

**AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON DECEMBER 6, 2011 AT 6:00 P.M., THE FOLLOWING PROCEEDING WAS 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 3  
Debra Minnis, County Attorney  
Arthur Lawson, Interim County Administrator  
Muriel Straughn, Deputy Clerk

**INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL**

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

The roll was called by the deputy clerk and the attendance was recorded as noted above.

**AMENDMENTS TO THE AGENDA**

The following changes were made to the agenda:

**Add:**

- Approval of the payment to Carrier Corporation for \$66,663.00 for a new chiller at the County Jail - add as A-19 before Item 19.
- Approval of Commissioner Lamb's travel to attend the Florida State Association of Supervisor of Elections Canvassing Board Workshop on December 8 -9, 2011 in Orlando, FL at a cost of approximately \$500.00 - 22A

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

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. Election of Vice-Chairman (Unfinished from the previous meeting)**

Commissioner Holt was nominated to be the new Vice-Chair at the last meeting, but she withdrew her name from nomination.

Commissioner Lamb nominated Commissioner Gene Morgan to be the Vice-Chair. Commissioner Holt seconded the nomination. There were no other nominations.

**The board voted 5 -0 in favor of Commissioner Morgan as Vice-Chair.**

**2. EAR-Based Amendment and Area Plan Approval Process Update**

Jon Sewell, Project Manager with Kimley-Horn and Associates addressed the board and briefed them on the progress they are making with implementing the EAR based amendments and preparing the Area Plans.

**EAR Based Amendments Project This** project came about as a result of the EAR Report which evaluated the Comprehensive Plan and identified things that needed to be updated and clarified. The EAR Report was completed in 2009 and some draft amendments were developed in response to it.

- Kimely Horn made comments on the proposed draft amendments (as prepared by staff and others previously) as well as make additional amendments based on the analysis and review.
- The previously proposed draft material was approved by the Planning Commission, but that work never came to the Board of County Commissioners.
- HB7207 was passed by the Florida Legislature and it affects many of the amendments with which the board will be dealing. In essence, the bill gives more local authority in decision making and policy decisions back to the local governments.
- Tasks completed thus far are as follows:
  - Identified possible edits based on implications of HB7207
  - Identified amendments that do not EAR recommendations
  - Identified policies that are vague or difficult to interpret with recommendations.
- Next Steps on the EAR Based Amendments
  - Revise the EAR based amendments based on several factors.
  - Meeting with the Department of Community Affairs after January 1 to clarify what some of the changes are as they relate to HB7207 on the Special Area Plans and some aspects of the amendments.
  - Address the EAR Based Recommendations and incorporate the Special Area Plan Changes into the EAR Based Amendments.
  - Meet with the Planning Commissioner for Workshop and approval on the above
  - Meet with the BOCC for 2 workshops then ultimately an adoption hearing.

**Special Area Plans as Required by the Stipulated Settlement Agreement –**

Gadsden County entered into a Stipulated Settlement Agreement with the State on several areas requiring several areas to have special area plans done. These are addressing corridors with SR 12, US 27; US 90; and US 90 between Gretna and Quincy. They will bring back options to the Board as those can actually be addressed through some Comprehensive Plan changes rather than go through the full exercise of special area plan itself.

The Lake Talquin Area Plan and the US 90 East Corridor would need to have a different approach, but Kimley-Horn will bring options for the board to consider.

Other items were required by the Settlement Agreement as well:

- Urban Service Boundaries

- Provisions for:
  - water and sewer
  - Roads
  - schools
  - emergency storm water
  - land use needs analysis

**Effect of HB7207 on the above:**

- encouraged the urban service boundaries
- removed the requirement for needs analysis
- revised the indicators for urban sprawl
- added new test for determining if an amendment will generate urban sprawl

**Big Issues to be addressed relative the Special Area Plans:**

- Lake Talquin
  - The protection and enhancement of the natural features
  - Providing a mechanism for future development
  - Be a tool to engage stake holders and their opinions
- US 90 East Corridor
  - Preserving the view – must have dialogue with Midway
  - Discussion with State

**Proposed Approach**

- Schedule a meeting with Secretary of DCA or DCB and request that the Stipulated Settlement Agreement be amended to include only the special area plans for at Lake Talquin, US 90 East. Report to BOCC and take direction.
- Address the changes by HB707 and subsequent legislation
- Establish a special area plan working group and take input from stake holders
- Proceed to finalize and draft a plan

**Comments from the Board:**

Holt:

I am concerned about what may happen when it gets late in the process and it gets to the Commission for a vote. People have done all this work and they will have proposed things with which we may not agree. I am interested in having a workshop or meeting before a regular meeting to get regular updates before it gets that late in the process.

Sewell:

In addition to this meeting, two additional workshops are written into the schedule where Kimely Horn will present options to the board and take directions.

