

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

**Present:** Sherrie Taylor, Chair, District 5  
Gene Morgan, Vice-Chair, District 3  
Eugene Lamb, District 1  
Doug Croley, District 2  
Brenda Holt, District 4  
Nicholas Thomas, Clerk  
Mike Glazer, Deputy County Attorney  
Arthur Lawson, Interim County Administrator

**Invocation, Pledge of Allegiance and Roll Call**

Chair Taylor called the meeting to order then opened with a prayer and the pledge of allegiance to the U.S. flag.

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

**Amendments and Approval of Agenda**

Add: 16A Commissioner Lamb's Travel to FAC Policy Conference 16A

Add: 12A Amendment to Lease for Hospital Beds - 12A

Pull: Item 9 from the Consent Agenda add for discussion: Appointment of Clarence Jackson to Tourist Development Council

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AGENDA AS AMENDED ABOVE.**

**Awards, Presentations and Appearances**

**1. Introduction of the Interim Director for Gadsden County Health Department**

Mr. Paul Myers, Interim Administrator to Gadsden County Health Department, introduced himself saying that he is from Alachua County, Florida and would be the interim director until a permanent director is found. He said that he was not a candidate for the position. He explained that there is an on-going nationwide search, which would close on August 31. The successful candidate should be in place by the end of October.

**2. Impact of the Budget Cuts - Capital Area Community Action Agency**

Ms. Dorothy Inman-Crews, Executive Director, addressed the board. She reported the following:

- Gadsden County received \$1.8 million last year for the many programs under the Community Action umbrella to provide services directly to residents. (2010-2011)
- There is likely to be some major cuts in the programs that will greatly impact Gadsden County. There is a 50% slated cut for Community Service Block Grant, 50% slated cut for the low income home energy assistance program. That would reduce the funding from \$492,000 to \$258,000. This is the money that is ordinarily used to assist citizens with their utility services. Funding is based on the population of the county and the poverty population of the county. Many of the utility vendors will be hurt by the cutbacks because otherwise, what is paid on behalf of the citizens would be an uncollectable account to the utility provider.
- Another major hit will be the weatherization ARRA (stimulus dollars) – this program helped the disabled and elderly residents to make their homes more energy efficient and thus lower the utility consumption and their bills. Those dollars go away as of the end of February 2012. It will be reduced from \$1.3 million in the current year to \$533,000 for October 1, 2011 thru February, and then they go back to almost nothing.
- With the current allocation, the program will pay for 372 homes to be weatherized from the stimulus. 270 homes have been completed. There are a few ready to be billed to the state for reimbursement. Approximately 100 homes must be finished before February to make sure they get maximum use of the dollars. Included in that dollar amount are extra allocations \$379,652, which Gadsden County requested after they ran out of money. This money allowed them to keep the contractors working. They ran out again in August and requested and received another \$812,000.00 for Gadsden County.
- Riverside, a multi-family project with 50 units, was weatherized. Another multi-family project with 35 units is pending.
- They have served 3,431 residents in the current year that ends September 30, 2011.

She asked the board to support their efforts to go to the federal government to request that they reconsider the massive cuts to the poor. **She asked for a resolution from the board in support of the effort to stop the 50% reduction by Congress and send it to President Obama and the federal Congressional delegation.**

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO DIRECT THE STAFF TO COMPOSE THE RESOLUTION REQUESTED AND BRING IT BACK TO THE AGENDA AT A FUTURE MEETING.**

Chair Taylor asked Ms. Inman-Crews to get with the staff regarding the content and language that she would like to have included in the resolution.

**3. Request From Mr. Charlie Harris for Gadsden County to Re-apply for a Community Development Block Grant to Fund Infrastructure Improvements for His Proposed Assisted Living Facility**

Anthony Matheny, Planning and Community Development Director, Charlie Harris, Facility Owner and Auburn Ford, Grant Consultant, were all present. Mr. Matheny recalled the following facts concerning the proposed project:

- Mr. Harris applied for CDBG grant funds for his project, but the application was denied because of deficiencies in the application. (lack of participating party letter of commitment, no local government letter of commitment, participating party business plan, lack of engineering cost estimates)
- He must now reapply in a different funding cycle with a new application. He is asking for permission to apply.

**A MOTION WAS MADE BY COMMISSIONER HOLT AND SECONDED BY COMMISSIONER LAMB TO GRANT PERMISSION TO MR. HARRIS TO MAKE AN APPLICATION FOR THE CDBG ECONOMIC DEVELOPMENT FUNDING CYCLE 2011 WITH WHICH TO INSTALL INFRASTRUCTURE TO HIS PROPOSED PROJECT.**

Commissioner Morgan noted that this item was on the agenda under awards, presentations and appearances. He questioned whether it should be acted on at this meeting. He objected to taking a vote because there was no documentation to explain or support the request.

Attorney Mike Glazer confirmed that action could be taken on the applicants request as there was adequate notice in the agenda material.

**THE BOARD VOTED 4 – 1, BY VOICE VOTE, TO GRANT PERMISSION FOR MR. HARRIS TO MOVE FORWARD WITH THE APPLICATION AS REQUESTED. COMMISSIONER MORGAN OPPOSED THE MOTION.**

#### Clerk of Courts

#### **4. Value Adjustment Board Appointments**

Nicholas Thomas, Clerk of the Courts, addressed the board explaining that the Value Adjustment Board is made up of five members- two county commissioners, one School Board member, one homestead property representative appointed by the County Commission and one Business person located in the School District appointed by the School Board.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE COMMISSIONER TAYLOR, COMMISSIONER MORGAN AND MS. EMILY ROWAN TO THE VALUE ADJUSTMENT BOARD.**

#### **5. Presentation of County Finance and County Clerk Issues**

Clerk Thomas informed the board of couple of invoices that have been submitted for payment as emergency repairs done at the jail. The invoices must be paid out of the current budget. (Chiller went out.) One invoice was for \$66,000, which did not include the labor. He also had a \$25,000 invoice for repairs to the jail showers. The total amount was \$91,000 – not including the labor cost, which will follow by separate invoice. He said they would have to amend their budget via an advertised budget change to show an increase in the overall budget and that the

only source that it could be taken from was from the Capital Projects fund balance. He mentioned it at this time because it had been proposed to use some of the Capital Projects money to give to the City of Gretna for their infrastructure project at the I-10 interchange. He stated that his only purpose in bringing the matter up was so they would be mindful of them as they deliberate on Item 11 that follows on this agenda.

