance and upkeep of the

building. I don't even know how much the utilities are. Does anybody know how much they run?

Clyde Collins:

\$12,000 per month.

Croley:

\$12,000 per month. O.k. Well, 25% of that is \$4,000.

Madam Chair, on this item, I would move that the attorney take this and at least have a discussion about those costs associated with the wear and tear of the building. If it needs a new roof and things of that nature. We will certainly run into those problems. If the air-conditioning system fails, there should be some consideration in the lease agreement for the City of Quincy to assist in those maintenance cost if they are going to occupy a full floor.

Taylor:

Are there any comments?

Morgan:

Thank you Madam Chair. I did read the lease and had a few conversations with the sheriff and some of the folks involved in it. Because it is a month to month lease, I don't have any issue. I think they can work through all of this and feel their way through it and see how it is going to work. I am going to keep an eye on it to make sure that we are not spending tax payer dollars that we don't need to be spending. I don't think that is going to be the case. I think it is going to be o.k.

I do have a comment though on several of these items. I have to agree with Commissioner Croley in that, and you will have to agree through the certification process, some of these items, I think it is probably better communication wise if we had these placed under General Business for discussions like we are having now. I just think it would be helpful as we move through. Some of these things they can iron out and it will all work out just fine. I think we could avoid some of this by doing that and that is why we are recommended to do that.

Holt:

I think this should be worked out between the Sheriff and the Police Chief. Under No. 6, liability insurance – there may be some items that may need to be looked at as far as the city being responsible. It does say that the city agrees to that. But what I am looking at is this – this item should be worked out between them and these questions can be asked before the county commission meets. It would have been very easy to call the attorney or talk to the Policy Chief or talk to the Sheriff by any of us on this board. I think the proper location is under the Consent Agenda. We have discussed it and it is time to move.

Lamb:

I am kind of disappointed that we discussing all of this here now. We have had this agenda package for a week or more. Now, I spearheaded most of it, as you know, through TCC. I don't feel that it is proper for me to sit here and go back over all this information taking up all this time when all we have to do is pick up the telephone or come up here and sit down with the manager

and ask questions if we don't understand. We don't have to ask questions to get our point over to the public. Just ask the manager the questions, get the answer and let that satisfy you. If you need anything changed or taken off the consent agenda. Go ahead and talk to the manager before we get here. The manager has the right to put it here because he understands what is taking place here. If you read it and have questions about it, before we get here, just talk to the manager and get an understanding of it. I just don't think it is wise for us to sit here and take time to go through all this information.

Taylor:

We have heard from everyone. So this is what we are going to do. I am willing to move with the sublease in tact with some addition as to the actual location that they are in, they are to maintain it. I think that is in the body of the contract. But, as far as the roof and all this, I think that is a county building and we will probably be responsible for that. I don't see where the city would agree to help repair the roof, but as far as the location of where they are at and any area that they have access to, we should move forward with the understanding that they will be responsible for that.

So, I want to go ahead and approve this, but do **go back and clean up that area so that Commissioner Croley has concern about, and I concur, there is clear language that they will be responsible for any structural damage or whatever in that area that they are in. I did not read that. As far as the cleaning and the maintenance of it, I understood that, but no the structural damage.**

Minnis:

It is under Paragraph 6. Any damage that they cause or injured by persons under their control, No. 6 says that the "City agrees that it will be responsible for all liabilities, damages and expenses arising from any personal property as a result of the operation ,maintenance and use of the premises , which in this instance is the first floor, unless the injury or damage is caused by the negligence of the county or other persons.

Taylor:

Then we kick in as the responsible party.

Minnis:

If it is damage that they cause, they have to repair.

Taylor:

Understood. But if there is some other freak of nature?

Minnis:

If it is an act of violent force or event, then we are responsible as the lessor of the property. Remember, TCC owns the building. We are leasing from TCC.

Croley:

Madam Chair, that is under liability insurance and indemnification. I don't think that is quite – I am not trying to match wits with the attorney, but I don't think that is exactly having to do with

ongoing maintenance, **but I would move approval subject to a review of that portion regarding the damages as you suggested, if you would entertain that.**

Taylor:

I don't have any problem with going ahead on and just make sure that it is an iron clad contract, an iron clad agreement and that all parties understand that is the wishes of this board. So, let's put it out there for a motion.

Croley:

I so move.

Taylor:

Restate your motion.

Croley:

I move that the contract be approved subject to review of regular maintenance responsibilities.

Taylor:

That is the only issue you have with the entire contract? There is a motion, is there a second?

Morgan:

Second.

Taylor:

There is a motion and a second. Any questions?

Minnis:

I just have one. Once I touch base with all the folks regarding the major maintenance, my assumption is that I would bring the item back to the board?

Taylor:

No, we are going to make approval with those concerns added in. And, you might want to move that from up under liability and put it up under a separate item.

Croley:

I did not make that in my motion.

Morgan:

I am not going to approve a contract that I haven't seen. I've got to see it.

Croley:

I didn't make that in my motion.

Taylor:

Hold on, Hold on, hold on.

Morgan:

I would rather approve what we've got before us rather than approve something the we have not seen.

Minnis:

That was my question.

Taylor:

I don't want to belabor this anymore. You all know that it is almost another month before we meet again. To hold this agreement is doing harm to both the city and the county. We need to move on this. I am just going to put it out there. My motion would be to move it on, but we have a motion on the floor.

Croley:

Madam Chair, for clarification, hasn't the police department already moved into the building?

Taylor:

We need to get an official agreement into place.

Croley:

I know, but, haven't they moved in?

Taylor:

They have. We still need to get the proper paperwork into place.

Croley:

Then the first meeting in July will take care of it if you will allow it.

Taylor:

We have a motion on the floor to approve it according to Commissioner Croley, that It be brought back with those changes.

Morgan:

Just a question. It is already noted that we will see all of this first.

Taylor:

That is noted. Again, this contract is to begin August 1st. There is a motion and a second. Again, I do not wish to discuss this anymore.

All in favor of this motion, let it be known by saying, "Aye."

Croley: Aye.

Morgan: Aye.

Taylor:

Opposed, the same sign.

Taylor: No.

Holt: No.

Lamb: No.

Taylor:

Make that 2 – 3. The motion failed.

I need another motion on the floor.

Holt:

I move approval.

Taylor:

There is a motion on the floor.

Lamb:

Second.

Taylor:

There is a motion and a second to move approval with the changes. Can I get you to amend your motion?

Holt:

No, ma'am. As is.

Taylor:

There is a motion and a second to approve the agreement as is. Are there any questions?

(No Response)

There being none, all in favor of this motion, please let it be known by saying, "Aye."

Lamb, Holt, Taylor, Morgan: Aye.

Taylor:

Opposed, the same sign.

Croley:

No.

Taylor:

Make that 4 – 1 to move this thing from in front of us.

(Laughter)

Taylor:

I am sorry, I am being facetious. You all can forgive me. It is just a little humor.

9. Approval of Award of Bid No. 11-002 to Gulf Atlantic Culvert Co. Inc. for asphalt coated culvert pipes

Croley:

The \$50,000 bid on Gulf Atlantic Culvert Company. I understand that Public Works takes bids every year or periodically for these culverts. But, a bid award, again, is not necessarily a routine item. No matter how it was done in that past, bid awards are almost always under general business. But I will move approval on that to expedite it.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0 TO APPROVE THE AWARD OF BID NO. 11-002 TO GULF ATLANTIC CULVERT CO.

10. County Incentive Grant Program Agreement (CIGP) Resolution 2011-021 ; Project No. 429983-1-58-01 for Resurfacing of CR 159A (Dodger Ball Park Road) from CR 65 (Attapulugus Highway to CR 159 (Salem Road)

Croley:

Item 10 – This is a \$364,378.00 Incentive Grant Agreement, which again, through the Department of Transportation. My concern about that is again, this is a large amount of money under the Consent Agenda. You said we had seen this in so far as applying for the grant , Mr. Lawson, is that correct?

Lawson:

Yes.

Croley:

And you were moving this in the budget and it doesn't require any type of public review other than putting in Transportation's budget. Is that correct?

Lawson:

That is correct.

Croley:

Well, I didn't see any budget change on here, but I may have missed that, so please excuse me for that oversight when I asked you about this earlier.

I will move approval for the \$364, 378.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, TO APPROVE ITEM 10 STATED ABOVE.

11. Approval of Lease-Purchase Agreement with Caterpillar Financial Services Corporation for the Lease/Purchase of a New Generator for Sheriff's Office SN C15-400kW

Total \$93,580.00; Payments \$1,712.87

Croley:

Number 11, which is a \$93,580 purchase. I understand that. It is a lease agreement. Again, I know that we had agreed that would go down at the building. But this lease agreement is a contract is a contract and, again, it would appear to me that a contract of that size, especially since it is a lease agreement and not an outright purchase when we took the bids on the agreement and it involves a CAT Access Account with Caterpillar. It should have been under General business..

I move approval.

**Morgan:
Second.**

Taylor:

We have a motion and a second. Are there any questions?

Holt:

Yes. Madam Chairman and Commissioners, I don't know why we are discussing these. We discussed them before. Now, I know that a commissioner can pull these items and discuss them again, but now, to continue this is ludicrous. It doesn't make any sense. We discussed them. We knew Caterpillar was going to do this, we knew the generator needed to be replaced. We knew all this stuff. We discussed it. Now, whether it is on the consent agenda doesn't make any difference.

Croley:

Madam Chair? This is the last item.

Holt:

If you don't want a rebuttal, don't say anything.

Taylor:

(Chair Taylor hammered the gavel)

Let me say this real quick. Now, we are going to move.

Commissioner, everyone has a right to pull an item and have it for discussion. That is the commissioner's right. We don't want to start taking rights away. As we come before this meeting each time, if there are issues that we want to discuss, we have that right to do that.

Does it become tedious? Yes. Does it become mind boggling? Sometimes. But, that is the commissioner's right to pull these items. Sometimes we pull them and want to have discussions and we don't want to start something that we don't want to see continue on as a rule. So, he has

a right. I have a right. You have a right.

Holt:

Madam Chairman, Commissioner Croley is the one that noted me on that item – when I pull items, so, I am letting you know that you are not supposed to do it. Thank you.

Taylor:

We are done. We will move on.

Croley:

I move approval.

Lamb:

Second.

Taylor:

The item has been moved and seconded. All in favor of this, please let it be known by saying, "Aye."

All:

Aye.

Taylor:

Opposed by the same sign.

(No response.)

Thank you.

CITIZENS REQUESTING TO BE HEARD ON NON AGENDA ITEMS

Pastor John Battles:

Good evening, Commissioners. Could you all tell me who determines how a citizens' property is zoned? Who determines that? I am sure you all approved it, but who determines whether it is zoned Ag 1 or Ag 2 or Ag 3? Who determines that?

Taylor:

Mr. Lawson, Maybe Mr. Matheny can give us a clear explanation.

Just a second, sir. That is a question asked. Normally, this board does not make comments on items such as this one because we want to be sure that it is publically noticed when we make a statement. But we will answer this one question for you, Pastor Battles.

Matheny:

The answer to this question of who makes the decisions on zoning – we don't have zoning, We have land use districts in the county. The commissioners, through the Comprehensive Plan and our Land Development Code decide the land use districts. So, they are all decided by this body. I am here to enforce those. When somebody asks or inquires what they can do in a certain land use district, it is my job to look up that piece of property and tell them what district it is in and what they can do with in that district.

Battles:

So, the citizens doesn't have any input on their own property anymore around here? Somebody makes that decision for them? Furthermore, say that somebody wanted to rezone – would I have to have four votes to get my property rezoned? Does that fall under the Citizens Bills of Rights?

Taylor:

Let me do this – again, this is a time that we really don't get into discussions. You can, at this time, come up and state issues and concerns that you may have. I will say this to you, you have valid questions that need answers. I would encourage you to please meet with the staff and get those questions asked and answered. If you are not satisfied with their response, then your next avenue is to come before this board.

Battles:

I will be back. Thank you.

Taylor:

I appreciate you.

PUBLIC HEARING AGENDA

12. Applicant's Request to Hold Second of Two Public Hearings Required for Gadsden County to Apply for FDCA Funding Cycle 2010 for CDBG Economic Development Grant

Applicant: Charlie Harris

Representative: Auburn Ford

Location of the Site: On U.S.90 (Blue Star Highway) ¼ mile west of Quincy city limits. (formerly known as Sirrah Mini Storage)

Type of Business proposed: Adult Assisted Living Facility to be Called Gussie Garden Inns

Reason for the hearing: Mr. Harris wants the county to apply for a infrastructure economic development grant to install sewer lines to his proposed business. The agency requires that two public hearings be held to get public input on the proposed grant funds.

Interim County Administrator Arthur Lawson announced a public hearing on the above stated issue.

Growth Management and Community Development Director Anthony Matheny stated that this

hearing is the second hearing that is required for the county to apply for a new Economic Development Block Grant. He recalled that the first public hearing was held on May 3, 2011 for the facility.

Mr. Auburn Ford addressed the board and gave a brief overview of the history of the project and a narrative of the grant process and what would happen as a result. He explained that it would extend water and sewer lines from the City of Quincy to Mr. Harris's property where a lift station will be installed. If other businesses in that area wish to tie into it, they will have an opportunity to do so.

Ford:

There will be a 60 day window to put together a participating party agreement, which is like a contract where he will guarantee that he will create 12 jobs from the funds that are coming from the state and federal government. Those jobs must be geared toward low to moderate incomes. That will be a part of a participating party agreement which will be drafted later once we get the grant award from DCA. That is why he is required to give this board and some other documentations so that once the contract comes and is executed by the Chairman, we can go ahead and start construction.

When I put this grant together, and it is moving kind of fast, but if you look at the financial part of it, what I did was – we estimated that the sewer facilities will cost \$300,000 and the street improvements will be \$75,000. We put some money in there for administration, which was in the amount of \$30,000 and engineering was \$14,988. The reason the engineering cost is so low is because when Mr. Bradwell started his project, the engineering was already done, so the money was already spent for the engineering and we don't have to re-incur those costs. That is why we came up with a grant amount of \$419,988.

Further on in the grant application, you will see some of the jobs that he is going to create. Any question?

Basically, all we need is a motion to have the chairman execute this grant application so we can submit it to DCA.

Taylor:

This is a public hearing and what that means is that on this particular item, you may come forward and voice your opinion. What this item is about is that we have a business that wants to build infrastructure (sewer and water) going west past Piggly Wiggly. It is a good thing. We want economic growth and development.

So, at this time, it is a public hearing and you may come up and voice your opinion about this particular item. I now open it up to the public.

Duly noted that we have opened it up, but there is no one that wished to comment on this. Now I will hear and entertain comments from the commissioners.

Holt:

Madam Chair, May I?

Taylor:
Yes, please.

Holt:
On this grant. It is very similar to the Bradwell grant that we did before.

Mr. Ford, is there particular reason - Well, first of all, where is the lift station going to be located?

Ford:
It will be located on the Northeast corner of Mr. Harris's property.

Holt:
I have talked to you before about putting it on the west side. I am trying to get it to go farther west. Was there a problem with that?

Ford:
No, the problem is that because of the number of jobs that he is creating, I just don't want to put in - the reason why we stated it on the northeast part of it, the more that you run in front of his property - if he put it on the side near Mr. Bradwell, he would have to get Mr. Bradwell involved in giving right of way to the lift station and that would create additional dollars and expense.

Holt:
That is exactly what I am trying to do. If you put the lift station on the west side, that means that those are easements that we won't have to get later in as far as businesses.

Commissioners, we need to get money from the state so we can extend that line on out towards Douglas City later on. If that lift station is on the east side, then we will have to go back and do that again. We have been approved before for \$750,000. I don't see any reason why we would not request a larger amount and put the lift station on the other side and keep moving to get these jobs in here. I want to know if we can alter that application, your numbers here, in order to get more jobs.

Ford;
The reason why is Mr. Harris. The leverage is on him because he says that he is going to create those 12 jobs. Per the rule, for every job you create, the state will give you \$34,000. If you go up on the jobs, that means that he is bound to create those jobs. With his business and the studies we have done, I think he is at his limit in creating those 12 jobs.

Holt:
I understand that. That is not my point. I talked with Mr. Bradwell. I talked with you earlier about that lift station. What I am trying to find out is if it is possible. So, Commissioners, we don't have to go through this agreement. If we can get something done now,

Ford:

I think it would have to be a second agreement with Mr. Bradwell if he wants to extend the (inaudible) at his cost.

Holt:

I don't see any problem with it, Commissioners. I will be more than happy to approve this, but we need to make sure, especially with so many people out of work, we need to create as many jobs as possible. If we can get something going to get that lift station on the other side and keep moving, we will be a lot better off. Then the state and federal government is already saying that they can't get people to take this money.

Ford:

Yeah, the money is there for us. Also, once the county goes out to bid, if there is enough money to move that lift station down a couple hundred feet, that might be possible. I can't tell you that at this time. Not until the engineers get on board and things go out for bids and the prices come back. That is the unknown there.

Taylor:

That might be a caveat. I totally understand both of you. They are both valid. You have a concern with additional dollars jobs being placed on which could possibly come into effect if you move that lift station. But I totally understand Commissioner Holt. From what she is proposing, it does create opportunities for development out there toward Douglas City. Both sides are well received.

Question. With where it is now, will there still be opportunities to still grow perhaps another grant?

Ford:

The lift station will be large enough so that if businesses down the road want to tie into it, they can tie into that on (inaudible) It is going to be in the right-of-way.

Holt:

I we could get the staff to contact and work with Mr. Bradwell – I have already talked to him.

Taylor:

Good enough. So, Commissioners are there any other comments about this particular item. It has been well discussed, well received and now I need a motion.

Croley:

So moved.

Holt:

Second.

Ford:

Just a reminder to you commissioners, there is a sign in sheet outside in the hall way. As you

leave, will you please just sign it and staff will pick it up.

Taylor:

Thank you. There is a motion on the floor . There is a motion and a second. All in favor of this motion, please let it be known by saying, "Aye."

All:

Aye.

Taylor:

Opposed by the same sign.

(No response)

Make that 5 – 0, Muriel.

Holt:

Madam Chair, if the staff will contact Mr. Bradwell and I will get in touch with him, too.

13. PUBLIC HEARING:

Reading of Ordinance, Seay Comprehensive Plan Administrative Future Land Use Map Amendment)CPA-2011-01) Transmittal/Ordinance Adoption Changing 8.3 acres from Commercial to Rural Residential

Interim County Manager Arthur Lawson opened the public hearing and stated that public comment would be entertained prior to the board's consideration of the ordinance.

Growth Management Director Anthony Matheny addressed the board explaining that the proposed ordinance calls for changing 8.3 acres from Commercial land use designation to Rural Residential land use designation on the Future Land Use Map (FLUM) He reminded them of the other occasions the matter was heard by the board. He also referenced the agenda material saying that all pertinent information is contained in the attached agenda report, including the ordinance itself. He noted that it was a part of the official advertised agenda for the public to examine as well as a part of commissioners individual agenda packets. It was also made a part of the clerk's record.

He reiterated that the Planning Commission voted unanimously to recommend that the BOCC approve the ordinance and the FLUM change. Staff also recommended approval.

Chair Taylor called for public comments.

There was no response. She called for public input once again and there was still no response.

Holt:

Mr. Matheny, this is a change of the zoning, right?

Matheny:

It is changing the land use district from commercial, which it currently is, to rural residential.

Holt:

You are changing the zoning, right?

Matheny:

Again, we don't have zoning. We have land use districts.

Holt:

That is what zoning means.

So, that couple back there that got their mobile home, they need a change in zoning or land use.

Matheny:

We offered that option to them.

Holt:

Does this fall under the Citizen's Bill of Rights?

Matheny:

Yes and they did have the Citizens Bill of Rights on this property.

Holt:

O.K. So we are going to need four commissioners to vote for this?

Matheny:

That is the way that I understand it. You would have to confirm that with the attorney.

Holt:

You see, Commissioner, this doesn't make any sense. We can vote for commercial to go to rural residential easily. So, how do you help those people that need that mobile home out there when Planning and Zoning won't let them in there?

Morgan:

Mr. Matheny, these folks went through the process that was asked of them to do. Is that correct?

Matheny:

That is correct.

Holt:

Commissioner Taylor, I was not finished.

Taylor:
O.K. Wait for Commissioner Holt.

Holt:
So, how many are in there? How many are being changed?

Matheny:
Four parcels.

Holt:
And they are all going from commercial to Rural Residential and there are others.

Matheny:
There is one that opted out. The one that is right behind the store at the point. They didn't want to be changed at this time. The four are the only ones that want to be changed. They are not across the street yet. They can come in later if they don't want to. They will also have to go through the same process.

Holt:
Madam Chairman and Commissioners, whether they went through the process or not, I am fully in favor of people going through the process. I think it should be tight. Tighten it up. Love it to death. If one person can't get through, others shouldn't be allowed to. That will solve the problem as to who gets what. I am talking to citizens, I am not talking to you. Sir, per se'. I am talking to this Commission and the citizens. If one person gets through the process and needs four votes from this commission, then others should be required to do the same thing. That is all that I am saying. So that way, everyone will know.

I am going to say this every time one comes up. It may be more pointed when I say it because if these four deserve to be moved because they went through Planning and Zoning and planning and zoning and this board seems to like one person better than you do another. That shouldn't be. That should be tight. Either we keep it or we throw or we throw it out. O.K.? Thank you.

Taylor:
That being the only comment about this particular item.

Morgan:
Madam Chair, I have a comment.

I am going to try and be as professional as I can be. There is a right way to go through this process and there is a wrong way. These folks chose the right way without exception. They got support to do that. That has nothing to do with whether we like the person going through the process of whether we don't. What this is about is that we've got a camera staring back here at us and now we are seeing the results of what goes on (inaudible.)

Now, this has gone through the proper channels. I am not going to sit up here and be lamblasted by Commissioner Holt – not tonight and not the next meeting or the meeting after that. We are

going to do this in a professional manner because that is the example we need to set. So, those that are sitting here, coming to these meetings and watching us work, that is what the Pledge of Civility says right there. So, let's move this forward in a professional manner. If not, I've got better things to do.

Holt:

I suggest that you find them, too.

Taylor:

Excuse me. Excuse me. Excuse me. Commissioner, that was out of order.

Holt:

When he called my name, that was out of order.

Taylor:

It was out of order.

Yes, sir. We are in a professional forum and we are going to maintain professionalism. Now, these subjects do get heated and we do have our differences, but we must state them and then move on.

No rebuttals. And, let's do refrain from calling commissioners names. Let's refrain from that. You all know that we are just looking for an opportunity. We don't need to give opportunities that we can find ourselves outside of what we are supposed to be doing. So, let's leave that as it is and let's move this particular item. No more calling of names and let's stay away from looking unprofessional to the public.

By the way, commissioners are aggressive both on and off the camera. We just have live entertainment. A lively meeting from this point forward. But, we do need to be mindful of how we look in front of our piers as well as those watching on videos.

Let's move for Item 13. Who made the motion.

Morgan:

I made the motion, I believe.

Lamb:

And I seconded it.

Taylor:

O.K. Commissioner Morgan made the motion, Commissioner Lamb seconded it. All in favor of the motion, please let it be known by saying, "Aye."

All: "Aye."

Taylor:

Make that 5 – 0 to approve.

HAVING HEARD NO PUBLIC OBJECTION AND UPON THE RECOMMENDATION OF THE STAFF AND THE PLANNING COMMISSION, COMMISSIONER MORGAN MADE A MOTION AND COMMISSIONER LAMB SECONDED IT TO ADOPT COMPREHENSIVE PLAN ADMINISTRATIVE AMENDMENT - CPA 2011-001; ORDINANCE 2011-003 AND TO TRANSMIT IT TO THE DEPARTMENT OF COMMUNITY AFFAIRS. THE BOARD VOTED 5 – 0 IN FAVOR OF THE MOTION.

14. Quasi-Judicial Public Hearing – Shady Rest Senior Day Stay- Special Exception Use with Site Plan Review. (SE-2011-01, SP-2011-01)

Owner: Sharyn Bennett

Agent: William Douglas, P.E. DEC Engineering, Inc.

Type Action: Class 2 Review in a residential area as a Special Exception; Quasi Judicial action in conjunctions with the advertised public hearing per Subsection 7202 of the LDC.

Location of Property: North side of 963 Shady Rest Road, .94 mile east of SR 12 and 5.5 miles west of SR267(FLA-GA Highway)

Tax Parcel ID #3-07-07-2N-2W-0000-00341-0100

Present Land Use Designation: Agricultural 3 . The parcel is 5 acre site. It is adjacent to Agriculture 2 property on the west side. All other adjacent properties are Agricultural 3. The lot is 5 acres and as such is a non-conforming lot.

Planning Commission Recommendation: Approval of revised deviations based on findings in the attached report and subject to revised special conditions 1 – 14 also in the agenda report.

Staff Recommendation: Approval

Citizen’s Growth Management & Planning Bill of Rights Meeting: Meeting held on March 1, 2011 at 6:30 at the proposed site. Two property owners attended. No objections were raised.

Chair Taylor called for public comments but there was no response

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE REQUEST BY SHADY REST SENIOR DAY STAY SPECIAL EXCEPTION WITH CONCEPTUAL/PRELIMINARY SITE PLAN (SE-2011) SP-2011-01 TO ALLOW A 5,525 SQUARE FOOT EXISTING STRUCTURE WITH NO EXPANSION LOCATED ON TWO ACRES OR LESS OF THE SUBJECT 5 ACRE PARCEL AS PERMITTED BY SUBSECTION 4202.C OF THE GADSDEN COUNTY LAND DEVELOPMENT CODE BASED ON THE FINDING IN THE AGENDA REPORT WITH THE FOLLOWING DEVIATIONS AND SUBJECT TO THE SPECIAL CONDITIONS 1 – 14 AS LISTED IN THE AGENDA REPORT.

- 1. Approve the deviation to Subsection 5204.B(1)(a) intersection criteria, to allow the use at a distance greater than .5 miles;**
- 2. Approve a deviation to allow the required buffer area to apply only to the two acre development site along Shady Rest Road. Due to the limited visual impacts, accept the existing vegetation and fence as meeting the buffer requirements (Subsection 5302.A.2); and**
- 3. Approve a reduction in the two-way driveway width from 22’ to 2-’ between the roadway and the driveway split to allow two-way traffic. (subsection 5606.L(o) and**

5611.B(1). The applicant has proposed removing the small gate adjacent to the main gate to allow for the expansion of the driveway to 20'.)

GENERAL BUSINESS AGENDA

14A 12-Month Temporary Certificate of Occupancy for St. John Community Church of God in Christ

Commissioner Holt explained that the St. John Community Church of God in Christ have completed the construction of their new auditorium and are ready to move in. However, there are a number of unfinished portions of the building project including the parking lot. The project ran over budget due to some unforeseen expenses during the construction phase and it has become necessary for them to raise more money. Their old building has been sold to another church and they are ready to take possession of it. The church has requested a 12 month temporary certificate of occupancy so that they can move in and continue to finish the project and raise the necessary money. The church is agreeable to all the requirements of the county, they just need some time to get it all done.

Rev. Ronald McCloud, pastor, spoke briefly to the board to explain the circumstances of their request.

Ed Freeman, contractor for the church building also spoke to the board explaining the unforeseen construction costs that surfaced during the building phase, in particular the requirement for a sprinkler system which was not a part of the original plans. They also had to install a pumping station for the sprinkler system because Talquin Water could not supply the pressure they needed to make the sprinkler system work properly.

He then told of the unique experience they have enjoyed during construction with a group of about 30 white volunteer campers from Alabama that came and worked for months to help with the construction.

Grow Management Director Anthony Matheny addressed the board and outlined a number of things that still must be completed. Pastor McCloud and Mr. Freeman assured the board that they have no problem with agreeing to meet those special requirements as outlined by the staff.

Building Official Clyde Collins stated that the building is safe and has no objections to issuing a 12 month Certificate of Occupancy (CO) contingent on the matters identified are met at the end of the 12 months.

The board raised a number of questions.

Commissioner Croley stated that the request makes good business sense and he was agreeable to issue CO subject to them completing the unfinished issues.

Commissioner Morgan asked Attorney Minnis, "Legally. Are we putting ourselves at risk by doing

this?" Ms. Minnis replied, "This is an issue that I have not been made a ware of, so I have not researched that particular area. I would be uncomfortable giving a legal opinion at this point because this is really the first time that I have had any information on it and what the issues are and what hasn't been done and what needs to be done."

Commissioner Morgan stated that he was reluctant to vote on the issue without hearing from the attorney regarding it.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 1 TO APPROVE THE ISSUANCE OF A 12 MONTH TEMPORARY CO CONTINGENT ON COMPLETION OF THE THINGS IDENTIFIED BY P & Z. THE BOARD ASKED TO REVIEW IT AGAIN AFTER THE 12 MONTHS TO DISCERN IF THE CHURCH IS IN COMPLIANCE WITH THE OUTSTANDING ISSUES IDENTIFIED BY THE PLANNING AND ZONING DEPARTMENT. COMMISSIONER MORGAN CAST THE LONE DISSENTING VOTE.

Commissioner Holt and Commissioner Morgan left the meeting briefly at this juncture.

15. Request to Approve Interlocal Agreement for Expenditure of Funding from State of Florida Legislative Appropriation Florida Department of Environmental Protection Contract # LP6721

Antonio Jefferson, City Manager of City of Gretna addressed the board briefly regarding the water line extension connecting Greensboro, the I-10 & SR 12 intersection and the City of Gretna. The proposed Interlocal agreement was a collaboration between the Clerk's office, the county attorney and the City of Gretna and the Town of Greensboro to facilitate what the BOCC has already agreed to when they made the commitment to the waterline project.

History: Gadsden County received more than \$1 million for a water and wastewater improvements throughout the county. March 17,2009 BOCC approved the Immediate Needs Report that was developed by Preble Rish that suggested that the Gretna-Greensboro waterline project be a priority for the remaining dollars from the State Appropriations. The Town of Greensboro secured a block grant for \$600,000 for the construction of the water line project between I-10 and Greensboro. The City of Gretna has secured \$500,000 for the same project. The proposed Interlocal agreement would authorize the expenditure of the county's portion of the project which is \$387,322 for the construction phase of the project.

(Commissioners Morgan and Holt returned to the meeting at this juncture.)

Commissioner Croley asked, "Where is the Interlocal agreement?"

Harold Knowles, city attorney for the City of Gretna addressed the board. He explained that the agreement is now at Florida DEP for their review. He stated that the reason that it is before the board is to determine the payment protocol and how they will be made and how the contractors will be paid. He said, "**We are asking the county to basically agree that it will reimburse us after we have paid our contractor to construct these public improvements.**"

Commissioner Croley stated that it was hard for him to rationalize approving the agreement without having seen it. He turned to the Clerk to seek his opinion.

Clerk Thomas stated that the suggestion for the Interlocal agreement originated in the Clerk's office and he approved it in concept, however, he stated that he has not seen the agreement either. It was hard for him to comment on something without having seen it. He went so far as to say he would not oppose the agreement if Mr. Knowles and Ms. Minnis both approve the language in it.

Ms. Minnis assured the commission and staff that she would distribute copies to each of them and solicit their input.

Mr. Knowles stated that there is case law to support that an agreement could be approved provided that it appeared on the agenda and was noticed even though the agreement was absent.

Commissioner Morgan asked Finance Director Connie McLendon if she had any concerns about moving forward with approving the agreement.

Ms. McLendon stated, "The concern that I have is that this is a reimbursable grant. We were just wondering who would have the up front funds to pay the first cost. I think Mr. Jefferson has answered that question. The other thing is that this grant is in our name, the board of county commissioner's name. Anything that is done with it will reflect on us. That is also my concern – we need to be able to review the bid documents and be sure that they are procured according to county policy and also that the construction is paid for in a timely manner. According to FL Statutes, we have 30 days to pay those invoices or notify the vendor that we are not going to pay and why. Those are my concerns. Security and safety of your name being on the contract. I am just trying to be sure that everything is followed according to the scope of services as well."

Holt:

I have no problem approving it along with what Commissioner Croley was saying. Approve it, let the attorneys look at it. I would like a copy of it. Also, I would like the items that Connie brought up to be addressed in there also so that the safety mechanisms are in place to make sure that we are not liable. I think that would work out fine. I have no problems approving it contingent upon the attorneys looking at it and that those items be included.

Taylor:

Madam Attorney, you have had an opportunity, unlike the rest of us, to take a look at the Interlocal agreement. Are there any areas that warrant concern with you as representing this board.

Minnis:

I would not term it as being concerns. There are some areas that I would want to talk to Mr. Knowles about getting some additional language in there and liability was one of the issues that I

had earmarked to discuss with him because it is a construction project and several other areas that (inaudible)

Holt:

I move approval contingent upon the concerns that were brought up by Finance and the attorney as far as liability – that the items would go to the attorney and staff.

Taylor:

You want to make sure that liability portion is implemented. That is clear. Will you amend your motion to that.

Holt:

So move. Yes.

Taylor:

There is a motion, is there a second.

Lamb:

Second.

Croley:

I will second it.

Taylor:

There is a motion and a second. Now is there a question?

Croley:

Yes, I do.

Mr. Knowles and I say this respectfully, Madam Chair. Please let's avoid these situations in the future for all of the right reasons.

Taylor:

You took the words right out of my mouth. I was going to say to you after this was moved, which I will go ahead and move it.

There is a motion and a second. Are there any other questions? All in favor of this motion to approve Item 13- the Interlocal agreement with the amendments, let it be known by saying , "Aye."

Croley, Lamb,, Holt, Taylor: Aye.

Taylor:

Opposed by the same sign.

Morgan

No.

Taylor:

O.K. Make that 4 – 1 to approve this item.