Lamb:

What part does the Planning and Zoning Board play in this?

Sewell:

The Planning Commissioner is basically going to hear everything that we do, similar to you. We have work shopped it. We gave them this same presentation. We anticipate some of the commissioner being in our working group so they can have representation in that group.

### **Bicycle and Pedestrian Master Plan Update**

The purpose of the study is to identify pedestrian, bicycle facilities, policies, changes in the county and provide recommendations for prioritized projects back to the CRTPA to acquire funding. Projects will be funded as they come out of the master plan.

Sewell:

I am going to step through the Scope of Work. This is a great opportunity for the county. It is really something that you all have never done before. So, it is the first cut at this.

Basically, we are going to develop bicycle and pedestrian facility recommendations, policy and design guidelines to assist the county in working forward. For example, if you all widen a corridor, we will provide guidance for design guidelines. To improve the safety of walking and bicycling. Also, integrate that with transit. As Star Metro starts its service up here, we want to make sure that we are tying into transit because every transit user is a pedestrian or a bicyclist before they get on that bus. We want to make sure that we are tying into that.

In our scope we have a task where we have identified a feasibility report to expedite a bicycle trail. We are undergoing an intensive data collection in your county. We are looking at every side walk, every school, we are looking at every major corridor and we are identifying what we call gaps – places where you need sidewalks or bike facility, but you don't have them. ..We are also going to be identifying strategies to identify possible funding sources. Outside of the CRTPA there is grant funding available, state enhancement dollars are available. Those grants go to municipalities and counties that have master plans or have a plan in place which identifies through public involvement what the needs and wants of Gadsden County are.

### **KEY TASKS**

- Data Collection – 90% complete
- Series of stake holder interviews – School Board, Sheriff's office, etc. Public Works, Chamber of Commerce, FDEP, Greenways and Trails, CRTPA, - one meeting held already with others scheduled with Parks and Recreation, TDC, and city representatives
- Project newsletters to provide information about the project. (The first one is about finished.)
- Safe routes to schools analysis
- Public Workshop on January 23
- Design guidelines and design considerations
- Final Report
- Bicycle Route Map

NEXT STEPS:

- Complete the stake holder interviews
- Develop draft recommendations
- Safe route to school analysis
- Presentation to citizens and seek their input as to priorities
- Feasibility Report on one identified bicycle corridor in Gadsden County and do the engineering and feasibility report so that it can be immediately funded by CRTPA and/or grant.

Chair Taylor called for questions or comments, but there was no response. She thanked Mr. Sewell for the detailed update.

**4. CLERK OF COURTS AGENDA**

Clerk Thomas was not present.

**CONSENT AGENDA**

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA TO WIT: ITEMS 5-13 BELOW**

5. Approval of Minutes August 22, 2011 Budget Workshop  
September 19, 2011 Budget Hearing
6. Ratification of Approval to Pay County Bills  
Accounts Payables Warrant Vouchers Dated: November 18, 2011  
November 23, 2011  
December 1, 2011  
Payroll Dated: November 17, 2011  
December 1, 2011
7. Approval of the 2012 County Commissioner Meeting Calendar
8. Request to Pay the Bills Incurred from the Veterans Day Celebration  
Quality Meats \$450.00  
Piggly Wiggly 119.91
9. Approval of Library Plan of Service 2011-2012
10. Approval of Partial Release of Mortgage for Philander Ennis Neal and Authorization for Chair to Execute Release
11. Resolution No. 2011-045 in Support of Water Management District Funding
12. Re-Appointment of **Commissioner Croley** to the Capital Regional Transportation Planning Agency

(CRTPA) Board as Gadsden County Representative

13. Appointment of Regina Davis to the Planning Commission as the At-Large Commissioner

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS**

Hilliard Reddick, Jr. (Dick) , 104 North Adams St. Quincy, FL addressed the board regarding the referendum for slot machines. He passed out copies of a newspaper article where it talked about how much money another county had derived from a similar business. He cautioned the board that if the referendum is successful and the initiative becomes a reality, to make certain that Gadsden County also reaps benefits such as those described in the article.

**GENERAL BUSINESS**

14. **Approval of Contract with Embarq Century Link**

This agenda item sought approval of a renewal maintenance contract with Embarq Century Link, which is a service agreement for the E911 system. The contract allows for service calls and labor.

Major Shawn Wood was present to answer questions regarding the contract.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 TO APPROVE THE CONTRACT WITH EMBARQ CENTURY LINK.**

15. **Request from City of Quincy to Acquire Fire Bell in the Supervisor of Elections Building**

Mr. Lawson reported that the building which presently houses the Supervisor of Elections at 16 South Madison Street was once the Quincy City Hall and Fire Department. The bell tower of the building still houses an antique fire bell which holds significant history. The City has expressed a desire to acquire the bell and use it on the site of their new fire station, which they plan to build. The City has agreed to bear all the expenses for removing the bell.