The county administrator was instructed to bring that item back at the next public hearing meeting.

### **Consent**

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5 – 0 TO APPROVE ITEMS 6 THRU 8 BELOW.**

**6.** Ratification of Approval to Pay County Bills

Accounts Payable Dated:	August 19, 2011 August 26, 2011 September 2, 2011
Payroll Dated:	August 25, 2011

**7.** Approval of Bid Award (RFP 11-09) to Stanley, Hunt, Dupree & Rhine for Actuarial Services for OPEB (Optional Post Employment Benefits) a Governmental Accounting Standards Board (GASB) Requirement at a cost of \$7,015

**8.** Approval of Commissioner Taylor's Travel to Attend the Advance County Commissioner (ACC) Education Program (Sherrie Taylor, Chairperson) The cost will be approximately \$1200 for all three seminars.

Seminar 1: October 13-14, 2011 –Leadership Skills for Change Agents in Florida's Growth  
Seminar 2: January 5 – 6, 2012 – Strategic Visioning and Implementing that Vision  
Seminar 3: April 19-20, 2012 – Understanding and Working with Growth Stakeholders and County Deal Makers in Florida's Growth Environment

**9.** **Reappointment of Current Tourist Development (TDC) Members with Expired Terms** (Anthony Matheny, Planning and Community Development Director and Sonya Burns, TDC Secretary)

This agenda item requested that the Board of County Commissioners reappoint sitting members of the Gadsden County TDC. At a joint meeting between the BOCC and the TDC, Chairman Sherrie Taylor agreed to reappoint Jeff Dubree whose term expired in December of 2010 (Owner of Whippoorwill Lodge at Lake Talquin, and bed tax collector) and Patricia Vice of the West Gadsden Historical Society whose term expired. Both expressed their desire and willingness to continue to serve.

It was noted that none of the seated council members are from District 4. Commissioner Holt stated that she would like to appoint Clarence Jackson to the Council. He is a city councilman in Gretna.

Commissioner Croley supported the appointment of Mr. Jackson subject to legal review and determination that his appointment is in compliance with the statutes.

**COMMISSIONER HOLT MADE A MOTION TO APPOINT CLARENCE JACKSON TO THE TDC BOARD. COMMISSIONER CROLEY SECONDED THE MOTION.**

**QUESTION WAS RAISED BY COMMISSIONER MORGAN. He pointed out that the agenda item requested the re-appointment of Jeff Dubree and Patricia Vice (current members whose terms have expired.)**

**Commissioner Taylor restated the motion.**

**QUESTION WAS RAISED BY COMMISSIONER MORGAN.** He said, "So we are going to appoint a member to the TDC without getting any input or speaking with the TDC itself. Is that what I am hearing? Again, I don't have any problems with Mr. Jackson or District 4."

Commissioner Taylor replied, "Yes, I think we are being consistent. I don't think we are out of the norm because other commissioners have appointments and made sure that those appointments were in compliance with the FL Statutes. That is the only question we have to verify and that is to make certain that he is qualified to serve based on his qualifications. If there are any concerns, then bring it back to us. Otherwise, we are going to recommend that he be appointed to represent District 4.

**CHAIR TAYLOR CALLED FOR A VOTE. THE BOARD VOTED 4 – 1 IN FAVOR OF MR. JACKSON'S APPOINTMENT. COMMISSIONER MORGAN OPPOSED THE MOTION.**

Taylor:

My particular concern was Mr. Patel. I understand that he no longer – he is trying to be active from Washington, D.C., which is making it a little difficult. It has been difficult to have a quorum to have an official meeting because of his absenteeism. So, what I am going to do is to allow him to continue to serve until the end of this year. I think that is your normal expiration 12/31. I think that is only fair. That gives me a chance to make sure that he is going to come back. I do want to make that noted that with the consent of my colleagues, give him until the end of this year. Then, if he is unable to continue in a regular capacity, then we will look to reappoint. I think that is only fair to those who are coming regularly – to make sure that there are enough to have the meetings. That is the only amendment that I have to your chart. Not that he continue to December of 2012, but that he continue until December of 2011 as far as Mr. Patel. That is my only change.

Commissioner Lamb noted that as of December 31, 2011, Mr. Kellum's term would be up.

Commissioner Holt stated that there should not be more representation from one district than another if possible. The other board members agreed that it should be dispersed throughout the county when possible.

Chair Taylor suggested that the term for Mr. Patel, Ms. Vice and Mr. DuBree be changed to end as of December 31, 2011. Commissioner Morgan and Commissioner Croley disagreed with changing the length of the terms.

Commissioner Morgan asked to table the appointments until there has been discussion with TDC and give them time to have other conversations that should take place, then come back and vote on it.

Commissioner Holt reminded everyone that the TDC does not appoint, the BOCC appoints them.

