

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON JANUARY 15, 2013 AT 6:00 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ:

Present: Doug Croley-District 2, Chairman
Eric Hinson-District 1, Vice-Chair
Sherrie Taylor-District 4
Brenda Holt-District 5
Nicholas Thomas, Clerk
Debra Minnis, County Attorney
Robert Presnell, County Administrator
Marcella Blocker, Deputy Clerk
Muriel Straughn, Deputy Clerk

Absent: Gene Morgan, District 3

INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL

Chair Croley called the meeting to order at 6:03 p.m. and requested that all speakers who wished to address the Commission file a "Speaker Request Form" with the Clerk.

Chair Croley extended heartfelt condolences to Arthur Lawson and his family on the recent loss of their Mother.

He then opened the meeting with a silent prayer and the pledge of allegiance to the U.S. flag.

AMENDMENTS AND APPROVAL OF THE AGENDA

There were no amendments to the agenda.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE AGENDA AS PRINTED.

PRESENTATIONS AND APPEARANCES

1. Brownfields Grant Update

Roger Register, Project Manager of, Cardno TBE, Tallahassee, FL, appeared before the Board and gave an update on the Brownfields grant awarded to Gadsden County by the US Environmental Protection Agency. He gave information to the Board Members that listed the successful accomplishments to date. (see attached report) He reported the following:

- Eight sites within the county have been inspected and assessed for environmental contamination as part of "Phase I" of the grant.

Commissioner Taylor stepped out of the chambers at this juncture.

- Four other property owners have recently requested an environment assessment of their properties.
- Four Phase II Assessments have been completed. (Quincy Middle School, abandoned hotel in Havana, former Greensboro Elementary School, former Northside High School in Havana)
- On-site work is planned to remove some underground storage tanks at the Quincy Middle School in February as the “Phase II” activity.
- The Town of Havana was able to demolish the old hotel site on North US 27 using the grant dollars. (The demolition is complete)
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Commissioner Taylor returned at this juncture.

- There is an EPA Brownfield’s revolving loan fund grant that will begin its next loan cycle in September 2013. The county will have an opportunity to apply for those funds and leverage it with the assessment grant to effectuate small loans as well as major loans to the private entities that would be developing on Brownfield sites. In addition, the application could be sub-granted to non-profit entities to do clean-up of sites that have potential for contamination or actually have contamination. He will work with county staff or order to move forward with possible opportunities.
- There are other additional grant opportunities available, both state and federal, and he committed himself to work with staff to identify the ones that would be applicable to the County and its citizens.

Commissioner Croley called for questions from the board. There was no response. He then asked, “When you go in and do mitigation on these properties – I see that most of these appear to be public properties, but, if you identify something on private property, does the land owner have to pay for part of this clean-up? How does that work. ?

Mr. Register replied, “Just to clarify, on any of the sites that have been selected even for an assessment, we have to have permission from the land owners to go forward. Under the clean-up grant, there is no cost to the property owner. There is a 20% cost-share under the revolving loan fund grant that the County would have to come up with, but there is no cost to the property owner.

Chair Croley then asked, “If you decide to do the mediation and it qualifies for the loan, this county government would have to put in 20% for any cleanup in the unincorporated areas?”

Mr. Register responded, “Actually, any site that lies within a municipality or the unincorporated areas that qualifies for this program under the revolving loan fund program as long as it is within Gadsden County...Part of the requirement for the revolving loan fund program is a 20% cost-share. That could be in-kind services or the County could get the individual who was receiving the loan to pay a loan fee or broker’s fee toward the 20% cost share.

Chair Croley followed with another question, “But, you will get with the administrator before you pursue anything?”

	Mr. Register answered, "Absolutely."
<u>CLERK OF COURTS</u>	
Chair Croley introduced the next item, which were reports to the board from Clerk Thomas. . Deputy Clerk, Muriel Straughn stated the Clerk would like to make the items part of the record. and Chair Croley asked the other commissioners if they had any questions.	
2.	Cash-in-Bank Report
3.	<p>Debt Management</p> <p>Commissioner Holt stated the Clerk had included several examples of Debt Management policies from other counties, but none of them was similar in size to Gadsden. She said the she would like for the administrator and the Budget Director to contact Florida Association of Counties (FAC) to seek their input to a Debt Management Policy. She pointed this out because several years ago, the FAC filed suit against the Clerk’s Association because there was a dispute that ended in a lawsuit, which lasted approximately two years. She cautioned that the board should be as less restrictive as possible to entice economic development.</p> <p>Chair Croley stated she raised good points. He suggested that when the board conducts the upcoming revenue workshop, it might be a good time to allow the commissioners to discuss the debt management policies as well.</p>
4.	Presentation of County Finance and County Clerk Issues
<u>CONSENT</u>	
UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS PRINTED. (ITEMS 5-12)	
5.	Ratification of Approval to Pay County Bills
6.	Approval and Signature(s) for Satisfaction of Special Assessment Lien(s) State Housing Initiative Partnership (SHIP) Program for Thomas Gatlin.
7.	Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts-State Housing Initiative Partnership Program (SHIP) and BOCC Emergency Repair Program for Sophie Zanders
8.	Approval of New Appointment to Library Commission – Ms. Julia McNeal Branch to replace Carl Daniels as District 5 Representative.
9.	<p>Approval of CSX Railroad Invoice for Repairs to Brickyard Road Crossing Totaling \$38,818.15</p> <p>The county is contractually and statutorily obligated to pay for the maintenance costs of the railroad crossing on Brickyard Road. The bill would be paid from the Gadsden County Public Works Budget for 2012/2013. It was suggested that future budgets include a line item for railroad crossing for \$40,000 because it is difficult to anticipate when a crossing will need repair.</p>
10.	Approval to Appoint Commissioner Gene Morgan as BOCC Representative and Commissioner