Fire Chief Howard Smith addressed the board briefly to insure them that everything possible will be done to preserve the bell. He also stated that the historical data will be displayed along with the bell at the new location.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO ALLOW THE CITY TO HAVE THE ANTIQUE BELL WITH THE UNDERSTANDING THAT THE COUNTY WOULD NOT INCUR ANY OF THE EXPENSE FOR ITS REMOVAL FROM THE BUILDING.**

16. **Reappointment of Member to the County Tourist Development Council**

Mr. Lawson reported that some terms have expired and there are two vacancies on the Tourist Development Council. The seats with expired terms are presently held by Lee Garner from the City of Chattahoochee and Jim Kellum, business owner in the Town of Havana.

Chair Taylor stated that she believed there were other vacancies as well.

Jeff DuBree, TDC Chairman, approached the board. He stated that his term would expire in September of 2012 and Hemant Patel's term would expire in December 2012.

Commissioner Croley thanked Jim Kellum for his years of service on the Council, but he said that he felt that Matt Thro would add a lot to the council as owner of H & H Furniture. He called attention to Mr. Thro's business background and educational experience. He pointed out that his appointment would be as a tourist business owner and not as town councilman.

**A MOTION WAS MADE BY COMMISSIONER CROLEY AND SECONDED BY COMMISSIONER LAMB, TO APPOINT MATT THRO TO THE TOURIST DEVELOPMENT COUNCIL BEGINNING JANUARY 1. THE BOARD VOTED 5 – 0 IN FAVOR OF THE MOTION.**

Chair Taylor then explained that the appointee from District 5 (her district,) Hemant Patel, had been unable to attend many of the meetings because he was out of town so much. Even though his appointment would not expire until December of 2012, she reasoned that he should be replaced sooner than the expiration of his term.

Commissioner Croley suggested that since his term had not expired, a better protocol might be to have the administrator contact him and learn the circumstances surrounding of his absences and discern whether he is still interested in remaining on the council.

Mr. DuBree stated that Mr. Patel has now returned from Washington D. C. and had expressed to him his desire to remain an appointee.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 4 – 1 TO APPOINT ALKA PATEL, OWNER OF HORSESHOE LOUNGE AND MOTEL TO REPLACE HEMANT PATEL FOR HIS UNEXPIRED TERM. COMMISSIONER MORGAN CAST THE LONE DISSENTING VOTE.**

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO APPOINT HERSELF TO REPLACE COMMISSIONER MORGAN FOR THE REMAINDER OF HIS UNEXPIRED TERM.**

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5- 0 TO REAPPOINT LEE GARNER TO HIS SEAT.**

Mr. DuBree pointed out that the fiscal year for the TDC runs with the State's fiscal year, which begins July 1 and runs through June 30. He suggested that they consider making appointment TO coincide with the fiscal year so that the new appointees would not come on board during the middle of programs or projects.

Summary:        Matt Thro was approved to replace Mr. Kellum  
                      Alka Patel was appointed to replace Mr. Hemant Patel

Lee Garner was reappointed.  
Chair Taylor appointed herself to replace Commissioner Morgan.  
Terms of appointments are to be revisited and possibly changed for all members.

**17. Notification of Permit Development Extensions for Anderson Columbia Portion of the Gadsden Station DRI**

Mr. Lawson reported that Anderson Columbia has notified Gadsden County of its intent to extend the Gadsden Station DRI development order by 6 years as authorized by the Florida Legislature in the 2011 session.

Growth Management Director Anthony Matheny gave a brief overview of the request explaining that he had no personal knowledge of the project other than what is on record.

**Darren Taylor with Carlton Fields Law Firm 215 South Monroe St. Tallahassee, FL** was present to explain the extension, which is provided with the information below. He summarized by clarifying that the extension would be **a total of 11 years** – all of which have been authorized by State Legislature to extend the time for developments to take place.

Gadsden Station is a DRI pursuant to Chapter 380.06, Florida Statutes. The DRI is a designation for larger projects that due to their size are presumed to create impacts for more than one local government. Gadsden Station consists of approximately 792 acres located along US 90 at the I-10 interchange within both Gadsden County and the City of Midway (Midway) (**EXHIBIT 1** attached is the current Master Plan of the DRI). The DRI is approved for industrial, commercial and hotel development and was originally approved by the Gadsden County Commission in 1987. Today, the majority of the DRI has been annexed into Midway which includes most of the property to the north of US 90 in 10-90 Commerce Park and the 55-acre Devoe Moore property north of Brickyard Road. **EXHIBIT 2** attached identifies the parcels in white that have been annexed into Midway. Other than the Anderson Columbia piece, which is 213 acres located south of Brickyard Road, the remainder of the property in the County is in isolated lots or undevelopable conservation lands in 10-90 Commerce Park.