Commissioner Lamb was in favor of adding Mr. Jackson, but he did not support changing the terms of the appointments. He said that a person could simply resign during their term if they did not wish to continue for the full term.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 2 TO REAPPOINT JEFF DUBREE (HIS TERM EXPIRED ON 12/31/2010) FOR THE REMAINDER OF THE UNEXPIRED TERM THAT WILL END ON 12/31/2011. (COMMISSIONER CROLEY AND COMMISSIONER MORGAN OPPOSED THE MOTION.)**

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPOINT MS. PATRICIA VICE FOR ANOTHER TERM. (Her previous appointment expired in December of 2010.)**

**Citizens requesting to be Heard on Non-Agenda Items (3 minute limit)**

**Michael Taylor**, 120 North Macon St., Quincy, FL - Small Business Coordinator for the Small Business Service Center through the Chamber of Commerce. He said that he has requested \$25,000 from the Chamber of Commerce budget to keep their program going. The program helps small business people who have the capability to hire other people. They help with technical assistance and guidance toward funding resources. The grant funding for the program ran out and will not be available to them this year. He reported that they had 13 graduates from the program last year. He asked the BOCC to reconsider their request for \$25,000 so they can keep their momentum going.

**Elizabeth Peterson**, 23 Macon Street, Quincy FL, introduced herself as a graduate of the Small Business Center. She finished classes in July. She said, "The time that Mr. Taylor and Ms. Tribue and Ms. Franklin have given to us has been absolutely awesome...There is a core group of us that started this course in January and we are continuing to meet every other week because we have found that we are motivation for each other. We are there for each other. It is a tiring process. We all have goals. We all have businesses that will really thrive and bring good to our county. Please consider what you can to keep this program going."

Chair Taylor asked them to speak with Mr. Lawson and let him entertain their request. Then he could bring it to the board.

Commissioner Croley asked to make a point of order. He told everyone that there is a Budget Hearing on September 7, 2011 at 6:00 p.m. He continued, "At that hearing, the citizens have a right to speak out about what they think are priorities in the budget process. He pointed out that Ms. Peterson and Mr. Taylor have every right to come back on the 7<sup>th</sup> and restate exactly how they feel about the budget process. "

### **Public Hearings**

#### **10. Public Hearing – First Reading of Neighborhood Commercial Land Development Code Text Amendments – Proposed Ordinance** (Anthony Matheny, Planning and Community Development Director)

Growth Management Director Anthony Matheny stated, "This agenda item is a request to change the Land Development Code to reflect what you have already approved in our Comprehensive Plan earlier this year. When the Comprehensive Plan is changed, we have to go to the Land Development Code, which is the marching orders for what is listed in the Comprehensive Plan – how we carry that out is changed to reflect the change in the Comprehensive Plan. That is all this is. It changes the Neighborhood Commercial. If you have a specific question, I will be happy – if you will tell me what section of bullet point that is, to elaborate on it further. Again, was approved by this board earlier this year as a Comprehensive Plan amendment. "

Chair Taylor:  
Commissioners, are there any questions at this time?

Holt:  
Commissioners, I was asking earlier about looking at the Comprehensive Plan. This is what I was talking about. Because there is nothing in here that we have gone back through to say that the economy has changed. We need to change what we are doing to look at increasing or decreasing the economic development section of the County. If we look at "2" it says "The allowances 4202(c) 3 in the retail section of restaurants. That is something that you may want to do , but when you look down here where you look at the flexibility, you are looking at two years where it says, "defining grant" additional flexibility to previously historical uses. If you look down there, it says "that has been vacant for more than two years." We want to make sure that those businesses, even though they may have been vacant more than 5 years, that they can come back and open that business back up. This is why I kept saying, "Let's look at the Comprehensive Plan and adjust those Mom and Pop businesses out there that have been closed for years. Our children, people have to come back home and they are looking at starting those businesses back up, or going into a new neighborhood and say, "I want to open a barber shop" and that type of thing. Maybe granddaddy had a barber shop there before. We have two years there, but if we go back and look at it, we may want to extend that time. If they have been closed for more than two years. We need to look at that...Your land development code needs to match your Comprehensive Plan. "

Matheny:

Commissioner, if I may, if you will read just a little bit further, it says, "unless extended by the board." So, you do have that option to extend it. If you feel like it is a business that has been out of business for four or five years and you feel like it needs to come back and it is appropriate, you all could make that decision.

Holt:

Right, but if I am a businessperson and I am looking at Madison County, you could have been closed five years, they don't care. Gadsden County has two years. Which one do you think I am going to go to? I am not going to come somewhere where I have to go and get approval and go through this extended process when I can go to another county. You see, it is not attracting businesses. It not whether you can approve them when they get here, we want to attract the business. That is what I was talking about. Your Land Development Code is going to match your Comprehensive Plan if that is what they are trying to do.

Taylor:

Well, if they are Mom and Pop, they are not going to Madison County. They are going to stay right here with us.

Holt:

Yes, they will. They will go to Madison.

Taylor:

That was your definition. I am just following up on you.

Holt:

They will.

Taylor:

You think so?

Listen; before we go any further with the discussion, this is a public hearing. Ladies and gentlemen, those of you in the audience can have input on this particular item and that is why it is considered a public hearing – so you can come up and state your opposition or position on it. Whether you are for it or against it. At this particular time, I am going to ask if there is anyone in the audience who wishes to speak on this item.

None at this time. Thank you.

Are there any other discussions before we take any action?

Holt:

Madam Chairman, on the minute's sections where it says intersection criteria for local roads, that is another one that we may need to look at. I know that when we discussed this a few years ago, under that one, you had to be near a collector road. Those were some requirements and areas that were near an intersection. In a lot of neighborhoods, there may be some properties that are not near an intersection if it is a country store or something like that. That is one that we need to look at.



Taylor:

That one, I had issues with, too. I have to agree with you on that one. Specifically in the rural community, which is where we are basically, there are not a lot of large intersections or exchanges back up into the communities. So, that is an issue with me having to make that a mandate. Now, I appreciate the language that will allow the two years to be relaxed with the approval of this board. Is there any language that would allow a neighborhood store or whatever business that comes up to not have this intersection as a criteria?