	Eric Hinson as Alternate to the Tourist Development Council (TDC)
11.	Approval of Appointments to Apalachee Regional Planning Council (ARPC) Brenda Holt as the representative with Sherrie Taylor as the alternate.
12.	Approval of Physio Control Technical Support Agreement for Cardiac Monitoring Equipment The fee under the proposed agreement is \$7,528 and is payable in one installment. The expense is budgeted as a line item in the EMS Operations budget.
<u>ITEMS PULLED FOR DISCUSSION</u>	
No consent agenda items were pulled for discussion.	
<u>CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS</u>	
No one requested to address the board.	
<u>PUBLIC HEARINGS</u>	
13.	<u>Public Hearing-Approval of Budget Amendment Request to Authorize Expenditure of the Courthouse Facilities Reserve and Anticipated Fund FY 12 to Replace the Roof of the Gadsden County Main Courthouse Resolution 2013-002 and Budget Amendment BA # 130011</u> Chair Croley announced that this proceeding was a Public Hearing and the Chair would entertain questions and comments at the appropriate time. The amendment had to be approved by Resolution at a Public Hearing because it increased the budget. He then called for the Court Administrator to state the need for this budget amendment. It is noted here that the year 2013 marks the 100 th anniversary of the existing courthouse. The courthouse has been in continual use since 1913 even though the construction began in 1912. The repairs to be discussed amounts to \$326,295.00. See the attached agenda report to see the details of the necessary repairs. Grant Slayden, Court Administrator, Second Judicial Circuit , appeared before the Board on behalf of Chief Judge Charles A. Francis. Mr. Slayden stated this was a budget amendment for \$326,295 to repair the courthouse roof, to allow for main courtroom infrastructure upgrades, replace the carpeting, and \$12,000 for the Public Defender’s Office for minor work. Nancy Daniels, Public Defender, Second Judicial Circuit , appeared before the Board concerning the need to replace ceiling tiles and the H/AC ductwork that had mold growing in them. She asked that the more serious repairs be done at this time and defer the cosmetic repairs until a later time. She added that their office was in need of more office space also. Nina Moody, Chief Assistant Public Defender , appeared before the Board and reiterated what Ms. Daniels had stated.

Commissioner Holt stated that at one time, there was a plan to relocate the Public Defender as well as other offices. However, it was not accomplished. She asked to see if they could get a bid that coincided for both facilities.

Chair Croley asked Mr. Slayden back to the podium and asked some procedural questions of him concerning the bidding process.

Commissioner Hinson stated he concurred with the Public Defender, especially in light of the economic shortfall. He said that he felt like their roof and ceiling should be taken care quickly. He concluded that the county could deal with the other cosmetic items in the next budget year.

Commissioner Taylor had questions for Building Official Clyde Collins and he came forward. She asked Mr. Collins if there was sufficient money in the fund to cover both facilities.

He replied that the roof over the Public Defender's Office had already been repaired...

Mr. Presnell commented he was not aware of the extent of the repairs that were needed in their office, but based on a previous inspection; those repairs will cost more than \$200,000. He further explained that the ceiling would have to be done at one time and it would be a big-ticket item as well as the ductwork.

Commissioner Taylor said she agreed with Commissioner Hinson because it could become a health issue and it should become a priority.

Chair Croley explained that the option before the Board was to approve the budget amendment and then allow the bids to go out roof repairs for the historic courthouse. Following that, the staff could find out what funds might possibly be available for further repairs. At such time, the board would be a position to make an informed and intelligent decision about how to proceed to accomplish the other repairs.

Commissioner Taylor stated this was a public hearing and it could be discussed at this time.

Mr. Presnell stated they had the costs estimates, but it was a couple of years old.

Commissioner Hinson asked how the figures had been obtained and Mr. Collins replied that an architect and a roofing contractor had inspected the roof and they had established the anticipated costs and prepared budget numbers accordingly. He explained that they would not really know how bad the roof is until the roof was opened up, but the projected costs were based on the "worst case scenario."

Commissioner Hinson further stated that the mold issue should be addressed quickly but the cosmetic issues could wait.

Commissioner Holt asked the Public Defender how many offices there were in the PD's building and Ms. Daniels responded, "10 or 11."

Commissioner Holt commented that a new building could be built for the price of the repair.

	<p>Chair Croley asked that they return to the budget agenda item and called for a motion.</p> <p>With no more questions from the commissioners, Chair Croley called for public input – for or against the budget amendment. There was no response.</p> <p>UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE BUDGET AMENDMENT AS STATED.</p> <p>Chair Croley asked Mr. Presnell to re-evaluate the situation at the Public Defender’s Office and report back to the Board on his findings.</p> <p>Mr. Presnell said he would personally visit the Public Defender’s Office.</p>
<p><u>GENERAL BUSINESS</u></p>	
<p><u>14.</u></p>	<p><u>Cost Sharing Agreement between the Second Judicial Circuit of Florida, Gadsden County and the Five Other Counties in the Second Judicial Circuit for a Circuit-Wide Integrated Computer System</u></p> <p>Grant Slayden, Court Administrator, Second Judicial Circuit, appeared before the Board and stated he was looking at a cost sharing agreement between the Court and the six counties in the Second Judicial Circuit and asked for the Board’s support of the concept at this time. He stated it had been mandated that the Courts go to an e-filing system in the criminal and civil offices and they were looking to purchase a viewer to be able to look at the paperless documents that would be filed with the Court system.</p> <p>Commissioner Taylor asked if it was their intention to ask for additional funding. She also asked what they were willing to reduce in order to remain within their budget.</p> <p>Mr. Slayden acknowledged that would be discussed during the next budget discussions.</p> <p>Chair Croley asked about the purchase of the required hardware and if it would be shared between the counties. He mentioned that the County had invested a great deal of money for a heavy-duty IT server system that was located in the TCC building that the Sheriff’s Office now occupies. He asked him to look at that to see if it could be utilized.</p> <p>Mr. Slayden stated that might be a possibility and he would look into it.</p> <p>Commissioner Taylor stated the figures before the Board were based on the participation of the six counties. She asked what would happen if one or more counties opted out.</p> <p>Mr. Slayden responded, “If one or more county withdrew from the program, then the total cost of the project and monies given to the contractor would be reduced by the pro rata share.”</p> <p>UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE CONCEPT OF A COST SHARING FOR A CIRCUIT WIDE INTEGRATED COMPUTER SYSTEM.</p>

15.	<u>Approval to Renew Service Contract with AllCol Technologies, Inc.</u> UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE ALLCOL TECHNOLOGIES SERVICE CONTRACT FOR \$12,000 TO BE PAID IN MONTHLY INSTALLMENTS OF \$1,000 PER MONTH PLUS \$85.00 PER HOUR FOR ON-SITE SUPPORT.
16.	<u>Approval to Extend the Contract for County Auditing Services with Purvis, Gray and Company of Tallahassee, FL</u> Chair Croley introduced the item and Mr. Presnell explained that the County currently had a contract with Purvis, Gray and Company that was expiring after they deliver the 2012 Audit Report. However, the contract allows for extensions. Commissioner Taylor stated she would prefer that RFP be advertised rather than renew the contract. Chair Croley asked the attorney to discuss the bid process. Attorney Minnis stated that this service did not need to be bid out each year. She explained that the current contract could be extended legally. Chair Croley asked Mr. Lawson to clarify how those items were normally handled. Mr. Lawson appeared before the Board and explained the contract had been bid in 2010 and there was a provision in the contract that says it could be extended for 2 terms. He added that the county's Procurement <u>Policy</u> allows for that. He went on to explain that the Clerk's Office had requested that the contract be extended this time because of recent staff turnover. He explained that the person who prepared the financial statements in the past was no longer employed with the Clerk's Office. The new person would need specific training and Purvis Gray and Company has agreed to provide that training to her. Commissioner Holt asked Mr. Lawson when the contract would be up and he responded that it would expire at the end of the 2012 audit, which had recently begun. She further asked who decided what they (the auditors) looked at and she said the County possibly could save some money by going out for bids. She concluded by saying, "Sometimes it's not a matter of which one is cheaper, but a matter of which one would be better." Mr. Lawson explained that the audit process was a difficult one and the more the auditors did, the more it would cost the County. He continued by saying that Purvis, Gray and Company were familiar with what needed to be done and what was required. He further added that the finance director agreed with them regarding the RFP, but she urged them to extend it for at least one year in view of the circumstances. . Commissioner Hinson stated there were plenty of competent individuals and college graduates who can do the job and are out looking for work. It was his opinion that this contract should be

	<p>bid out.</p> <p>Chair Croley said Commissioner Taylor had raised good points about the contract being bid out, that Commissioner Holt had made good points along with Commissioner Hinson. He suggested a compromise with a one-year extension and then to re-bid this contract.</p> <p>Commissioner Holt made a motion to table this item until the next meeting but the motion died for lack of a second.</p> <p>Commissioner Taylor commented that Commissioner Holt was right but audits were time sensitive and needed to move forward because the funding was based on the audit and did not need to be hindered.</p> <p>UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0 BY VOICE VOTE TO EXTEND THE CONTRACT FOR ONE YEAR AND REQUIRE IT TO BE BID OUT AFTER THE ONE YEAR.</p> <p>Commissioner Hinson stated that he had voted for this matter just to go along with the consensus on the board. However, he stated that he has some hesitation about it because it appeared that someone was not doing their job and he feared that this extension might send the wrong message to the citizens.</p> <p>Chair Croley asked that it be made clear to Clerk Thomas that, in the future, a representative from his office should be present to explain and defend their request to the Board when items of this nature were presented.</p>
<p>17.</p>	<p><u>Approval of Local Agency Program Agreement (LAPA) for Salem Road Paved Shoulders Project Resolution 2013-001; CFDA 20.205 – Safety Improvements to CR 159 (Salem Road)</u></p> <p>Chair Croley introduced this item and Mr. Presnell explained that this was the safety enhancement project for Salem Road that had been previously voted on and this was the paperwork to proceed.</p> <p>UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE AGREEMENT.</p>
<p>18.</p>	<p><u>Approval of Interlocal Agreement between Gadsden County and the City of Gretna and Authorize Chairperson to Execute It for the CDBG Grant with Department of Community Affairs Disaster Recovery Initiative (DRI) \$109,418.80 for Stabilization work on Canty Lane in Gretna.</u></p> <p>Chair Croley introduced the item and Mr. Presnell explained the Interlocal Agreement was needed with the City of Gretna and was necessary for the Grant that had been obtained to fix storm water issues and flooding issues on Canty Lane in the City of Gretna for \$109,418.80.</p> <p>UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE AGREEMENT.</p>
<p>19.</p>	<p><u>Planning Commission Member Appointments</u></p>

Mr. Presnell stated that some Planning Commission members' terms were expiring at the end of this month. They were as follows:

- District 1- Ronny Butler and David Tranchard
- District 3 - Frank Rowan and Mari VanLandingham
- District 5 – Catherine Robinson, Edward Allen

Growth Management Director Anthony Matheny reported that District 1 Commissioner Ronny Butler had expressed a desire *not to return*, but the remaining commissioners had expressed their desire to return upon their commissioners' approval.

Commissioner Holt appointed Edward J. Dixon to replace Mr. Willard Rudd even though his term had not expired. There was discussion following regarding the matter of proper procedure since this appointment had not appeared on the agenda and the advertised notices.

Chair Croley called on the attorney for advice.

Attorney Minnis suggested that Mr. Rudd's replacement be deferred until the next agenda in order to give Mr. Rudd an opportunity to respond if he so desired. She stated, "You are allowed to amend your agenda with unagendaed items. My concern is the lack of notice to any individual who might want to come forward and speak on behalf of Mr. Rudd or for him to come and try to convince you to keep him on as a Planning and Zoning member. They have not had an opportunity to do that tonight. Therefore, my suggestion is more to do with the spirit of the open meetings law rather than say that you absolutely cannot change your agenda. My concern is that it is not anywhere on the agenda that he was going to be considered for replacement."

Holt:

Therefore, procedurally, you are not saying that it cannot be done.

Minnis:

To my knowledge, there is nothing that says you cannot amend your agenda. My suggestion would be in keeping with the spirit of the law to bring it back at the next board meeting in order to give those that may want to speak on Mr. Rudd's behalf an opportunity to do so.

However, Commissioner Holt did not withdraw her appointment.

Chair Croley recited the Rules of Procedure found in each commissioner's notebook, which states the agenda can only be amended by a consent of the whole commission. He asked that the board follow the attorney's suggestion.

Commissioner Holt asked Ms. Minnis, "Where is it in the procedures that says that there is only one place on the agenda where we can amend it?"

Ms. Minnis replied, "It is in the ordinance for the administration and running of your meetings."

District 1 appointment - Commissioner Hinson appointed William Chukes to replace Ronny Butler and reappointed David Tranchand.

District 5 - Commissioner Taylor reappointed Mr. Allen and Mrs. Robinson.

Commissioner Morgan was not present, but the agenda report requested the reappointment of the members serving from District 3 – Frank Rowan and Mari VanLandingham.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE NEW APPOINTMENT OF WILLIAM CHUKES AND REAPPOINTMENTS OF THOSE WHOSE TERMS WERE EXPIRING AS STATED IN THE AGENDA REPORT WHICH INCLUDED THE REAPPOINTMENTS OF DAVID TRANCHARD, ED ALLEN, CATHERINE ROBINSON, FRANK ROWAN AND MARI VANLANDINGHAM. :

*****For the sake of clarity, later in this proceeding, the board revisited the Planning and Zoning appointments at which time the agenda was amended and a vote was taken to appoint Edward J. Dixon as representative for District 4, replacing Willard Rudd. The following list reflects the board's comprehensive action as it relates to Planning and Zoning Commission appointments. See Page 18 of this set of minutes for details of Mr. Dixon's appointment..

- District 1- William Chukes (replacing Ronny Butler) and David Tranchard (reappointed)
- District 3 - Frank Rowan and Mari VanLandingham (reappointed)
- District 4 – Edward J. Dixon (appointed to replace Willard Rudd)
- District 5 – Catherine Robinson, Edward Allen (reappointed)

20. Notice of Intent of the Property Appraiser to Enter into a Contract for Cell Tower Valuation as Proposed by Cell Tower Solutions (CTS)

Chair Croley introduced the item and Mr. Presnell stated he and Property Appraiser Clay VanLandingham had met with a contractor that specialized in evaluating cell towers and its associated equipment.

Mr. VanLandingham appeared before the Board and stated he was seeking Board approval for the contract with Cell Tower Solutions to assist his office in re-evaluating the cell towers in Gadsden County and to train his staff to appraise the value on cell towers and equipment attached thereto. He further stated the terms of the contract were acceptable and they kept their maximum costs to \$66,000 and expected the minimum cost to be \$57,750.

He went on to explain that he did not know about the availability of this service until after the budget season was over, so it was not included in his current budget. However, Cell Tower Solutions agreed to a \$3,000 expenses only payment out of this current fiscal year. He further added that the remaining balance of the first 50% would be due October 4th 2013 then 25% would

be due when the value adjustment appeal period is over. (CTS is committed to be present to represent the County at the Value Adjustment Board (VAB) Hearings.) The final 25% would be due when the taxpayers paid their bills. Mr. VanLandingham added this would be a significant increase in cell tower evaluations and would result in more ad valorem tax revenue to the county.

Commissioner Hinson asked if the budget would need to be amended for the \$3,000.

Mr. Presnell responded, "No sir, the property appraiser will cover that \$3,000 out of his current operating budget. What he's looking for is a guarantee from this Board that we will fund the remaining \$57,000 during the budget process. That's what he's seeking tonight."

Mr. VanLandingham added that his budget next year would include the balance owed.

Mr. Presnell added it would generate approximately \$90,000 in new revenue that the Board would realize immediately. Every year thereafter, there would be an increase of revenue.

Commissioner Hinson asked if the company had submitted any references and Mr. VanLandingham responded the company had worked all over and he had contacted a couple of appraisers for feedback about them. Other property appraisers had only glowing recommendations.

Commissioner Taylor asked, "When the time comes to approve the new budget, where the money would come from?"

Mr. Presnell explained the money would come from the increased revenues.

Commissioner Holt was concerned with the monies due October 4th because it would be 4 days into the new fiscal year when, typically, there will be a cash crunch because no revenue would have been collected by that time. She stated that, if approved, this expenditure would need to appear in the first draft of the budget to insure it did not get lost in process.

Mr. Presnell explained there is always a crunch at the beginning of a new fiscal year until the tax collector begins to collect the ad valorem tax dollars. However, the Clerk's Office would have fund balance or reserve funds that could be used as cash flow until the tax collector begins receiving property taxes in late November and December. He stated that cash flow should not become a problem. .

Chair Croley asked if the cell tower was considered tangible personal property and what made the evaluation of this type of tangible personal property different from any other tangible items.

Mr. VanLandingham explained, "One reason, Commissioner, is the speed at which the technology is changing in this industry. It is hard to keep up with it on a daily basis. We have gone from 2G to 3G to 4G. Who knows what is next? The carriers are putting more and more capacity on the towers to carry more and more data that you and I and everyone in this room have probably been pushing through these machines and various other kinds of machines. It helps us keep up to date with that equipment change as it goes through. These folks document every carrier on the tower, the number of feet of cable, the type of electronics that are there, the cabinets, the ice dams, backup generators, etc. They take care the whole site itself. Not only the new technology, but

what is used on that site to keep the technology running.”

Chair Croley said, “I can appreciate the need to properly document things, but how do we as a commission obligate ourselves with the agreement when we don’t really know that we have a dedicated source of revenue? I see the merit in doing it, but how do we know what it is going to generate?”

Madam Attorney, are we legally able to make that kind of commitment under State Law?”

Mr. VanLandingham responded, “In the agenda request, the last paragraph is titled “Guarantee.” Cell Tower Solutions guarantees in the contract that cell towers will produce revenue after fees are collected. In the event that collections are less than the agreed fees, Cell Tower Solutions will rebate a portion of the fees as calculated in the contract.”

Chair Croley then asked, “Concerning the Value Adjustment Board, the Board is supposed to keep an open mind about the Petitioner coming in and saying that you have misvaluated them. I want to make sure that that doesn’t create a problem when we are entering into an agreement that is going to guarantee this revenue coming in. If we are going to sitting as a quasi-judicial body and by the way, did we go with the magistrate process?”

Straughn:
Not yet.

Croley:
I think you can appreciate why I am asking that question because if we make an agreement as commissioners and they guarantee that we are going to get all this money back. That seems a bit unfair to the people who may be appealing to us on the Value Adjustment Board that we didn’t evaluate them correctly. .

VanLandingham:
Isn’t that the reason for the Value Adjustment Board? Whose valuations are right?

Croley to Attorney Minnis:
But, we are supposed to be sitting in a quasi-judicial situation. Are we not? I am looking for guidance here. I think you see my point.

Minnis:
I have not been asked to look at this issue so I have not delved down into the details.

Croley to VanLandingham:
In your research with other property appraisers...Has this come up and has this been a problem, or did you ask?

VanLandingham:
They worked a similar agreement with Angela Gray in Jefferson County and it was not an issue.

Croley:

I am in agreement with giving you the assistance, but I just want to make sure that it doesn't come back to be an issue. I am not agreeing to obligate this board for \$63,000 that we may or may not have. I understand about the guarantee.

VanLandingham:

In the event that the collections are less than the agreed fee, they will rebate.

Croley:

That is it for me, Commissioners. Do any of you have any other questions or are you ready to take action on the item?

Hinson:

I strongly concur with what you are saying. When I was on the School Board, we dealt with a similar situation only it was dealing with energy. The company guaranteed that we would get all this money back. Three years later, we had a bunch of "I was, I was, I was... You know the cost of utilities went up and so on."

So, what are the variables that may apply to this or may slow down us getting additional money from this?

VanLandingham:

I don't think there are any variables, Commissioner. I think the only variable that they may discover is that there are additional unregistered towers that are taxable within the county that we are not aware of.

Hinson:

So, you see more pluses than minuses on this?

VanLandingham:

Yes, sir. Any towers under 200 feet are not required to be register with the FCC. I know that we have a few of those in the county, but there is a possibility that there are a few more.

Hinson:

I am glad you are thinking outside the box. Crazy ideas can sometimes be the best ideas.

I was just thinking, and I am not sure that this applies, but I am just being consistent with the board in what we talked about earlier when we just went against the Clerk of Court and land blasted him about following the bidding practices. So, did you have any competition out there?

VanLandinham:

No, sir.

Hinson:

No other competition. That is it.

Holt to VanLandinham:

	<p>Mr. VanLandingham, are considering looking at towers on private property?</p> <p>VanLandingham: Yes, Ma'am.</p> <p>Holt: That was just something I was wondering about, whether they were conforming to our regulations. I am very interested in those. There are quite a few of those. I don't know if you are looking at the same ones that I am looking at or not. When I ride around, I wonder about that. There was one in Midway before and they were not being paid for the antennas they had. They thought they had 10 and they ended up with about 30 that they did not know anything about. They were going by the contract they had and they should have been receiving a lot more money than they were getting.</p> <p>VanLandingham: There will be a physical inspection, Commissioner of each tower site in the county. Then a list of what is on there, and the carriers and what not.</p> <p>Holt: Sounds great.</p> <p>Payment terms were explained earlier in the discussion, but are listed here again for reference along with the contract approval. To assist the county in budgeting, CTS will agree to an expenses only first payment of \$3,000 payable when the reports are submitted to the County. The remaining balance of the 50% will be due on October 4, 2013. An additional 25% is due when the VAB appeals process is over and the final 25% when the taxpayer pays the revised tax bill.</p> <p>UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0 BY VOICE VOTE TO ACKNOWLEDGE THE CONTRACT BETWEEN THE PROPERTY APPRAISER AND CELL TOWER SOLUTIONS AND THAT \$63,000 WILL BE BUDGETED AND PAID IN THE FY14 BUDGET FOR THE PROPERTY APPRAISER.</p>
<p><u>COUNTY ADMINISTRATOR</u></p>	
<p><u>21.</u></p>	<p><u>Update on Board Requests</u></p> <p><u>Workshop – Revenue, Debt Management, Transportation</u></p> <p>Mr. Presnell asked to schedule a workshop date for February, preferably the 21st to discuss revenue and transportation issues.</p> <p>Commissioner Hinson asked if the workshop could be held at 4:30 on a Tuesday before the meeting.</p> <p>Commissioner Taylor stated she would rather come in early before the meeting rather than hold the meeting on a Thursday.</p> <p>Commissioner Hinson proposed to meet on Tuesday, February 19th at 4:30 to start the workshop, end the workshop at 6:00 and then start the board meeting.</p>

THERE WAS A CONSENSUS OF THE BOARD TO SCHEDULE THE WORKSHOP DISCUSSING REVENUE, DEBT MANAGEMENT POLICY AND TRANSPORTATION FOR FEBRUARY 19TH STARTING AT 4:30.

Retreat

Commissioner Hinson asked to reschedule the Board Retreat after his commissioner training that would be held in March.

Surface Water Quality

Chair Croley asked Mr. Presnell for an update on the surface water quality database and the hazardous waste pick-up.

Mr. Presnell said Mr. Matheny had shown him a map two weeks ago and the mapping of permitted sites had been started.

Hazardous Waste Pickup

Hazardous waste may be dropped off at public works every Thursday afternoon.

Chair Croley asked how the public was informed of this.

Mr. Presnell responded that ads were placed in the paper when they have the large pick-ups scheduled.

COUNTY ATTORNEY

22. Update on Various Legal Issues

National Solar

Ms. Minnis said she had recently received an email from the attorney with National Solar and he indicated that they were in the process of identifying more available sites in Gadsden County and they were moving forward.

Redistricting

Chair Croley asked about the progress on re-districting since this was an odd year.

Ms. Minnis replied that it had to be determined if there is a need to redistrict. She recalled that there had been presentations in the past that indicated there was about a 2% change in the population and they may not have to redistrict. But, the board must look into the matter. She stated that, she and the Supervisor of Elections recommended that the board hire an outside consulting firm like the board did for the last redistricting process. The consultant would bring back a recommendation to the board about a plan of action.

Chair Croley asked if this matter was one that staff could handle as far as contacting the vendor.

	<p>Ms. Minnis answered affirmatively.</p> <p>Chair Croley explained this was not something that he was suggesting they take action on at this meeting but it was something to be addressed in the near future.</p> <p>Interlocal Agreement with Sheriff for Emergency Management Operation</p> <p>Chair Croley asked Ms. Minnis as to the status of the Interlocal agreement with the Sheriff regarding emergency management operations.</p> <p>Ms. Minnis stated she had forwarded a revised agreement to all of the Commissioners and had only received feedback from Chair Croley. She added that she would like to have their feedback. She explained that the last draft of the agreement was a compromised document that was developed between the BOCC and the Sheriff's Office. She indicated that there was nothing in the law that required them to have an emergency management agreement, but it was not a bad idea to have one. She cautioned them that they needed to keep in mind that, at some point, the two sides would have to compromise and that both sides would not get everything they wanted. She went on to say that, there is an adopted <u>Emergency Management Plan</u> that sets out the various day-to-day responsibilities, which will be used when an emergency is declared.</p>
<p><u>DISCUSSION ITEMS BY COMMISSIONERS</u></p>	
<p>23.</p>	<p>Commissioner Morgan, District 3-District Concerns</p>
	<p><u>Commissioner Holt, District 4-County Concerns</u></p> <p><u>Debt Management Policy</u></p> <p>Commissioner Holt referred to the item regarding debt management policies that had been submitted by the Clerk. She stated that she would like to see some examples of debt management policies from counties that are more comparable in size to Gadsden. She said she would also like for the board to make a determination of the financial posture the board wanted to establish for themselves. For instance, "If this county wants to be more economically sound, establish policies and procedures to get us there, but let's decide what that posture will be before we develop the policy."</p> <p><u>County Auditors</u></p> <p>She then mentioned the County's auditing company and she asked, "What categories are they auditing and what they would be looking at?"</p> <p><u>Brownfields Grant and Enterprise Zone Grants Available</u></p> <p>She added it was very interesting information provided from Mr. Register on the on the Brownfields grant.</p> <p>Commissioner Holt then mentioned that there are additional grants and loan programs associated</p>

with the Brownfields grant for which the county could qualify. In addition, for those businesses, which locate in the enterprise zones, there are five grants available to those that apply. She mentioned that some of the established businesses such as Piggly Wiggly could get tax incentives for hiring new people.

Appointment of Edward J. Dixon to the Planning and Zoning Commission

She turned her remarks to the Planning and Zoning appointment process saying that -when a new person was proposed, it was not done ahead of time. She added that at any time, a Planning and Zoning member could decide that they did not want to be on the Board even during their term. A Commissioner could decide to appoint someone else without waiting until the end of their term because they serve “at the will of the Board”.

A MOTION WAS MADE BY COMMISSIONER HOLT AND SECONDED BY COMMISSIONER HINSON TO AGENDA THE REPLACEMENT OF WILLARD RUDD ON THE PLANNING AND ZONING BOARD FOR THE NEXT MEETING. THE MOTION WAS WITHDRAWN BEFORE THE VOTE WAS TAKEN.

Commissioner Hinson asked if it was legal for Commissioner Holt to make the change and why she had to wait until the next meeting to do so. He stated he did not want to vote on something that did not make any sense.

Ms. Minnis offered to clarify because things got very confusing during the debate over the matter. She added, “Basically, there was nothing in the public meeting laws that stated the agenda could not be amended after the meeting had started and then add an item. ...The ordinance states that with the consent of the Commission as a whole, matters may be placed on the agenda by any member of the Commission, Manager or the County Attorney. It does not give specific time. The general practice of this Board is to amend at the beginning of the meeting, but there is nothing in the law or in the ordinance that prohibits a Commissioner, the County Manager or myself from amending the agenda. My only caution was that since it could be an issue that the public would have an interest in, because there may be some individuals who would want to come forward and speak on behalf of Mr. Rudd, to see if they could talk to Commissioner Holt, that it may be a good idea to postpone it. It was not that the law said you have to, it was just in the spirit of the open meeting law. But it is still the will of the Board. If the motion is made and the motion is seconded and the majority of the Board members vote to add it to the agenda, it’s added to the agenda.”

Commissioner Hinson asked if Commissioner Holt asked the County Administrator after the meeting to have this placed on the agenda, then the Board just had to approve this, or did the Board need to approve this and then approve that.

Ms. Minnis stated there were several ways an item could be placed on the agenda. The Chair could get with the County Administrator to put items on the agenda, she added there also had been times when they had initiated the practice where the Commissioners could vote based on the motion of one commissioner with a majority vote of the other commissioners to have an item placed on the agenda for upcoming meetings.

Commissioner Holt asked to withdraw her motion.

Chair Croley said all they were trying to say was the agenda item that was before the Board related

	<p>to Planning and Zoning was specific to District 1, 3 and 5 and if Commissioner Holt wished to have her appointment added for District 4, he would hope that the Commission would support her in that request. He suggested that she submit an agenda item for the next meeting to deal with the appointments for District 4, whatever that recommendation might be.</p> <p>Commissioner Holt stated that Commissioner Hinson was correct, that only recently had the Board taken a vote before adding an item to the agenda. She continued, “When I decided on this appointment, I approached Mr. Presnell with my intentions...The item could have been added then, but a Commissioner always wanted to notify the Chairman to let them know what they were doing.”</p> <p>A MOTION WAS MADE BY COMMISSIONER HOLT TO AMEND THE AGENDA TO ADD A REPLACEMENT APPOINTMENT FOR DISTRICT 4 FOR PLANNING AND ZONING AT THIS MEETING.</p> <p>Before the vote, Commissioner Hinson had questions, stating he was still confused. He said that he was going to support the motion , but for future reference, if one of the other Commissioners have an agenda item request, the best way to handle it would be to contact the administrator who would then notify the chairperson of the agenda item.</p> <p>Chair Croley responded, “Yes, that was one way”.</p> <p>UPON MOTION OF COMMISSIONER HOLT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO ADD “THE REPLACEMENT APPOINTMENT FOR DISTRICT 4 TO THE PLANNING AND ZONING COMMISSION” TO THIS AGENDA.</p> <p>UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO REPLACE PLANNING AND ZONING MEMBER WILLARD RUDD WITH EDWARD J. DIXON.</p>
	<p><u>Commissioner Taylor, District 5-</u></p> <p>Commissioner Taylor had no report.</p>
	<p><u>Commissioner Hinson, Vice Chairman, District 1 – County Concerns</u></p> <p>Martin Luther King’s Birthday & Anniversary of Alpha Kappa Alpha Sorority Commissioner Hinson acknowledged Dr. Martin Luther King’s birthday and the anniversary of the Alpha Kappa Alpha (AKA) sorority. He mentioned the sorority anniversary because they give the two high schools money to help support the children.</p> <p>Patronage of Local Restaurants He asked the Commissioners to make a personal commitment to support local restaurants by patronizing them by eating at them twice a month.</p>
	<p><u>Commissioner Croley, Chairman, District 2-Report and Discussion on Public Issues and Concerns Pertaining to Commission District Two and Gadsden County</u></p> <p>Chair Croley asked to have the Redistricting of Voting Districts placed on the next agenda.</p>

	<p><u>Highbridge Road</u> He reported that the county has received emails from Florida Highway Patrol concerning High Bridge Road and mentioned opportunities to do improvements.</p>
<p><u>RECEIPT AND FILE</u></p>	
24.	<p>a) For the Record: Letter from the Division of Emergency Management stating the Florida Division of Emergency Management (FDEM) has found the Gadsden County CEMP to meet the compliance criteria. To be found in <u>complete</u> compliance, the plan must be adopted by the BOCC by resolution. Upon electronic receipt of the Resolution, the FDEM will issue letter finding the CEMP in complete compliance. Failure to adopt the plan by resolution within 60 days will result in a letter of non-compliance unless an adoption extension is requested.</p> <p>b) For the Record: Letter from Waste Pro Regarding Franchise Agreement – notice that Waste Pro will be putting through an annual price increase effective January 1, 2013 pursuant to the contract agreement.</p> <p>c) For the Record: Letter of Support to Division of Historical Resources Regarding Quincy’s Restoration Grant for the restoration of the Old Post Office in Quincy.</p>
<p>February Meeting(s) -February 5, 2013, Regular Meeting, 6:00 p.m. -February 19, 2013, Regular Meeting, 6:00 p.m.</p>	

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR CROLEY DECLARED THE MEETING ADJOURNED AT 8:38 P.M.

GADSDEN COUNTY, FLORIDA

DOUGLAS M. CROLEY, Chair
Board of County Commissioners

ATTEST:

Marcella Blocker, Deputy Clerk for
NICHOLAS THOMAS, CLERK