Although Midway annexed most of Gadsden Station, it has never adopted a development order for its portion of the DRI which has created significant implementation and maintenance problems for the DRI. This extension is an automatic extension as authorized by the Legislature contingent upon the developer timely notifying the County. The County's authority is limited to verifying that notice was timely received and the extension meets the statutory criteria. The Anderson Columbia portion of the Consistency with 4-Year Extension- Gadsden Station within the County is a valid DRI, which means the development order has not expired. The developer has provided notice to the County prior to December 31, 2011. For these reasons, the Anderson Columbia portion of the Gadsden Station DRI is eligible for this extension.

Consistency with 2-Year Extension – Phase III of the Anderson Columbia portion of



the Gadsden Station DRI was extended in 2009 by 2 years. Section 73 of Chapter 2011-139 says if you received a 2-year 2009 extension and did not extend in 2010 you are entitled to 2 more years if you apply by December 31, 2011. The developer has provided notice to the County prior to December 31, 2011. The Anderson Columbia portion of the Gadsden Station DRI is eligible for this extension. Gadsden Station DRI qualifies for both the 4-year and 2-year extensions as described below.

Over time, the DRI has essentially separated into the following sections:

3. North of US 90- 524 acres composed of the 10-90 Commerce Park. This is where most of the development has occurred. According to the Applicant, the last master developer advised them that all lots have now been sold and there is no master developer or property owners association to respond to DRI legal requirements. There is no final plat. Some scattered parcels as shown by **EXHIBIT 2** remain in the County but the majority of the developable parcels are in Midway.
2. North of Brickyard Road — An undeveloped 55-acre parcel located in Midway owned by Devoe Moore. It has commercial, hotel and water park land uses.
3. South of Brickyard Road — A mostly undeveloped 213-acre parcel owned by the applicant, Anderson Columbia. The development order envisions this parcel as the Midway Business Park but, to date, only a railroad spar and asphalt and red-mix concrete plants have been constructed on-site. This is the largest undeveloped parcel remaining in the County's part of the DRI. While over 3.3 million square feet of industrial use were originally approved but remain undeveloped in the DRI, Anderson Columbia intends only to build approximately 290,000 SF of industrial use are in the planned Midway Business Parle

A significant amount of development has been approved adjacent to but not within the Gadsden Station DRI including a Florida Department of Transportation maintenance facility, the Flying J and Pilot truck stops, a concrete plant, and Fortune Center, a hotel and supporting commercial.

**Permit Extensions** Pursuant to Sections 54 and 73 of Chapter 2011-139, Laws of Florida, Anderson Columbia has submitted written notification of its intent to extend Phases III and IV of the Gadsden Station DRI by 6-years (attached **EXHIBIT 3**). This request only covers its property.

The Legislature in the 2011 session authorized two types of extensions as follows:

1. 4-Year DRI extension- A 4-year extension of all commencement, phase, build out and expiration dates for all valid Dries. (Section 54)
2. 2-Year permit extension – A 2-Year extension for all local government development orders and permits (including DRIs) that were extended for 2 years in 2009 but didn't also apply for and get the additional 2 years the Legislature meant to give again in 2010. (Section 73) The statutes require that, in order for the developer to receive the extension, the local government must receive written notification prior

to December 31", 2011. On October 26, 2011, Gadsden County received the attached letter which is **EXHIBIT 3** from the developer's representative, Carlton Fields PA, to serve as its notice of extensions. The letter also provides information on the background of the project, its history and issues that concern Anderson Columbia regarding the Gadsden Station DRI (**EXHIBIT 3**) *all* of which were discussed with staff and the county attorney at a meeting late this summer.

This will be the third and fourth legislative DRI extension for the Anderson Columbia property. In 2009 and 2010, Anderson Columbia received a total of 5 years in extensions also authorized by the Florida Legislature. Anderson Columbia is the only property owner in the Gadsden Station DRI to timely notify the County of these legislatively approved extensions even though all property owners of non-annexed property in the County are eligible. Property owners in Midway are not eligible because there is no valid DRI Development Order.

### **Analysis**

This extension is an automatic extension as authorized by the Legislature contingent upon the developer timely notifying the County. The County's authority is limited to verifying that notice was timely received and the extension meets the statutory criteria. The Anderson Columbia portion of the Gadsden Station DRI qualifies for both the 4-year and 2-year extensions as described below.

Consistency with 4-Year Extension- Gadsden Station within the County is a valid DRI, which means the development order has not expired. The developer has provided notice to the County prior to December 31, 2011. For these reasons, the Anderson Columbia portion of the Gadsden Station DRI is eligible for this extension.