Matheny:

Well, the language would be if you decided to change it tonight, it would be the new language. I mean, you all would have to make those changes. But, this has been debated heavily by the Planning Commission, and that is their recommendation to this board. But, if you wanted to change it –

Taylor:

Well, if it has been debated then obviously, there have been some concerns with them on this language as well. I can appreciate our Planning Commission and they do a yeoman's job. But, I do have a particular problem with hindering people from moving forward. As someone said a moment ago, it is those these small businesses that is driving the work force today, so, I don't want to see it hindered because it is not located near one of these major intersections, so that one I do have a little heart ache with and I would like to see it changed.

Croley:

The Planning and Zoning Commission went through all of this in great detail. Their recommendation is to approve Option 1. They looked at all of this. It would seem logical that with the flexibility that Mr. Matheny has already expressed that exists here and recognizing the concerns by Commissioner Holt and yourself, it looks like to me that Option 1 ought to be the right thing to do and move this forward as they recommend. If we have a bunch of problems or complaints down the road, then we can see about having it readjusted. But, they have done a lot of work on this and it would seem rather inappropriate for us to be second guessing after the fact and after this much hard work went into it.

Taylor:

Well, as Mr. Matheny so eloquently said a moment ago, this item was well debated. What that tells me is that there was some heartburn over this particular item. Sometimes it helps when someone else takes the burden of making those decisions. So, if you give that burden to this board that this particular item needs to be changed, it takes the heartburn away from Planning and Zoning and puts this thing back into a favorable position. And again, when looking at Economic growth and development, we have to be smart about this. We've got to be able to have that here and not having people buying expensive pieces of property near these interchanges and that throwing them away from here. We've got to be smart. If this is a heartburn and it has been stated so, let's change this one and I am willing to move on with the rest intact.

Matheny:

Let me be clear, Commissioner. What I meant when I said that is that this item, this neighborhood commercial item has been well debated. The minutes will reflect that there was a lot of discussion about it. I did not particularly mean that segment of the item.

Taylor:

Well, we are going to have this segment of the item looked at.

Lamb:

Madam Chairman, what is it that you want changed?

Taylor:

I don't think that having to have these particular businesses located near a specific interchange should be necessary. I think that if it is in an area where you've gotten the citizens to agree for you to be there and it has gone through the proper process, then they can be there. I don't think it needs to be next to I-10 or next to Highway 90.

Lamb:

Which section are you talking about – 5902?

Taylor:

That is 5904 b, sir. That is the only one. I don't have any problems with anything else on here at all. It is page number 3. Right there at the top where it says 5204 B. It includes language about intersection location criteria. It is indicating that you need to be near some kind of major interchange for this. That is the only one.

Commissioner Croley, hold your thought. I am going to finish with Commissioner Lamb and then I am going to hear from Commissioner Morgan.

Lamb:

I am alright.

Taylor:

O.K. Do you follow?

Lamb:

Yes.

Taylor:

Commissioner Morgan?

Morgan:

Thank you, Madam Chair.

Mr. Matheny, thanks for coming before us with this. If there is an instance where a business does not meet this particular criterion, they could come before us and ask for a special exception going through those processes and procedures, correct or not?

Matheny:  
Correct.

Morgan:  
So, that would a particular concern that comes up. Rather than change the wording here, we could address that at that particular time, could we not?

Matheny:  
You could as long as it relates to the Land Development Code. If it is in the Comp Plan, I would have to go all the way back through it. We don't have time to do it right now, but if it is in the Comp Plan, you would have to do a Comp Plan amendment. You cannot do a variance to the Comp Plan. But on the LDC, they could come in for a variance or special exception, whatever is appropriate.

Morgan:  
I agree with Commissioner Croley. We need to support what has been presented to us tonight. Again, these folks are serving in a capacity for a reason. It is my understanding that this is your recommendation. Is that correct?

Matheny:  
My recommendation coincides with the Planning Commission Recommendations.

Holt:  
Madam Chairman, May I?

Thank you.

This is what I said before about not looking at the Comprehensive Plan. It is not the Planning and Zoning Board's responsibility to look at economic development. It is this board's responsibility. You are looking at maintaining. I am looking at economic development and progress. There is a difference. Keep on doing what we have been doing. That is exactly what this recommendation is. You must look at how you get the businesses here that you want. They are not going to come if we are not attractive to them. So, it is this board's responsibility to sit down with that big book and study it and do recommendations and make decisions.

The Planning and Zoning's responsibility is to make recommendations. It is not for you to take them all. That is not our job just because they studied it and they are good people. They were not elected by the citizens. We were elected by the citizens to do this. Now, we need to sit down and take some time and dates to look at this big book. The Land Development Code is what they use to implement the Comprehensive Plan. This is the rule book that you go by, but the Comprehensive Plan is the Bible.

Now, if you've got to have a business near an intersection and the whole community wants it, they have got to come up here in order to get approval. First of all, you have got to want to come. What makes those businesses want to come here? That is where we are at a loss. You are maintaining not having businesses in the County. That is all you are doing if you don't look at this book. Commissioners, there is no way around it.

Taylor:

Alright, let's do this. Let's go ahead and put a motion out there. Commissioner Holt, I am going to start with you to put a motion out there to approve all else with the exception with the language in 5204.

Croley:

Wait a minute. Commissioner Lamb brought an item up here a few years ago where somebody put a motorcycle repair shop in a neighborhood. They were working on those motorcycles late.