Commissioner Croley is absolutely correct because you are our sister city and obviously we want to see growth and development in this county. I am not trying to reprimand, but just trying to advise you for later endeavors. And you will stick with it. Tonight will be the exception, no the rule. I know you all know what I mean. This will be the exception, not the rule. The times have changed. Time constraints won't matter the next time because we will have had this discussion before. I concur with Commissioner Morgan. Let's move forward because we don't want to set precedent that everybody can run in here at the ninth hour. No more comments, Mr. Attorney.

Knowles:

Thank you, Commissioner.

Taylor:

That is all I want to hear you say.

There is another item here.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4 – 1 TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF GREтна, TOWN OF GREENSBORO AND THE BOARD OF COUNTY COMMISSIONER REGARDING THE USE OF GRANT FUNDS FROM THE WATER AND WASTEWATER IMPROVEMENT GRANT CONTINGENT ON DOCUMENTATION THAT ALL FUNDS ARE EXPENDED IN ACCORDANCE WITH COUNTY PROCUREMENT POLICIES AND STATE STATUTES; EVERYTHING WILL TRACK WITH THE SCOPE OF SERVICES LISTED IN THE GRANT; LANGUAGE WILL BE ADDED TO COVER ANY LIABILITY CONCERNS FOR THE COUNTY THAT IS AGREEABLE WITH THE COUNTY ATTORNEY AND THE CITY ATTORNEY

16. Request for \$250,000 for Construction of Wastewater Line to Serve the State Road 12 and Interstate 10 Corridor

Interim County Administrator Arthur Lawson stated that the City of Gretna is seeking \$250,000 to assist with the installation of a waste water line along the same route that was discussed in the previous agenda item.

Clarence Jackson, Mayor of City of Gretna addressed the board. He introduced the other Gretna commissioners.

City of Gretna Manager Antonio Jefferson made Power Point presentation explaining the timeline and the economic boost the development of the I-10 interchange will bring. He concluded the presentation by asking the county to make the \$250,000 investment into the project.

Lengthy board discussion followed as to what funding options are available for the board's consideration of the request. Mr. Jefferson stated that the infrastructure needs to be in place by November 1, 2011 and delaying their decision would impact that deadline date.

There was discussion also about considering a referendum for a tax abatement to entice business to relocate to Gadsden County.

There was no action taken, but there was direction given to have the administrator meet with the clerk and come back to the board in July with options for funding the \$250,000. They were also directed to gather information regarding an abatement referendum.

17. Approval of Budget Amendment GA 110038 and Authorization to Purchase New Boom Mower and Related Attachments

Commissioner Croley was supportive of the purchase, but was opposed to taking money from the inmate crews to make this purchase. He felt that the county should continue to work with the Department of Corrections to secure inmate crews to help in Public Works Department.

He was also opposed to not taking bids. He stated that it "Doesn't seem quite right." He also questioned using a Sheriff's Association Contract bid and not going out for bid.

Mr. Lawson replied that "We always use contracts from other public entities that have been pre-bid as a state contract. It is not to preclude going through the bid process. In most cases, the best price is from state contracts. This is not out of the ordinary.

Public Works Director Charles Chapman stated that he spoke with Emily Phelps with DOC who handles all the contracts within the State of Florida for Inmate Squads. Her indication was that they are not entertaining new contracts for work squads in the State of Florida at this time. Because of uncertainty of the various prison closings, they have not been able to fix a price for the squads.

Mr. Chapman went on to say that there is a regular routine whereby the crew goes throughout the count and cuts limbs and difficult rights of way. The program has been in place for more than five years. For instance, the canopy roads have to be kept at a certain height because they create an enormous hazard. The boom mower is the proper piece of equipment to accomplish that task efficiently.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 1 TO APPROVE THE BUDGET AMENDMENT OMB BA 110038. Commissioner Croley cast the lone dissenting vote.

18. Approval to Award the Fortune Boulevard Bid to Peavey & Son Construction, Inc. and Authorize the Chairperson to Execute Documents

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE AWARD OF THE BID FOR FORTUNE BOULEVARD TO PEAVEY & SON .

18A. Approval for Change Order #1 to the Fortune Boulevard Resurfacing Contract – changes for the laying of asphalt only on Talquin Avenue and Joe Knight Street And Commerce Blvd.

Charles Chapman:

Honorable Chairperson, and Members of the Board. This is Change Order 1 to the Fortune Resurfacing Project that you just awarded to Peavey and Sons Construction. During the board's budgeting process, there were two roads that were approved – Joe Knight Road and Talquin Ave. as well as Fortune Blvd. resurfacing. In working with the numbers provided there in the bid process on Friday, we were able to identify that we could basically cut the funding that was allowed to them at half the expense by change ordering them into the Fortune Blvd contract by virtue of the quantities of value that was already committed by Peavey & Sons on the Fortune Blvd. contract. It is also true that we looked at Fortune Blvd. and also a connecting road to it that has been continuing problem for the 10/90 Commerce Park. It is Commerce Blvd. As recently as this afternoon, we ran some numbers and with the savings that we would realize from this change order to include these other two roads, we could actually accommodate Commerce Blvd for a certain amount of footage beyond the hotels and resurface that road and still actualize close to \$50,000 in savings with the money that is already budgeted by the board for the resurfacing and surfacing of roads in this budget.

Taylor:

I wish that most did their presentations like you. You get right to the point and get done with it and I certainly appreciate your ability to present. Go out there to Gretna and talk to the City Manager. I mean, how to cut it in half. I need a motion for approval.

Lamb:

So moved.

Holt:

Second.

Taylor:

There is a motion and a second. All in favor of this motion, please let it be known by saying, "Aye."

All:

Aye.

Taylor:

Opposed by the same sign.

Chapman:

One point of clarification. Does that include the change order to the Joe Knight Road paving, Talquin Ave. Paving and Commerce Blvd?

Taylor:

Yes, and the additional, yes. You are absolutely right. Go ahead and do the job. Have a nice day.

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE CHANGE ORDER 1 FOR THE FORTUNE BLVD RESURFACING PROJECT TO INCLUDE JOE KNIGHT ROAD, TALQUIN AVE., AND COMMERCE BLVD.

19. Appointment to the Quincy-Gadsden Airport Authority

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO REAPPOINT MANUEL SOUSA TO A SECOND THREE YEAR TERM TO THE AIRPORT AUTHORITY.

20. Agreement with The Management Experts, LLC to Provide Emergency Management Training

UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGREEMENT WITH THE MANAGEMENT EXPERTS, LLC TO PROVIDE EMERGENCY MANAGEMENT TRAINING.

Commissioner Croley asked that the next time this contract come up for renewal that it be rebid.

21. Inter-Local Agreement with Sheriff Regarding Emergency Management and 911

Lawson:

This is the Interlocal Agreement with the Sheriff. It has been before the board several times regarding the Sheriff and Emergency Management.

This is one that I still have problems with. Do ya'll realize that in this contract, it says, "In the event of a disaster that the board then takes over Emergency Management and there is no one under our coffer that can handle this? I am uncomfortable with that being put in our hands when there is an emergency unless I am not aware of all of the aspects of this board and their capabilities. I certainly don't want to be responsible for it. "

Minnis:

Madam chair, that is part of the Emergency Management Plan that I reference in here and it has been in place for some years. The way the plan is written, the decision comes back to the board in the event of an emergency. It sits with the county administrator and then the board as a body to make decisions along those lines.

Taylor:

Are you saying that still emergency management would come before us and make their presentation and request, then we have to give them our vote of approval, but not that we have the responsibility to make a decision.

Minnis:

No, it comes back to the board according to your emergency management plan.

Taylor:

For board approval – up or down, but not actually physically running that department. That is what I am concerned about.

Minnis:

The commissioners are not actually physically running it, but they will be responsible - it goes to the administrator and then it will come to the board to say, "This needs to be done and this needs to be done," and the board votes on those issues. It is already in the Emergency Management Plan. It has been in place for a number of years as I understand it.

What this contract does is just puts in writing what was already being done and already in place. It just formalizes it in an Interlocal agreement according to the Statutes.

Taylor:

We are not going to discuss this very much. You have read it and you are comfortable with it?

Minnis:

It is not a matter of me being comfortable with it. This is what your Emergency Management Plan is. I am certainly at the pleasure of the board and will and pleasure of the board. If there is something in the plan that you think you want to change, the plan would have to come back before you and be revised.

Taylor:

It is my understanding, you got with the Sheriff's attorney and came up with this agreement.

Minnis:

Correct, but the agreement is based on the plan.

Taylor:

I understand that.

Croley:

I am not going to support this agreement as written for many of the reasons that you just eluded to. First of all, if I am not mistaken, Florida Statutes holds this commission responsible for emergencies. That is how come it is saying and the majority of the board wanted to allow the sheriff's office to continue to run the day to day operations of emergency management – I am fine with that as long as we have an agreement. But in the event of emergency, the responsibility reverts back to this board by State Statute if I am not mistaken. Ms. Minnis is nodding her head in agreement.

Now, what my complaint about this is - I don't have a problem if the board wishes to delegate and if the Sheriff's office is willing to accept the responsibility to run the day to day operations.

But, this also says that in the event the board can't meet the director of emergency management is going to have authority to declare state emergencies and disasters and all under this section. We don't even have any say-so as to who that emergency management director is yet we've got responsibility back in the event of an emergency. At the very least in this agreement, in the very least, the board should have to have or should have the right to approve just like we do department heads whenever the administrator nominates them. We should have the right to approve whoever the sheriff wishes to nominate to be the emergency management director at the very least. You are turning your responsibilities over to another constitutional officer as a constitutional office holder and then turning around and getting the responsibility back at a critical time, but didn't have any input as to who is going to running it. I think that is a bad mistake.

Furthermore, you've got an issue here with items that are purchases through emergency management – those need to be specifically identified as belonging to emergency management.- Be they trucks or whatever came through the grants. We've got the responsibility for that as a board. You can't delegate that off. Connie is responsibility and she is nodding her head in agreement, too. These things all need to be tagged "Emergency Management," not part of the Sheriff's office. They need to be tagged "Emergency Management" so that if this agreement is ever ended for some reason, those assets will come back. They cant' use these assets for law enforcement. They have to be used strictly for emergency management. She has been audited on that before and had to pay money back.

I am saying that there several shortcomings in this agreement and I think ya'll are going to make a mistake to go forward with it the way it is written.

Taylor:

There isn't a "ya'll," Commissioner. It is a "we." If the majority votes, it is "we." Now, with regards to that director's position. Actually there are two tiers prior to it getting into the hands of the director. There is a Chairman. If the Chairman is not available, then there is the county administrator. That makes the decision to call for the disaster. If those two aren't available, then the director. So, there are two tiers prior to. I agree with you that we should know and have some say-so. I agree with that and I think it should be added in, but there are still some tiers in place to protect us before we get to that that part with regards to our board and our administrator.

Now, as far as the other thing that you just mentioned with regards to items being tagged. If Finance agrees that is how it should be, then again, you are on the money. I agree. I implement grants and I know how we are restricted and I know they come back at the end and it has to be paid back if you haven't followed those restrictive guidelines. If it is in the grant that it needs to be tagged and used for the purposes of, then the sheriff wouldn't have heartburn.

We are not going to entertain this anymore, Commissioners. We have pretty much exhausted it, so what we will do at this time is – let me hear a motion on this particular item. If you want to move it or if you want to just hold off on it – let's go ahead and see if we can get this one moving and get this off our plate. We are pretty much happy.

Morgan :
Madam Chair?

Taylor:
Yes, sir.

Morgan:
I do have one quick question. Is this Interlocal agreement standard operating procedures for most rural counties? If it is, (I don't need an answer now), but if it is, there's got to be a way that we can look at some of those and see how it was drawn up and talk to some of these People. I think we may be overcomplicating this to some extent.

Taylor:
I agree.

Minnis:
May I answer that question? I did look and modeled this after Leon County's emergency management agreement.

Taylor:
Thank you.

Morgan:
O.K. That being said

Minnis:
I work at the pleasure of the board. If you guys want to make changes – it is not signed.

Morgan:
It sounds like we are having some very good discussion, but we don't have 911 here, we don't have the Sheriff here and we just don't have everybody at the table to talk about these things, so it might be that we should take this off. **I move that we remove it from the agenda and bring it back to the board when we can all be here to discuss it and have a chance to look at how other counties deal with the questions that we are uncomfortable with right now.**

Taylor:
O.K. We have a motion.

Croley:
What motion?

Taylor:
The motion to take this from the table. To have it pulled for now from discussion.
We have a motion. Is there a second.

Croley:

I will second having it pulled, but I still want to clarify something. Of all the things this board has responsibility for, in my humble opinion, and yeah, it is "We", this is the most important. The most important. Tornados and whatever. Now, Ms. Minnis, you may have talked to Leon County, but if memory serves me right, I am the one that got the copy of the Leon County and I shared it with you, the Sheriff's office and Mr. Williams back when I got it from the Emergency Management Office there and shared it with you all through e-mail.

Now, let me remind everyone of something. Leon County is a Charter County. We are a constitutional county. There are two distinct differences and when you mention in here about the county administrator, that is a sworn position in Leon County. It is not in this county. I would say that has some bearing. I am in support of pulling this and that you look at getting a provision in there where there is some opportunity in there for this board to ratify or approve whoever is going to be the emergency management director. Now, the Sheriff can nominate them and the Sheriff can pay them, I don't care. I don't have any problems with that. It's just that we ought to be involved in that process in this agreement. And I am going to support the motion to pull it.

Minnis:

I definitely have no problem with that. The only other thing that I would recommend then is that the board look at the resolution 2008-075 because that is also where I pulled information for this particular agreement. That is the resolution enacted by the board in dealing with emergency management. It is your emergency management ordinance. It may be that when you look at that, you may want to make changes to that ordinance as well.

In addition to your email, Mr. Croley, I did some additional research myself and their ordinance is on their website.

Croley:

Yes, Ma'am.

Taylor:

There is a motion and a second to have this item pulled. Is there any more discussion on it?

How soon can we get this back on the agenda?

Minnis:

It can be back on the agenda for the July meeting. Well, let me put it this way. My intention is to make the changes that I have been instructed to make, send it back through the avenues I sent it to before. I sent it to the Clerk's office, the Sheriff's office, and I sent it to the County Administrator so that everyone can have their input. I am going to try to have it back by the first meeting in July, but it may be the second meeting.

Taylor:

I kind of want to move along with this after you all satisfied my indigestion. I didn't want the responsibility in our hands. It will still be in somebody else's hand, but we must give them the authority once they come before us.

Do you have a comment?

Holt:

This is standard practice. I don't have a problem with moving on with it instead of taking off. Just go ahead and approve the changes - contingent on the changes. It is already approved. This process is the same as we have been doing all the time.

Taylor:

We have a motion and a second. All in favor of the motion to remove this item from the agenda, please let it be known by saying, "Aye."

Croley: Aye.

Morgan: Aye.

Taylor: Aye.

All opposed, the same sign.

Lamb: No.

Holt: no.

There was no action on this item. It will be brought back on a July agenda.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSION CROLEY THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO PULL THIS AGREEMENT FROM THE AGENDA UNTIL ALL PARTIES ARE PRESENT.

21A Update on Florida State Hospital Layoffs

Commissioner Morgan reported that he made a public records request to get a better understanding of how many jobs were displaced with the privatization of Florida State Hospital. He received the information as noted in the attachment, which he filed for the record.

- 142 people lost their jobs due to privatization
 - Alachua County – 1
 - Bay County – 1
 - Calhoun County – 2
 - Georgia – 14
 - Gadsden County – 52
 - Jackson County -58
 - Leon County -11
 - Liberty County – 2
 - Washington County – 1

He noted that as vacancies occur, they will advertise them internally and laid off employees will have an opportunity to apply for them.

He went on to say, "This facility is very unique in many ways and the future of this facility is very bright. We can contract and expand very quickly. It isn't what happens to us, but how we respond to what happens."

Copy of the update filed with the Clerk for the Record.

22. Attorney/Client Session

This item was removed from the agenda.

23. County Administrator

No items.

24. County Attorney

Minnis:

I prepared a memo for the record regarding a citizens referendum to repeal the Citizens Growth Management Bill of Rights. The ability for citizens to do petition initiatives and get referendums on a ballot is controlled by the Legislature. In this particular instance, the Legislature has indicated how ordinances are to be enacted, amended and repealed and it does not provide for a referendum process. There have been instances where citizens have used referendum process to overturn ordinances, but they were charter counties and municipalities and they have within their charter documents the mechanism for citizens to use referendums to overturn ordinances. But, generally, as a matter of course, the Legislature has not authorized the use of referenda in the enactment and repeal of ordinances.

What you have in addition to the brief memo is a First District Court of Appeal Case. I have also included a Florida Bar Journal article. The first part of the article deals with the process. Now, the last part of the article is an analysis of Amendment 4 that was on the ballot that didn't pass. So, the last part of this article is not going to be helpful to you. But, the first part goes through the referenda process as to when they are authorized and when they are not. It is that basically, the Legislature has not given the citizens authority to do that.

As to the question raised by Commissioner Lamb regarding the use of Roberts Rules of Order to bring back a vote to enact an ordinance for reconsideration - to override the passing of an ordinance. Roberts Rules is for guidance only and it would not override an adopted ordinance. Roberts Rules would not have control over that issue because it is a statutory created ordinance.

25. COMMISSIONERS DISCUSSION ITEMS

Commissioner Lamb

Commissioner Lamb had no report.

Commissioner Croley

Review by Staff to see if we can expedite permitting process

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4 – 0 TO DIRECT STAFF TO REVIEW THE PERMITTING PROCESS TO SEE IF IT CAN BE EXPEDITED FOR THE PURPOSE OF JOB CREATION. (COMMISSIONER MORGAN WAS NOT PRESENT FOR THIS VOTE.)

Agri Businesses in the State

We are not doing enough to embrace our agriculture businesses. Requested staff to bring Dr. Grant in and other organizations to express appreciation to them.

UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD 5 – 0 TO BRING REPRESENTATIVE OF THE AGRI BUSINESSS BEFORE THE BOARD TO PUBLICLY RECOGNIZE THE CONTRIBUTION THEY MAKE IN GADSDEN COUNTY.

Recognition for In-kind contributions by vendors

He then requested that invoices from vendors which reflect in-kind contributions for free services they have provided to the county - be documented in the record for various projects and that they be recognized for their write-offs. He was directed to get with clerk to see how this could best be done.

Consent Agenda Issues

He urged the commissioners and the staff to practice the things they have learned in the certified county commission training, especially as it relates to financial matters being placed on the consent agenda. He reiterated that they should be placed on the General Business for proper acknowledgment.

Commissioner Holt

Friendship Park Grant Opportunity

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED BY VOICE VOTE, TO DIRECT STAFF TO LOOK FOR GRANTS TO HELP WITH FRIENDSHIP PARK..

Economic Development

She asked to have some workshops dealing with Economic Development.

Commissioner Morgan

- He asked for information regarding how the summer youth were selected for employment.
- He then requested information regarding the minimum standards for qualified fire fighters. He encouraged support for the volunteers that serve. He asked, "How can we approach this to be productive? What is the appropriate manner to have these discussions?" Perhaps this should be agendaed for discussion. What are other counties doing? Have Chief Crum to respond to questions on future agenda.

Commissioner Taylor

- She announced that the Local National Guard is being deployed to Kuwait in February 2012
- She thanked the staff for an excellent Memorial Day celebration. Need to coordinate a send off celebration for the National Guard when they deploy.
- She suggested that inmates at the jail begin growing their own vegetables.
- There is a possibility that the state prison adjacent to the county jail will be closed.

23a. Letter to Senator Nelson and Senator Rubio and Representative Southerland requesting support of Safe Highways and Infrastructure Preservation Act (SHIPA) (Weight Limits on trucks)

23b. Waiver of De Minimis Reimbursement Emergency Management Florida Recovery Office

23c. Clerk's Cash – In- Bank Summary Report dated May 16, 2011

23d. Contract and Services Agreement with Southerland Enterprises, Inc. for Videoing of Commissioner Meetings

23e. Letter from Ausley & McMullen to Jeff Gregg, Executive Director of Commission on Review of Taxpayer Funded Hospital Districts

ADJOURNMENT

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR MOTIONED THAT THE MEETING
BE ADJOURNED AT 9:55 P.M.**

Sherrie Taylor, Chair

ATTEST:

Muriel Straughn, Deputy Clerk