Consistency with 2-Year Extension – Phase III of the Anderson Columbia portion of the Gadsden Station DRI was extended in 2009 by 2 years. Section 73 of Chapter 2011-139 says if you received a 2-year 2009 extension and did not extend in 2010 you are entitled to 2 more years if you apply by December 31, 2011. The developer has provided notice to the County prior to December 31, 2011. The Anderson Columbia portion of the Gadsden Station DRI is eligible for this extension.

**TABLE 2: Current Phasing and Build out Dates for Unannexed Remainder of Gadsden Station DRI**

PHASE DATES	CURRENT DATE
Phase I	EXPIRED
Phase II	
Phase III	
Phase IV (also Project Build out Date)	11/15/12

**Attorney Minnis:**

My understanding of this is that they are bringing you notification that they meet the criteria for the state extension. It is a matter of whether you want to authorize staff to approve those extensions or whether you at least want to be notified that they are going to get the extension and vote to accept the notification. That is what I understand that they are asking for.

Croley:  
What is your recommendation?

Minnis:  
It is not a legal recommendation; it is an administrative recommendation of whether the board wants to be apprised of the extension or whether you just want the staff to do it.

Croley:  
May I ask the administrator? What is your opinion of this? You are the one who has oversight.

Lawson:  
Commissioner, I would say that as long as this project has been going on and they have gotten extensions before without any progress having been made other than what they have done out there now. Personally, if it meets the statutory requirements, I don't really have any problems with it at this point.

Croley:  
Well, that satisfies me if you and Ms. Minnis are of one accord.

Holt:  
No one stated what the plans were. The bottom line is to not to say they don't have a right to extend. You want them to expand because they are in business. If there is something that needs to be updated or changed, excusing the law that says you can extend. I can come up here and get an extension on a building permit. It doesn't mean that I don't have a right to get an extension, but it means that I have to get it inspected every so often to show what I am doing. That's all. Everything could be great out there. It just means that you are approving something. What are you approving? Mr. Matheny just said, "I don't want all that weight on my shoulders." I don't blame him. It may take a minute to look at it. I could be at another meeting if you don't want to approve the extension today. I am just saying that we need to know what we are approving or not approving.

Matheny:  
Basically, the good thing that Mr. Taylor has already alluded to is when they come in to bring that plat back before you, if they have any development plans; they are going to go into details at that time about their development plans. So, nothing is happening right now. Hopefully, something will happen in the future that will create jobs. That is what we all want. So, he is going to talk about what that company plans to do in the future with that 200,000 sq. feet of development that he talked about. Ya'll will be able to approve or disapprove that when they come back for a new plat approval.

Holt:

That is why I questioned the 200,000 square feet – about bringing it back.

Taylor:

Commissioner, if I may clarify something. The extension is limited to simply the DRI, the development order and the master plan, which you have already approved. So, the issue on the preliminary plat – that has expired. We have no development rights established under the preliminary plat. We will have to come back and request those before you. You will have the opportunity for us to come back to you and request those. You will have the opportunity to review approval or even deny what it is that you will see as far as a new preliminary plat.

Morgan:

Mr. Taylor thanks for coming before us. Is not right that approval has been given to you for this extension by the Legislature and you are coming before us to give to do a formal presentation of a written notice that you have already provided to us and we are simply going to acknowledge that notice? Beyond that, I don't see a whole lot of discussion because nothing is going on right now. That being said, my question would be for the planning director, Mr. Matheny.

I think you may have commented and I do have a question for you. As far as you know, this meets all the statutory requirements that we need to adhere to at this point in time? I mean, you are the planning director, so you would know.

Matheny:

As far as I can tell, yes. Again, I am not a lawyer, but as far as I can tell, it meets all the state's requirements.

Morgan:

As far as the planning department, for you to be able to advise us, this meets the requirements of the serious concerns that we need to take a look at or be aware of?

Matheny:

I am comfortable with it and of course, they are working with Mr. Carlton Fields. They have legal counsel that I am sure they have looked at it, too.

Morgan:

Thank you. Mr. Taylor, do you have intentions of going before the City of Midway and inform them of this?

Taylor:

No, because our portion of the DRI has remained in Gadsden County and so all of our development rights are under Gadsden County. The property has never been annexed.

Morgan:

Just as a point of information, you might just let them be aware of what is going on.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER CROLEY, THE**

**BOARD VOTED 5 – 0 TO ACKNOWLEDGE RECEIPT OF THE WRITTEN NOTIFICATION OF THE STATE’S EXTENSION FOR SIX YEARS.**

**18. Discussion of Whether to Allow Staff to Waive All Permitting and Applications Fees for Churches**

Arthur Lawson advised the board that staff has received requests from several churches to waive the permit fees and application fees. He took the position that staff does not have the authority to waive such fees.

Commissioner Lamb could not go along with waiving the fees except in certain hardship circumstances that are brought to the board on a case by case basis. He could not support setting a different policy.