Now, what this thing is saying here is, if I understand it right, - If we've got a row of houses down a street, somebody can't just go put a motorcycle repair shop in the middle of all these houses. Theoretically, it is supposed to be open up at the corner like the corner store. We see some of those kinds of repair shops at some of the corners. Now, if they do want to do that, Commissioner Morgan has confirmed with Mr. Matheny that they can come up here and get approval to do that if the neighborhood is content with it.

I think that taking that requirement out opens a Pandora's Box of problems. I believe that is why it is in the Land Code the way that Planning and Zoning wrote it up so that you can avoid those situations that Commissioner Lamb ran into in his district. It is not going to depress business. It is not going to stop somebody from opening a viable business. If they have a viable business plan, I am confident and I have already seen that nobody is likely to get turned down unless there is something wrong in the community about it. **I WOULD RATHER ERR ON THE SIDE OF CAUTION BY ACCEPTING WHAT THE PLANNING AND ZONING COMMISSION HAS RECOMMENDED. AND TO THAT AFFECT, I AM MOVING OPTION 1 AS RECOMMENDED BY THE COMMISSION. HOPEFULLY, SOMEBODY WILL SECOND IT AND WE CAN MOVE FORWARD.**

**MORGAN:**

**I WILL SECOND IT.**

Holt:

I kind of figured that. Madam Chair, go ahead and move the motion.

Taylor:

There is a motion and a second.

Holt:

Commissioner, what you are saying is to maintain, as I said, that is not attracting. One tragic story begets another. Now there was a businessman who wanted to come up and open a store on US 27 up there. Yes, there was.

Croley:

I thought it was in a neighborhood.

Holt:

No, no, no. It was up on US 27. They wanted to open up there. O.K. Now, whether the community wanted it or not, that commercial piece of property said they could put that

particular business there. That is what it says when you look at it. Now, the problem that comes in is this. That owner bought that property looking at the things that he could do with it. When they came before us and the board said, "No," that man lost his money. That is what is wrong with your Comprehensive Plan. He lost a good \$100,000 simply because he could not develop that property.

Right here, you have language that is even being disputed by us. What happens is one businessman tells another, "You had better not go into Gadsden County because I just lost my money there. We need to go back and redo this book. I don't care how you try to get out of it. You keep saying, "Planning and Zoning Board, Planning and Zoning Board." They are not the elected officials. I know you have a motion and you have a second, but as I said, that intersection language is a problem. They are going to have to come back to Building Inspection anyway. They are going to have to come back up there and get building permits anyway. They can recommend that they come back to this board. I am trying to attract businesses, not the wrong businesses, but businesses.

Like I said, we have people on the Planning and Zoning Board that we need to look at those terms. We need some progressive people on those boards to look at economic development in this county. But, we keep reappointing. As soon as we stop doing that and start looking at what this county needs instead of what certain people want, then we will move forward.

Thank you very much. We can move on.

Lamb:

One question. Like he has stated now, once someone applies, they can come to this board and we can move it up or down at this board. Number 2 is before you go and purchase a piece of property, you had better ask what you can put there. That is just common sense. Don't you go buy or purchase something and think that you can put what you want to put there.

Holt:

Commissioner Lamb, you are exactly where I am telling you where we need to be. Because it is written in our Comprehensive Plan that they can put those businesses there. We are the ones that did not go back and change the book. They are buying on what we are saying.

Taylor:

Here is what is happening here and Commissioner Lamb; I think you were headed that way. In sending this one back for further discussion on that particular item. There is confusion here. We need to make sure that when it comes to economic development and growth that we don't run people off because they've got to look at a particular area to open a business. Now, we've got this Citizens' Bill of Rights that says that if you are going to build it over here, there is a process that you must go through. I am saying that we need to get rid of this intersection deal because that limits who can come in here and who wants to come here because they have to get a particular piece of land in order to build and develop. It has to be next to an intersection. We need to be careful with these restrictions.

We have to have economic development and growth. Our dollars are dwindling. You hear it from Clay VanLandingham and you hear it from Dale. We have to have businesses coming in.

Now, I agree with everything else that is on here. No problems with it, but we need to be careful about tying the hands of a developer who is coming in...We represent the rural area where there are no major highways. That is where the basis of our community is. I am saying that everything else is good. Let's just change that language. As long as it follows the Bill of Rights process, then that person should be able to do whatever they want to build wherever they want to build it.

Lamb:

Madam Chairman, I have a question on that. You make a good point, but you don't want anything coming.

Taylor:

That is true. That is why I voted for the Bill of Rights. You are not going to put nuclear waste next to my house.

Lamb:

Right. And, the same thing for other folks. We have to have the same feeling for other folks.

Taylor:

Exactly. You won't want to put one next to their house either because they have the right to say, "Hey, when you advertised to me to tell me that you are coming out here with that mess, meet with me and I am going to tell you, "I don't want it and I am going up there to that board of county commissioners and tell them I don't want it."

Lamb:

But, doesn't this item here protect us saying that you can't put just anything near us? Doesn't it say that?

Taylor:

No, what this says is that you can put anything there, just put it next to I-10 and US90. It doesn't restrict what you can and cannot put there. Let me revise that. Everything that comes into this county has to go through a process. It has to have citizens input. It has to have Planning and Zoning Input and it has to have this county commission input. Everything that comes no matter what and no matter where. But, what this particular item says is "Businesses, if you come, you can only develop next to a major exchange. " That is not good.

Now, you are right, in neighborhoods, you don't want anything landing there. But there is commercial real estate in neighborhoods that is there already. But, businesses that come have to go through the proper process no matter where. But, we are saying, "Yes, you can come, but you can only locate over here."

What Commissioner Holt and I are saying is, "Let them come. Choose a site. If the community is not with it, then they get away from there. But if the community is with it, then it is a welcomed business."

Lamb:

I hear you plainly. I hear you good.

Now, I want to go to Mr. Matheny. I want you to comment on this. I have a question. You are coming from out of town. You are coming into my county saying that you want to go over here. No, it is not where you want it to go; it is where it should go. Mr. Matheny, would you comment on this?

Matheny:

Well, if I could, I will provide some additional clarity here. On the neighborhood commercial, it basically applies to rural residential and agriculture areas. Some of the reasons that you want your commercial properties at an intersection with certain intersection criteria are to keep them clustered into one area and not spread out indiscriminately throughout your agricultural and residential areas with no rhyme nor reason. You have intersection criteria. If they are outside of a certain distance, then they need to be looking at something else or come back in within that distance of that intersection where you are going to have more economic activity.

Lamb:

What P & Z is really saying is, "This is where you will fit in at." "You don't fit in over here, although you might never build here, you don't fit in.

Matheny:

Correct.

Holt:

Madam Chairman, May I?

This is going to be beat for a while because these five people refuse to look in their book. I am saying this. O.K. You are not at an intersection and you want to open a barber shop in the community and the community wants it. You are saying that they cannot because they are not near a collector road. O.K. Now, this person got laid off last year and they don't have a job, but they can cut hair. They are commercial and that is where the problem comes in at. Not with the liquor store because they don't have that kind of money anyway.

I've got two or three people right now that can do hair, but they can't open because they are not near a collector road, but they have family property. You cannot stop these people from making a living. Now, they are going to make a living anyway because they are boot-legging because you won't let them open a business. They can't afford to buy property.

Commissioners, that same piece of commercial property in District 1 – they could have put up a slaughter house and slaughtered cows. They could do that because it is in the Comprehensive Plan. You had better go back and look at it.

We looked at it, but, it was before your time. What your commercial listing is different from what you want. You are sitting here telling us that you don't want this and you don't want that when all you have to do is change the book. The intersection part is what is killing your small business.

Commissioner, you and I rarely agree on an item, but I think we are the underdogs and we just need to let this one go. We argued it and we gave it a good argument, but we are going to have

to let this go and let time prove itself. You have to learn how to say when and this is the time to say when.

**THERE IS A MOTION ON THE FLOOR TO APPROVE THIS ITEM AS RECOMMENDED BY THE PLANNING COMMISSION. ALL IN FAVOR LET IT BE KNOWN BY SAYING, "AYE."**

**ALL: AYE.**

**TAYLOR:**

**Make that 5 – 0 to move forward.**

Matheny:

This will require a second reading. We will come back and go through the same thing at the next public hearing date.

Holt:

**I would like to ask the director to bring back those category uses. If that can be brought back to the board. I think when you see what some of those uses are, you are going to see whether you want those in a community or not. – What you can put in neighborhood commercial.**

**11. Public Hearing – Approval of Resolution Number 2011-030 and Budget Amendments to the Fiscal Year 2010/2011 Budget – Funds for Records Center Roof and Line Item for Gretna Water/Sewer Line OMB BA 110098 AND 110099** (Connie McLendon, Finance Director and Jeff Price, Senior Management and Budget Analyst)

Chair Taylor announced a public hearing on the budget amendments named above. She stated that she would open it up to the public after board discussion.

Commissioner Croley made motion to split the question. Chair Taylor felt the motion was out of order and declined to carry it.

Commissioner Croley stated, "I believe that under Robert's Rules of Order, if a motion is made to divide the question, it must be entertained by the chair. I am asking you to call upon the parliamentarian for a determination. "

Attorney Glazer advised, "I think that is true, but you still need a second."

Croley:

Well, she never gave a chance for there to be a second. The chair ruled against the motion before it was ever heard.

Taylor:

It is also true that if a motion is put on the floor that is not legal, then I don't have to carry that motion for a second. If a motion is put on the floor that is beyond the authority of the one that is putting it on the floor, I do not have the need to move it. A motion to divide an item that has been advertised such as it is, I think is out of order. That is the reason.



Croley:

Maybe I misunderstood the parliamentarian's response, but is it permissible to divide a question?

Glazer:

That motion – she is correct. We have a single resolution on the floor. You can vote this motion up or down, but, this is a public hearing and I think that if you divide the question, you would have to come back another night.

Taylor:

Thank you very much. I do read believe it or not and I read well.

Croley:

My motion still stands whether I get a second or not.

Taylor:

So noted for the record, Commissioner Croley.

Chair Taylor called for public input. There was no response.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 4-1, BY VOICE VOTE, TO APPROVE THE BUDGET AMENDMENTS AND THE RESOLUTION NAMED ABOVE. COMMISSIONER CROLEY CAST THE LONE NO VOTE.**

### **General Business**

#### **12. Redirection of Half Cent Tax and Trust Revenues from Capital Regional Medical Center to Medicaid in Order to Take Advantage of Federal Matching Funds**

Michael Glazer, Deputy County Attorney, stated that under the current lease agreement between the county and Capital Regional Medical Center, the county directs a portion of the Indigent Sales Tax to CRMC and proceeds from the Hospital Trust Dividends. There has been recent changes in the Medicaid legislation and CRMC is eligible to take advantage of a program previously available only to not-for-profit and governmental hospitals. Through this program, funds provided to a hospital from a governmental unit are now eligible for federal Medicaid matching dollars. For every dollar in Intergovernmental transfer (IGT) sent by a county to Medicaid, the hospital receives approximately \$1.70. In order for the hospital to receive that match, the County must enter into an agreement with AHCA by which it commits to send a specified amount of money to Medicaid over the course of a fiscal year. The county determines that amount.

Between June 2010 and May 2011, Gadsden County sent approximately \$290,000 of the half cent tax revenue to CRMS and approximately \$131,000 representing income from the Trust. CRMC requested that the county commit as much as they are comfortable with to the Agency for Healthcare Administration instead of to CRMC so that they will realize more income. CRMC is willing to commit that any additional revenues that they realize will be accounted for as revenue to the CRMC-Gadsden Memorial Campus in order to help the financial viability of the facility.