Commissioner Croley suggested that it could open a Pandora’s box and would oppose such policy just because they are churches. He was hesitant about entertaining the matter without having the attorney review it carefully.

Commissioner Holt stated that it would be very difficult to waive the fees for a set group. She would not want to give to churches what the county could or would not do for businesses. She was not opposed to making considerations after they come before the board for relief on a case by case basis. She suggested that it could have a substantial financial impact on that department.

Commissioner Morgan agreed that it should only be entertained on a case by case basis.

Commissioner Taylor summarized that it seems that the direction to staff was quite clear. Following discussion, directions were given to the staff to keep the same fee structure and policy in place just as it is. If a church has a problem with paying the fee, then they can appeal a staff decision and come to the board. It was the board’s desire to not put staff in a difficult situation.

**A19. Approval of Payment to Pay Invoice for \$66,663.00 to Carrier Corporation for Chiller and Pumps at the Gadsden County Jail**

In August of 2011, the chiller at the county jail quit working again after many years of repairs for various malfunctions. Staff had been aware of the urgency for some time and had advised the board that the chiller had to be replaced to avoid a complete shutdown. With a high inmate population, it became paramount to get a new chiller installed quickly as possible under emergency conditions of extreme heat and the overcrowded jail. The old chiller was originally installed in 1984 and had been repaired many times over the years. Typically, there would have been a six to ten week wait for the chiller, but under the circumstances, the overriding priority was to seek a vendor who could deliver the most expeditiously. The staff received quotes from multiple vendors. Carrier Corporation was the vendor who could guarantee the earliest delivery date, but Carrier insisted that it would have to be installed by a Carrier representative. Hodges A/C and Refrigeration does a great deal of work for the county and is a Carrier Representative. They were the most responsive of the contractors that were contacted.

For further details, see the attached agenda report.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0 TO PAY THE INVOICE TO CARRIER FROM THE CAPITAL PROJECTS BUDGET.**

**19. Approval to Pay County Jail Chiller Installation Cost to Hodges A/C and Refrigeration - \$34,000**

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0 TO PAY HODGES A/C AND REFRIGERATION \$34,000 FOR THE INSTALLATION OF THE CHILLER AND PUMPS AT THE COUNTY JAIL.**

Commissioner Croley inquired about the status of other buildings, which could likely be in a similar situation with chillers and pumps. Mr. Lawson stated that there is a problem with the chiller at the W.A. Woodham Justice Center and at the hospital.

Staff was asked to bring those projects back on the agenda at an appropriate time.

**20. Approval of Professional Services Agreement with Wood and Partners, Inc. for Landscape Architecture Services**

In 2009-2010 the Tourism Development Council embarked on an initiative to apply for funding to design gateways and improve roadside landscaping along the entrance points into Gadsden County. Most arterial roadways flowing through Gadsden County are maintained by the Florida Department of Transportation (FDOT). As such applications were made to FDOT for funding assistance with design of the gateway and landscaping projects in hopes the designs would be approved. It was subsequently funded for construction at \$14,286.00. Gadsden County entered into a LAP agreement with FDOT to release federal funds for the project on August 2, 2011. A bid (Bid 11-14) was advertised and awarded to Wood and Partners, Inc. The attached contract was the outcome of that bid award and was before the board for approval.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO APPROVE THE CONTRACT WITH WOOD AND PARTNERS, INC.**

**21. Approval of Florida Boating Improvement Program Grant Agreement for High Bluff Landing Improvements FWC Contract No. 10241 for \$51,908**

On November 2, 2010, the Board approved Resolution No. 2010-045 and authorized staff to seek funding through the Boating Improvement Program to renovate the boat landing, pavilion and fishing facilities located at High Bluff Landing. The Florida Boating Improvement Program is administered through the Florida Fish and Wildlife Conservation Commission. This program is a matching grant program and is used specifically to aid in the development and renovation of boating and fishing facilities. An application was prepared and submitted for the project and staff received the proposed Grant Agreement on November 7, 2011. The amount of the grant is \$51,908, which will fund the majority of the project. The 22.13% required match will be met using

current Neighborhood Services staff and prison inmates.

With the assistance for the grant, staff will renovate the docks, parking area, entrance and pavilion.

**UPON MOTION BY COMMISSIONER LAMB AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 TO APPROVE THE GRANT AGREEMENT AND AUTHORIZED THE CHAIR TO SIGN THE CONTRACT.**

**22. Approval of a Fixed Assets Policy for the Board of County Commissioners**

As part of the audit report prepared by Purvis, Gray and Company for FY ending September 30, 2010, the auditors recommended that the county adopt and implement a policy for fixed assets. The proposed policy is attached. The policy requires for a proper accounting of the assets and their location as well as their proper disposal.

Commissioner Morgan asked what prompted the adoption of the new policy. Mr. Lawson replied, "It was a management letter as a part of the last audit. They commented that the county should have a formal fixed assets policy in place. Several years ago there were a number of fixed assets when we bought all the IT equipment where there was no procedure in place as how to account for it, record it and put all these things into the record. Not only that, but it is a county asset and we want to be in compliance regardless of having a method of accounting for it."

Morgan:  
Have they reviewed this policy?

Lawson:  
Connie has and she is o.k. with it and she has gone over it with them.

Morgan:  
O.K. that is what I wanted to know.

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 5 – 0 TO APPROVE THE ATTACHED FIXED ASSETS POLICY.**

**22a Approval of Commissioner Lamb's travel to attend the Florida State Association of Supervisor of Elections Canvassing Board Workshop on December 8 -9, 2011 in Orlando, FL at a cost of approximately \$500.00 - 22A**

**UPON MOTION BY COMMISSIONER CROELY AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5 – 0 TO APPROVE COMMISSIONER LAMB'S TRAVEL AS NOTED ABOVE.**

**COUNTY ADMINISTRATOR'S AGENDA**

Mr. Lawson noted the following:

- Workshop with National Solar is being scheduled on December 13, 2011 at 6:00 p.m. at a time to allow for citizens participation.
- Legislative Delegation will be in Quincy on Monday, December 12, 2011 at 6:00 p.m.
- An agenda item will be brought forward to the next agenda regarding the Transportation Disadvantaged program for the board to consider funding for the In Town Shuttle Program.
- It was noted for the record that Commissioner Taylor and Commissioner Morgan were the appointees to the Small County Coalition.

**23. Small County Coalition Appointees**

See above.

**COUNTY ATTORNEY'S AGENDA**

There was discussion regarding the information that will be brought forward at the workshop on December 13 for National Solar. Ms. Minnis stated, "We are trying to get all the information we can to you and allow National Solar to be here so there can be an exchange of concerns from both sides so that we can get clear direction going forward on what the expectations are from this commission and from National Solar. It (an agreement) will be brought back at a later date for you to consider.

Commissioner Holt posed the question of what would become of the property if the company was not successful. She asked if they could consider a clause that says it would revert back to the previous owner. She asked, "How do we get it back on the Tax Roll?"

Commissioner Taylor stated, "It would be helpful if some of the commissioners concerns are highlighted or printed in red in the document we will be reviewing. It is a very intense document and I don't know how many shots we will get at it to get it to a place the things that the county is comfortable with it. We certainly do not want to hold up National Solar on it."

Commissioner Croley asked, "Would you mind checking out how eminent domain power – I don't want to get into a situation where we get a company in here not paying taxes and then they have the authority to come in and take people's property like a regular utility does. I want to make sure that we understand that up front and that it is seriously understood by everybody."

Commissioner Holt raised concern regarding the qualifications for employment with National Solar and she asked how many of the prospective jobs would benefit the citizens of Gadsden County. She asked that the number of jobs and their respective qualifications be a matter addressed at the workshop.

Commissioner Morgan asked, "How are we advertising this workshop so that the public will be clearly informed that it is going to happen on next Tuesday, the 13<sup>th</sup>? ...I think it would be wise to



go beyond the normal notification process.” He reminded the commission that Gadsden County was selected by National Solar to come and be the first in this type of industry... He commented, “Our job is to help facilitate something that we believe is going to be positive, sensible economic growth for Gadsden County and our citizens and our schools and our local government and remember that this is one industry that is making a profit. If they make a profit, that is great because that will insure their success and growth right here in Gadsden County. We reap from that and all those who pass through Gadsden County. It is critical that we understand that these type things all eyes are on us and how we respond to it. If it goes smoothly and they do get up and going, this can open the door for so many other things in Gadsden County. That needs to be our primary focus and we need to find a way to embrace a very positive opportunity, making sure we cover all of our bases, but we need to be very clear in how we are going to move forward. The message that we don’t want to send is that we are running around like a ant bed that just got stepped on. “

#### **COMMISSIONERS’ DISCUSSION ITEMS**

##### **Commissioner Lamb, District 1**

Commissioner Lamb had no report.

##### **Commissioner Croley, District 2**

Commissioner Croley had no report.

##### **Commissioner Holt, District 4**

Commissioner Holt remarked that the City of Quincy did a great job with the Tanyard Creek Park and she enjoyed the opening evening. She extended her thanks to the City of Quincy for their insight into doing things to improve the area inside the city limits.

She stressed the importance of getting the word out that there are two very important referendums that will appear on the ballot on January 31. She asked that it be announced at every meeting between this meeting and January 31<sup>st</sup>.

She asked Attorney Minnis a question regarding the letter from Mr. Johnny Williams. She said, “That was a new one for me – to have a letter turned over to the State Attorney’s office for review. I am looking for the process that leads to that type of thing. I know you need to do your due diligence, but such things needs to come back before this board and we need to look at it and decide on what we want to do with things like that.”

Ms. Minnis responded:

Just one point of clarification. The reason it was handled the way it was is because of Section 119 and Section 286. The assertions that were made in there and under those particular laws, there are particular duties and requirements placed on individuals who are made aware of violations of

those statutes. So, we were having to balance our legal obligation under those statutes with our representation for the commission as a board. Basically, we took the action we thought was most appropriate given those two obligations. There is a legal obligation if you become aware of those types of instances or violations that it puts on you, not only as a citizen, but as an attorney. Unfortunately, this went beyond just a disgruntled employee because of the assertions that made there. We did not make any decision as to right or wrong, yeah or nay. We felt that because of the statutory requirement, that was the better option to protect the board and everyone involved.

Holt:

Madam Chairman, I did not question the fact that you needed to do it. As you said, they were assertions. They were not facts and they were not violations of any type of state law. I am questioning the procedure that we take care of it. We always take care of what seems to be any violation. Your job, as an employee of this board, is to protect the board. But, I felt like you should have come back to the board and asked, "How do we handle this?" You give us your legal advice and we take care of it. That way, there was no violation of the Sunshine Law anyway. At this board is where the problems should be taken care of. That is why I said that we need to look at that.

I don't think that needs to be an agendaed item. I think we need to think about that one a little bit so we can make sure that we take care of those issues. I don't know if it needs to be an agendaed item.

I still am asking that we take that pack of boards and commissions and their duties to sit down and put it on the agenda. We need to have that on the agenda to look at it and see if we can make some decisions about some of these boards that were appointed. If they are dysfunctional, we need to get rid of them. If we need to reappoint, some of the people on these boards have died, but their names are still on the board. So, we need to go back and put that on an agenda. That is in the form of a motion.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER CROLEY, THE BOARD VOTED 5 – 0 BY VOICE VOTE TO PLACE AN ITEM ON THE AGENDA TO DISCUSS ALL THE BOARDS AND COMMISSIONS THAT ARE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS.**

**Commissioner Morgan, Vice-Chair, District 3**

Commissioner Morgan asked to agenda a request to increase the funding of the lobbying contract to adequately defend the possible legislation action against Florida State Hospital.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER LAMB, THE BOARD VOTED 3 – 2 BY VOICE VOTE TO AGENDA A DISCUSSION REGARDING INCREASING THE FUNDING FOR THE LOBBYIST CONTRACT. COMMISSIONER HOLT AND TAYLOR OPPOSED.**

**Commissioner Taylor, Chairperson, District 5**

Chair Taylor cautioned the commissioners about making remarks about items that will be discussed around the diocese to the public as a representative of the board when permission has not been granted to make such representation.

She asked Mr. Lawson to continue the past practice of making written updates on the matters that the board has directed staff to do and placing it in their agenda notebooks. She specifically cited, privatization of probation, outside mowing, redrawing district lines.

She posed the possibility of moving toward hiring a new administrator. (This was her opinion, not a motion.)

She stated that several citizens have come to the board requesting installation of handicapped ramps. She asked the administrator to look into the matter to see if the emergency repair funding could be used for this type of thing. (This was not a motion to add this item to the agenda.)

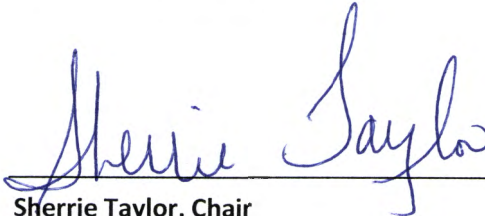
She agreed with Commissioner Holt that there should be a process and procedure developed for handling legal matters.

**Receipt and File**

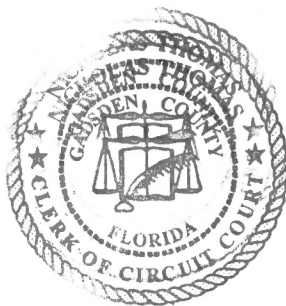
- 27a.** Letter from the Florida Department of Revenue Regarding the Truth in Millage Certification (TRIM)
- 27b.** Letter from the Florida Department of Revenue regarding the Maximum Millage Calculation Final Disclosure
- 27c.** Letter from the Florida Department of Health Regarding the Activities and Expenditures Report for the 2011 Fourth Quarter

**ADJOURNMENT**

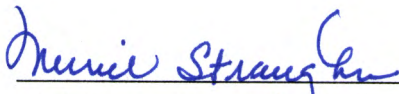
THERE BEING NO OTHER BUSINESS BEFORE THE BOARD, THE CHAIR DECLARED THE MEETING  
ADJOURNED AT 8:15 P.M.

  
\_\_\_\_\_

Sherrie Taylor, Chair



ATTEST:

  
\_\_\_\_\_

Muriel Straughn, Deputy Clerk