Clerk Thomas recommended \$400,000, which is less than what was paid to CRMC last year, from the surtax and the trust fund interest.

**UPON MOTION BY COMMISSINER MORGAN AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE REQUEST TO ENTER INTO AN AGREEMENT WITH AREA AGENCY FOR HEALTHCARE ADMINISTRATION TO REDIRECT \$400,000 FOR MEDICAID PATIENTS ON BEHALF OF CRMC.**

There was some discussion about the money that Gadsden County EMS is losing on the transport of Medicaid patients to the Tallahassee hospitals since the state cut the Medicaid benefits. The board requested data and analysis from the staff regarding the matter.

**12A- Amendment to the Lease of Hospital Beds**

Capital Regional Medical Center has requested to amend the lease agreement for 12 beds (approved by the BOCC on July 5, 2011) to include three cribs from the Gadsden Memorial Hospital. There was an urgent need for the beds and they have already been delivered. As amended the lease will generate \$5,400 per year and will eliminate the county's need to store these otherwise unused beds. CRMC is responsible for providing mattresses and for paying all maintenance cost.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE THE AMENDMENT TO THE HOSPITAL BED LEASE AGREEMENT.**

**13. Request for Funding for Community Celebration of Educational Progress of the Gadsden County Schools**

A communitywide celebration was held on August 20, 2011 to acknowledge the superb accomplishments of the various students and faculty of the Gadsden County School System for progress made throughout the school system. This celebration was held to express appreciation for the total efforts of the outstanding educators, students and parents and the overall community. Such efforts have produced a historical five "A" schools and other progressing schools.

Financial support was provided by cities, municipalities, schools, health organizations, law enforcement, faith based organizations, businesses, TCC and other agencies.

A request was made of the County to assist in the effort by paying \$2,500 for the cost of sponsoring the event which provided free food, school supplies, children fingerprinting, entertainment and games.

Commissioner Lamb stated that he would support this for this one time, but he personally did not feel that it was an appropriate way to spend tax dollars. He said he will not support this type thing again as he feels that private contributions would be more appropriate.

Commissioner Morgan stated, "There is never a good reason to do the wrong thing."

Commissioner Holt stated that she felt that the money should have come from private donations.

**A MOTION WAS MADE BY COMMISSIONER LAMB AND SECONDED BY COMMISSIONER TAYLOR TO APPROVE THE PAYMENT OF \$2,500.00 FROM THE CONTINGENCY FUND.**

Commissioner Morgan was opposed to using tax payer monies in this fashion.

Commissioner Holt suggested that the commissioners could give individually toward this event, but felt the money should be raised from other sources and donations.

**VOTE 3 – 2 (CROLEY/MORGAN OPPOSED)**

**14. Approval to Pay Invoice Number 90609 (Preble-Rish, Inc.) for Additional Planning Services to the Contract for the EAR –Based Amendments and Area Plans, Project Number 228.100** \$4,590

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 - 1, BY VOICE VOTE, TO APPROVE THE PAYMENT OF \$4,590 to Preble Rish. Chair Taylor voted no.**

**15. Approval of Revised Circulation of Library Materials and Overdue Library Materials Policy**

Carolyn Poole, Library Director was present to answer questions.

**A MOTION WAS MADE BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, TO APPROVE THE REVISED CIRCULATION MATERIALS AND OVERDUE LIBRARY MATERIAL POLICY.**

Commissioner Morgan confirmed that the policy was the recommendation of the Library Commission. He also suggested that communication with the delinquent accounts would probably be productive. Emails & phone calls would be appropriate.

Commissioner Croley reported that Leon County Public Library has the State Attorney to send letters to delinquent accounts requesting the return of the books and media. He suggested that could be a measure to take when all else fails.

Commissioner Holt suggested that people not be allowed to continue to check out materials when they have delinquent accounts.

Discussion followed.

**Library Commissioner Emily Rowan** addressed the board with several concerns. In addition to explaining how the commissioner approached the new proposed policy, she told them that they are having a problem getting commission members to attend the meetings. There was a consensus that she should meet with Mr. Lawson to discuss appropriate measures to address her concern and then come back to the board with a proposal to bring about a solution.

She thanked them for their interest and the discussion points they raised.

**THE BOARD VOTED 5 – 0 IN FAVOR OF THE MOTION.**

There was a consensus for the Director to update the board on the progress of collecting the fees and getting the books returned in six months.

**16. Approval and Execution of the State Housing Initiative Partnership (SHIP) Annual Report** (Clyde Collins, Building Official and Phyllis Moore, SHIP Administrator)

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0, BY VOICE VOTE TO APPROVE THE ANNUAL SHIP REPORT.**

**16a. Approval of Commissioner Lamb’s travel to the Florida Association of Counties Policy Committee Conference**

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0, BY VOICE VOTE, TO APPROVE COMMISSIONER LAMB’S TRAVEL TO**

**County Administrator**

**17. Update on Solar Energy Farm/Land Use Change**

Growth Management Director Anthony Matheny addressed the board regarding a proposal to change the Comp Plan and Land Development Code to make solar farms a permissible use on AG lands. He met with citizens at a Citizen’s Bill of Rights meeting to discuss that possible change. Several questions were raised by them. One of their questions was, “If the proposed change was made, would the P & Z and BOCC still review the applications?” His answer was, “If solar farming is made a permissible use on Agriculture land use designations, then it would only be reviewed by the staff. If there happened to be sizable impacts, he would likely bring it to the board for review.

Commissioner Holt stated emphatically that it should come before the board for review.

Commissioner Croley explained that when he first mentioned this permissible right as a possibility, he intended it only for AG 3 land use parcels. He said he felt that solar farming would fit with that type land as a modern agri-business. He acknowledged that Commissioner Holt’s concern has validity. He agreed that it should be reviewed by the board, especially regarding citing of the farms and issues relating to traffic and environmental concerns.

In view of this clarification, Mr. Matheny stated that no change would need to be made to the Code.

Commissioner Holt asked, “Is there anything that would prohibit solar farms from being located underneath power lines?” Mr. Matheny said that he did not have knowledge of that.

Mr. Matheny stated, "When I first received the directive from the county administrator to go forward with this, there was agreement that we were looking at making solar power use a permitted use in agricultural districts and we were going to go through the process of changing that in our Comprehensive Plan and Land Development Code. What I am hearing tonight is that there is at least some type of consensus that this board wants to retain the power to review the project and that it not be an internal review by our department to make the final decision on the project. Am I reading that correctly, Mr. County Administrator?"

That being the case, we don't have to make any changes. It is still a special exception and it will come to you as a special exception for you to approve or deny.

Croley:

Commissioners, I don't think that we need to not convey a message and that is exactly what is going to happen if you say that it all has to come up here for review. All I am saying to you is that modern agri-business activities like wind and solar are going to fit on agriculture land. Those are appropriate uses of collecting the sunshine or the wind from these large scale projects if they are suited on agriculture land. We have heard that from the University of Florida. So, I don't think that from my standpoint, Mr. Matheny and Mr. Lawson, I don't think that it is inappropriate to amend your code as Commissioner Holt has frequently stated, and keep it updated to say that solar farming can be done on AG lands, but I think it needs to be restricted to AG 3 land. You can't very well put a large scale solar farm right next to some of this rural residential and it fit in. It is not going to on land that is zoned 1:5 or something of that nature. But, when you look on the southwest side of the county, you see the dark areas on the map, it looks like to me that it would fit in appropriately. But, before anybody put them in there, that would be where we would be looking, they should have to come back up here. I think that is what I heard the citizens saying.

Matheny:

Well, I am going by what I am hearing tonight. So, I am going to take the county administrator's ultimate direction. But, what is being asked is that this board wants the final review. We already have that mechanism in place. Whether they will want to locate in AG 1, 2, of 3, it is a special exception for utilities as stated in the Comprehensive Plan and the Land Development Code. I don't know how else to go about it except to bring it back up here for this board to consider each project.

**17. Update on Board Requests** (Arthur Lawson, Interim County Administrator)

**County Attorney**

**18. Discussion of New Changes to the Gun Law**

In 2011, the FL Legislature has amended and strengthened its statement that the State of FL enacts all gun laws. They have further taken away any local power if there was any question on that front. There is a new law that goes into effect of October 1 that local governments cannot enact laws that deal with the storage of firearms or deal with waiting periods.

They have now imposed penalties on local governments if they don't comply, which includes fines on the elected officials if they willfully support any laws that are in violation of the state law.

Two staff people have gone through all of the Gadsden County Ordinances and Ms. Minnis will bring them back to the County Commission to repeal or amend those conflicting ordinances. It will come back to the agenda at the next meeting.

#### **19. Update on Various Legal Issues**

##### **Discussion Items by Commissioners**

##### **21a. Commissioner Lamb, District 1 –**

- FACC did talk about gun regulation and legislation at the last meeting.
- Havana also discussed it at their Town Hall meeting.
- FACC has said again that whenever we need help with grant writing, to call on them to help find someone.

##### **21b. Commissioner Croley, District 2**

- Talked to Mr. Lawson about citizens who bought waste site permits, but claim that they have not received letters regarding termination of services.

##### **21c. Commissioner Holt, District 4**

- She talked with AHCA and confirmed that if CRMC would put some swing beds, they could get extra funding
- Asked the board to identify what can be developed on commercial property
- Wants to form an economic development plan. Sit down with the Chamber and stakeholders to get it done. What can we do to encourage people to locate here?

##### **21d. Commissioner Morgan, Vice Chairman, District 3**

- Budget Hearing on September 7, 2011 at 6:00 p.m.
- Public Works staff was out on holiday due to rain. He thanked them for good job.

##### **21e. Commissioner Taylor, Chairperson, District 5 –**

- Requested BOCC look at ordinance to redirect the use of the surtax to accomplish the problems at the jail.
- Letter to people who are losing services at the dump sites. Set up meeting with the permit buyers and educate them about why the sites are being closed and have Waste Pro here also. All stake holders should be present.
- Would like to agenda the build out of the hospital. **MOTION TAYLOR/HOLT AGENDA THIS FOR THIRD TUESDAY IN OCTOBER. Vote was 5 – 0 in favor of motion.**
- Redistricting – to staff – we need to address this. 2% increase in population. Where are our obligations? What is required of us? Need to finish this process. Come back at a later date with a recommendation. Does the State require us to do something? Have all right people here for discussion.

**Receipt and File**

22.

- a. For the Record: Letter from Progress Energy Regarding Progress Energy's Transmission Line Enhancement Project in your Area – Quincy to Havana Rebuild
- b. For the Record: Budget Amendment Numbers 110031-110093 (Exceptions 110038, 110046, and 110057)

**September Meeting(s)**

- September 7, 2011, First Budget Hearing, 6:00 p.m.
- September 19, 2011, Final Budget Hearing, 6:00 p.m.
- September 20, 2011, Regular Meeting, 9:00 a.m.

Gadsden County Board of County Commissioners  
September 6, 2011 at 6:00 p.m. Regular Meeting

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**Motion to Adjourn**

**THERE BEING NO OTHER BUSINESS BEFORE THE BOARD AND UPON MOTION BY COMMISSIONER HOLT, THE CHAIR DECLARED THE MEETING ADJOURNED AT 9:00 P.M.**

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Sherrie Taylor, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk