

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
JANUARY 6, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL

ABSENT : JAMES PEACOCK
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER AND PRESENTATION

The meeting was called to order by Chairman Powell who welcomed everyone to the second workshop meeting on the State Housing Initiative Partnership Program (SHIP). He then turned the floor over to Mr. Edward Butler.

Mr. Butler synopsized what was covered in the first SHIP workshop meeting. Pertaining to the definitions section, Commissioner McGill asked and discussion followed as to what a natural person is with Mr. Butler advising that he would contact DCA in an effort to ascertain a definition. Commissioner McGill then asked and persons attending the meeting signed in.

Mr. Butler then started with Section VI, Designation of Responsibility for Administration and Implementation of the Local Housing Assistance Program. He paraphrased, explained and expounded on the items contained therein. Brief discussion ensued as to the number of hours that constituted a full time employee with it being decided that 32 hours was full time. Mr. Butler advised that a resolution had to be passed by the Board to use ten percent of the funds for administrative expenses. Commissioner McGill asked if the resolution had to state exactly what the monies were to be spent on. Mr. Butler advised that he did not think so, just as long as it states administrative costs. The Board may have to define what is considered administrative costs.

Mr. Butler reminded the Board that it did not have to administer the Program. It could be given to a community based organization or city to administer which would have to go through the same process that the County would. The County would still be ultimately responsible for the Program.

Mr. Augusta "Sarge" Carter, an audience member, advised the Board that he was putting a package together, relative to affordable housing, to take to Washington. He has been contacted by persons who need somewhere to live who can only afford to pay \$150 to \$200 per month. He then asked if the Board would be concentrating only on houses or would the Board also be looking at section eight. Commissioner Dixon responded that he was looking, for the most part, at new houses. The Program is geared to home ownership. Mr. Butler stated that the Program was geared, primarily, for home ownership. Even when rental property is involved, a method is desired wherein the individual family who rents the property can eventually own the property.

With reference to the paragraph pertaining to the sale price of new or existing eligible housing not exceeding ninety percent of the median area purchase price in the area where the eligible housing is located, Mr. Butler stated that the median was high in this area which is not affordable in Gadsden County. The County needs to look at what is affordable to people in Gadsden County. The County needs to look at the median income of persons living in

Gadsden County and make a decision as to what ninety percent of that figure is. Commissioner Dixon asked for and Mr. Butler advised that he would provide him with some figures that would help clarify this paragraph.

Commissioner McGill asked and brief discussion followed to clarify the percentages that were to be spent, as reflected in paragraphs C and E(2a & b). Mr. Butler stressed that it was important that eligible sponsors not discriminate in the loan application process.

Mr. Butler advised that this draft ordinance was prepared specifically for the County Commission so that they would be aware of what is entailed.

He then continued with Section VII, Creation of the Affordable Housing Advisory Committee, synopsis and expounding on same. He advised that this committee was different from the Partnership, but that some of the same persons comprising the Partnership could also serve on this Committee. The members shall be appointed (by name) by resolution of the County Commission. Commissioner Dixon asked and Mr. Butler explained what paragraph B meant.

Mr. Butler advised that the first six individuals in paragraph C had to be members of the Committee and the other three categories of persons were flexible as the Board could appoint persons from affiliations as it chose for these latter three positions. Commissioner McGill asked if paragraph J(3) should be included since the County did not have an impact fee. Commissioner Dixon stated that the County might institute one. Mr. Butler stated that this should remain in the ordinance as the County has contemplated this idea for some time.

Mr. Butler advised that although the Committee does review all of the listed tasks, they do not make the final decision. They are an advisory committee in nature, name and everything else. They present their recommendations to the Board of County Commissioners which has the final approval.

Pertaining to Section VIII, Adoption of the Affordable Housing Incentive Plan, Mr. Butler paraphrased and elaborated as to when the Plan had to be adopted. The Board of County Commissioners shall notify the Florida Housing Finance Agency by certified mail of the adoption of the Plan. Mr. Butler advised that this Plan does not keep the County from getting the money started. What stops the County from getting the money started is the ordinance and the first Plan which is set up by the Affordable Housing Partnership. This starts the money coming in.

Mr. Butler then summarized the process, advising that should the Plan be disapproved the County would not receive any funds. He advised as to what would happen to the funds. Commissioner Dixon asked and Mr. Butler confirmed that the Florida Housing Finance Agency would advise the County as to what is wrong with its Plan and how to fix it. Discussion followed as to whether the Plan had to be submitted by certified mail. It was decided that the Plan could be hand delivered and stamped in.

Chairman Powell asked and Mr. Butler advised as to the draw down of the funds. Pertaining to County representation on the Partnership, Mr. Butler suggested that a County Commissioner or the County Manager be appointed.

In concluding, Mr. Butler stated that he would make all corrections noted to him, especially the 50%. He stated that he would take out the specific areas that dealt with Farmers Home Administration and let the Housing Partnership come up with how they want it to be.

Chairman Powell then referred Mr. Butler back to page 11, section VII(C), stating that he would like for someone from law enforcement or human service council serve on the Affordable Housing Advisory Committee. A transportation person will not be on the committee as only nine persons can be on the committee. Mr. Butler reminded the Board that persons comprising the Partnership could also serve on the Housing Advisory Committee.

Ms. Chris Canty asked and Mr. Butler repeated what his modifications to Section V would be. Ms. Canty then referred Mr. Butler to Page 12, item D, suggesting that "may" be inserted in this sentence dealing with reappointment.

Mr. Augusta "Sarge" Carter, asked if there was a method of leveraging the \$250,000, to which Mr. Butler responded. Mr. Edwin F. Norwood, an audience member asked and was informed that the County did not have a Housing Development Corporation. Brief discussion on this type corporation followed.

Mr. Butler advised that he would finalize the draft ordinance (**attached**) and give it to County Attorney Richmond for perusal and final format. Commissioner McGill asked and it was confirmed that thirty days advertising was required on the ordinance. Commissioner Davis asked and Mr. Butler advised that if a county did not qualify to receive its portion of the funds, all counties, could apply for it. Brief discussion on this followed.

Chairman Powell stated that there would be another meeting after the ordinance is in place. Mr. Butler stated that the next meeting will be when the Board formulates the Housing Partnership. The Housing Partnership will then hold its meeting, the date and time of which is yet to be decided.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned.

ANTHONY A. POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK
BY: LIZZIE GREEN, DEPUTY CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON JANUARY
19, 1993, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner Davis led in Pledge of Allegiance and Commissioner Peacock led in Prayer.

ADOPTION OF AGENDA

Chairman Powell stated that a motion for adoption of the Agenda would be entertained. In response, Commissioner McGill stated that he would like to make a motion to amend the agenda to include an item number 9a for a public forum to allow persons to speak for no more than two minutes on any topic they wish. With this amendment, he moves for adoption of the agenda. Chairman Powell advised Commissioner McGill that the only things that would be discussed at this meeting were the items on the agenda. The agenda will not be amended tonight. Commissioner McGill asked and Chairman Powell advised that adding this item to the agenda would be looked into.

The Board, on motion of Commissioner Dixon and second of Commissioner Davis, voted unanimously to adopt the agenda.

APPROVAL OF MINUTES - DECEMBER 16, 1992 - SPECIAL MEETING

The Board, on motion of Commissioner Davis and second of Commissioner McGill, voted unanimously to approve the minutes of the December 16, 1992, Special Meeting.

APPROVAL OF MINUTES - JANUARY 5, 1993 - REGULAR MEETING

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously to approve the minutes of the January 5, 1993, Regular Meeting.

APPROVAL TO ADVERTISE FOR PUBLIC HEARING ON SHIP ORDINANCE

County Attorney Richmond advised the Board of the need to advertise the SHIP Ordinance and prepare the resolutions. He requested Board approval to advertise a public hearing on the SHIP Ordinance for the second meeting in February, 1993.

The Board, on motion of Commissioner Dixon and second of Commissioner Davis, voted unanimously to approve the advertisement of the public hearing on the SHIP Ordinance for the second meeting in February, 1993.

ROAD ORDINANCE

County Attorney Richmond reminded the Board of Chairman Powell's request at the last regular meeting that proceedings resume for implementation of a road ordinance for paving public roads and determining who pays for the paving. There needs to be an ordinance and publication on that as well as a public meeting. He will get copies to the Board. He requested approval to get this started and published as well for the second meeting in February 1993, or the first meeting in March. This is not any kind of referendum or approval of the Ordinance, it is just permission to go ahead and publish and notify the public of what is coming.

The Board, on motion of Commissioner Peacock and second of Commissioner McGill, voted unanimously to approve advertisement of the road paving ordinance.

RICK McCASKILL - ECONOMIC DEVELOPMENT UPDATE (ATTACHED)

Mr. McCaskill addressed the Board, stating that there should be an economic development activities report (**attached**) contained in each commissioner's packet.

He then advised the Board of the coming of the National High Field Magnetic Laboratories. He stated that there were things the County needed to do to take advantage of this industry and cited same.

PLANNING AND ZONING RECOMMENDATIONS (ATTACHED)

Michael Sherman, Planning and Zoning Director, addressed the Board on the following items:

1. ELIZABETH GREGORY FARMS - PROJECT #93PZ-1-201-2-1

Elizabeth Gregory Farms is a proposed residential subdivision that is seeking conceptual approval for site-built homes on seven (7) lots, totaling 112 acres (16 acre average size). The site is located on the north side of CR 270, approximately 0.7 miles east of Lanier Road. The applicant is Ms. Jane Worley, the property owner is Ms. Elizabeth Gregory, and the developer's agent is Mr. Richard White.

The Planning and Zoning Department recommends conceptual approval, subject to the listed special conditions.

Chairman Powell asked if anyone was present to speak for or against the project. In response, Richard White addressed the Board, stating that the reason for the configuration of the long drives was strictly an economic one. Chairman Powell then recommended approval of the project. Commissioner McGill asked and Mr. Sherman confirmed that it was staff recommendation to approve the project.

The Board, on motion of Commissioner Davis and second of Commissioner Dixon, voted unanimously to approve the project, subject to the listed special conditions.

2. ROBERTS PRODUCE AND SEAFOODS - PROJECT #93PZ-4-207-4-1

Mr. Sherman advised that there has been a change in ownership/petition for this project.

Roberts Produce and Seafoods is proposing to locate a retail produce and seafood business, along with a small oyster bar in an existing building on the south side of SR 12 across from the Suwanee Swifty store at the US 90 intersection. The property consists of two (2) acres.

The Planning Department recommends approval of the project, subject to the listed special conditions.

The Board, on motion of Commissioner Davis and second of Commissioner McGill, voted unanimously to approve the project, subject to the listed special conditions.

3. WHIPPOORWILL SPORTSMAN'S LODGE - PROJECT #92PZ-19-209-5-8

Whippoorwill Sportsman's Lodge is a proposed recreational vehicle park (six campsites) and lodge at an existing fish camp, just across from Ingram's Marina and the Cook's Corner townhouses at the end of Cook's Landing Road. The site consists of approximately 0.96 acres. The developer is Mr. Jeffrey T. DuBree.

Mr. Sherman stated that vesting was the first issue he looked at as the six camp sites and the Department's recommendation based on the six camp sites was where the initial problem was. The store is consistent with the comprehensive plan of neighborhood commercial. Staff recommendation is that this is a vested use. Staff has based its recommendation on the comprehensive plan, his understanding of the Florida Statutes and things he has learned in the field about existing uses being continuing prior to the adoption of a certain code, in this instance, the Comprehensive Plan. These uses are considered grand-fathered, provided there is not a lapse in operation for a year or more. Mr. Sherman then stated how a determination was made that there had not been a lapse for a year or more.

Based on the determination and policy 1.5.2 of the Comprehensive Plan, which discusses the grandfathering of uses, and other records pertaining to the project, staff feels that the project is consistent. Mr. Sherman then advised that the Petitioner's attorney was present and wished to address the Board.

Commissioner Peacock asked if the purpose of the Board sending this project back to Planning and Zoning the last time was for drain field purposes; Mr. Sherman responded that the purpose was to acquire septic tank permits which the petitioners have acquired from the health department. Commissioner McGill asked and Mr. Sherman advised as to why the Planning and Zoning Commission had voted 3-2 to deny the project.

County Attorney Richmond stated that before this came up, the Planning and Zoning Commission, in October, voted 7-1 to find a vested land use. When the project was brought before the Board, it was represented that the septic tank permits had already been executed. The Florida Department of Health and Rehabilitative Services (HRS) had not signed the permits at that time, so the Board sent the project back to Planning and Zoning to insure execution of the permits prior to the project coming back before the Board. Additional testimony was received at the January, 1993, Planning and Zoning Commission meeting. A subsequent vote was taken, but the project was not there for that purpose.

Attorney Stewart Parsons, responding to Attorney Richmond's statement, stated that when the project was noticed to the surrounding property owners in September, the notice that went out from the Planning Department said that the developer had requested a land use designation change from rural residential to commercial for the one acre tract. When Mr. Parsons and his clients came to the Planning and Zoning Commission in October, they did not come prepared to deal with the issue of the vested right. The developer never amended his request, yet the Planning and Zoning Commission got into a discussion that night of vested right when the project had been noticed on the basis in change in land use designation. Mr. Parsons stated that if he had been allowed to speak at the County Commission meeting in October, he would have pointed this out so that the Board could have sent this project back to the Planning and Zoning Commission on both issues. When the project went back to the Planning and Zoning Commission, they legitimately revisited the issue of vested right, based on some additional information that Mr. Parsons and his clients had supplied to them. It is important that the Board understand those procedural technicalities as well.

Ms. Suzanne Hood then addressed the Board, stating that she represented the Whippoorwill Sportsman Lodge, owned by Jeff and Roland DuBree. She stated that she wanted to discuss two issues. The first is whether the existing use of the camp sites is vested or grand-fathered or are they continuing commercial use under Chapter 163, Florida Statutes, and Policy 1.52 of Gadsden County Comprehensive Plan and Gadsden County Ordinance 90-003; the second issue is whether the applicants are entitled to variance from the set-back along Cook Landing Road and St. Andrews Street in order to install the septic hook-up for the six existing campsites on the property.

Ms. Hood advised the Board that she could not present this case to the Board in three minutes. Commissioner Dixon advised her that it had been well presented and that the Board understood everything that is going on. Ms. Hood responded that she appreciated the time the Board had spent on this matter, but that tonight, a record is being built that may be very important at a later date. If all is not on the record, then they may not be heard by a court at a later time. Ms. Hood was then permitted to continue.

She stated that the DuBrees maintain that the property in the campground has always been used for commercial purposes. The

property, as a whole, has been used for business purposes since the early 1940's. The campsites have been available for public use since they were installed in approximately 1971. It is also asserted that the DuBrees are entitled to the set-back variances based on the recommendation of the County's professional staff, including, but not limited to the Department of Planning and Zoning and the Department of Building Inspection. The officials of HRS have issued the permits for the project. The DuBrees have agreed to meet every condition that has been imposed by the Planning and Zoning Commission.

Ms. Hood stated that from the beginning, the County has violated the DuBree's due process rights, procedural and substantive, as well as their right to equal protection under the state and federal constitution. The expressions, opinions or general objections in opposition to the project by citizens is insufficient as a basis for denial of the application. She then presented Clerk Thomas with documents/evidence (**attached**) which she stated had been provided the Board, and requested that it be included in the records. She then presented a chronological overview of the property, beginning in the early 1940's, and discussed the summary of the procedures that had been followed since the DuBrees initiated this project. Her chronology included the changes in ownership of the property, business arrangements and the proceedings and events that had occurred during the various ownerships. She also made reference to minutes of meetings, letters and to the various information that she provided Clerk Thomas, synthesizing and elaborating on same.

Ms. Hood stated that prior to purchasing the property, Jeff DuBree spoke with the Director of Planning and Zoning, the Building Inspector, and HRS officials, receiving assurance that there were no problems apparent to continue the commercial nature of the property and installing septic hook-ups to the campsite.

Ms. Hood stated that on June 16, 1992, Jeff DuBree signed a development application on the recommendation of Planning and Zoning Staff. She advised as to what the application proposed and made reference to a letter from Mr. DuBree to the Board which advised that the existing camp already had electrical and water hook-ups and that the camp would be used only for recreational camping.

She then gave a chronology of the discussions and decisions/recommendations made by the Planning and Zoning Commission and the Board of County Commissioners on the project.

Ms. Hood emphasized that the decision that the project required a small scale map amendment to change the zoning from rural residential to commercial was that of the Planning and Zoning staff, not her clients, the DuBrees. They never applied for a spot zoning or small scale map amendment.

The DuBrees received a letter on October 29, 1992, from the Planning and Zoning Department informing them that until such time that the Board approved the placement of RV's on the property, all RV's would have to be shut down. She advised that she had written a letter to County Attorney Richmond in response to the letter, expressing her concerns. She cited what some of her objections had been and stated that shortly after this, the DuBrees received another letter from the Planning and Zoning Department stating that the use of the property was consistent with the Comprehensive Plan provision relative to vested use and that the Department considered the use grand-fathered. As such, the use was continued provided that the Board concurred with the grand-fathered status of the use.

The letter reminded them that they had to secure HRS permits prior to January 10, 1993, in order to be considered at the January Planning and Zoning Meeting. The permits were secured on December 8, 1992.

Ms. Hood stated that the Planning and Zoning Staff recommended approval of the project as a vested use at the January 1993, meeting, and cited what they based their approval on. No County official presented an impediment to the granting of the set back variances. Despite the clarification by County Attorney Richmond at the meeting that the project was before the Commission only for a determination whether HRS permits were secured, and over Ms. Hood's objections, the Commission opted to reconsider the issue of vested use. She stated that Mr. Parsons argued that the use of the property for commercial purposes was not vested because it was never approved prior to the adoption of the Comprehensive Plan under 11.1.91 and was not in continuous use after the effective date of Ordinance 90-003.

She informed Mr. Parsons that the documented evidence proved that the grand-fathered use of the property was prior to and after the effective dates of the Comprehensive Plan and Ordinance. She then advised as to the documents the Planning and Zoning Commission had considered and the testimony that various property owners were willing to give. Mr. Kever, a member of the Planning and Zoning Commission had expressed concern that the property would be used by seasonal migrant workers. He had been assured that there was no intent to place trailer on the property for rent. This condition

was made a part of the special conditions of the project. The Commission voted 3-2 not to approve the project.

Ms. Hood stated that she has not been able to determine on what evidence this decision was made. Considering documentation of continued use and the recommendation of Planning and Zoning professional staff, she and her clients are left with the conclusion that the Commission acted capriciously and arbitrarily and without competent substantial evidence to overcome the positive recommendation of its professional staff. Based on the facts, documentation, and recommendation of Planning and Zoning professional staff, the Board of County Commissioners' approval of the project would be more than justified. The DuBrees are entitled to use of the property and the set-back variances. Ms. Hood advised that question arose as to whether the County had the legal right to deed the ten foot strip along St. Andrews to the Burnses in 1990. She maintains that this issue has been waived and that the County and property owners should be estopped from raising it.

For the record, she would like to further respond to this issue. At this point, she was informed by the Board that it was not necessary at this time. The project is not within that ten foot variance. Ms. Hood thanked the Board for its time and consideration.

Mr. Stewart Parsons was then allowed to address the Board. He stated that there were several concepts that are real important to keep in mind. The first is that a year ago, November, the County adopted the Comprehensive Plan in which the area surrounding the Whippoorwill Lodge, including the Whippoorwill area, was designated a rural residential district. In doing this, the County locked in, in terms of future development, a restriction against any type of commercial operation in the area, except something that might be classified as neighborhood commercial. Given this fact, any deviation from the uses that are permitted in a rural residential area must be thoroughly scrutinized and the burden is clearly upon the applicants to show that they will fall within some legally recognized exception to what is permitted in a rural residential zone. Mr. Parsons stated that the time period that the Board needed to look at, with reference to what occurred with the property, was the period between January 1988, when T.M. Burns died, until the property was purchased by the Pipkins in 1990. Material has not been presented to reflect that the house was used for anything other than a residential structure from the time Mr. Burns took over the property and moved his family into the house, or for two years after his death. Substantial information has not been presented indicating that a campground or a recreational

vehicle park was operated on the sight from the time of Mr. Burns' death through the time that Ronnie Cravin and the people that he represented took the property over in mid-1990.

It was necessary under ordinance 90-003 that Ronnie Craven and/or the Pipkins make a formal application, not a verbal request, when they re-opened the property in 1990. Mr. Parsons made reference to a letter written by Charles LeCroy which referred to a verbal request. There is no way of knowing from this letter what was requested by Ronnie Cravin. Mr. Parsons then stated what Mr. LeCroy acknowledged in the letter.

Mr. Parsons' clients have no problem with the store that is operated, the bait distribution house, or the rental of boat slips. These operations are far different than what the developer now proposes to do -- construct and initiate a recreational vehicle park. Mr. LeCroy's letter does not give authority or approval for the operation of a recreational vehicle park or for a lodge. Mr. Parsons then questioned Steve Sparks of the Planning and Zoning Department relative to the telephone calls made by Mr. Sparks to Talqin Electric regarding the utilities at the site. He also questioned him regarding whether he knew that there were two meters on the property, one at the house and one at the store. Mr. Parsons was informed by a gentleman in the audience that there is only one electric meter on the property for everything. Brief discussion followed as to whether there had ever been more than one meter.

Mr. Parsons stated that the Planning and Zoning Commission, at their most recent meeting, voted to find that this project was not a vested right. There was not a continuous period of activity that would justify finding that this was a vested right. Mr. Parsons feels that this is the correct determination and that the Board of County Commissioners has an obligation and responsibility to require substantial proof that this business operated continuously from early 1989 until mid-1990. The finding of the Planning and Zoning Commission, that this was not a vested right, should be sustained.

From a procedural standpoint, there have been requests made tonight for variances and set-backs. The Planning and Zoning Commission took no vote and made no considerations for those issues at the January meeting. Mr. Parsons does not think that these issues are properly before the Board at this time. He then advised that some of the landowners he represents are present who may want to address the Board. In response to this statement, the following

persons were permitted to address the Board: **Ms. Lola Coffey** spoke in opposition to the project; **Mr. Sam Hawkins** spoke in support of the project; **Mr. Tommy Smith** spoke in opposition to the project; **Mr. Sam Rudd** spoke in opposition to the project; and **Ms. Betty Johnson**, Mrs. Burns' legal guardian and niece, spoke in support of the project.

County Attorney Richmond stated that everything had been pretty well laid out and he would entertain questions. The Board has heard everything that there is. He stated that the Planning and Zoning Commission, in their April 16, 1990, letter sets out that there was something as far as continued use.

Commissioner Dixon addressed the issue of people being wrongly informed that the Board of County Commissioners was closing down Whippoorwill. He then advised that he had met with the persons for and against the project -- the DuBrees and the homeowners. He did not find any overwhelming evidence that denied the DuBrees their vesting rights. As far as he was able to determine from the records, they are vested. Therefore, he cannot find any reason to deny their vesting rights.

Commissioner Dixon made a motion to approve the Whippoorwill Sportsman Lodge, with special conditions. Commissioner McGill seconded the motion.

Commissioner McGill then asked and discussion followed pertaining to the septic tanks. Commissioner Dixon then read into the record the special conditions (**attached**), in addition to Planning and Zoning's, that the project's approval was subject to.

Mr. Sam Rudd advised that residents have to go across Mr. DuBree's front yard for various tasks. There has to be a street before this development becomes a reality. They have to be able to get in and out. They must have St. Andrews Street and Dothan Street and have this project properly screened. Discussion followed on the type buffering required. Mr. Rudd asked that it be required that a fence be erected along St. Andrews Street and Dothan Street with shrubbery behind it -- a chain link fence, if possible. Attorney Stewart Parsons asked where this left them in terms of required set-backs. He asked for verification that they had not been waived. Mr. Lamar Kent, Building Inspection Supervisor, responded that Planning and Zoning had not addressed what Attorney Parsons was referring to. This is left up to the Board. He stated that he sees a zero set-back, stating why.

The Board, on motion of Commissioner Dixon and second of Commissioner McGill, voted 4 to 1 to approve the Whippoorwill Sportsman Lodge. Commissioner Davis cast the lone dissenting vote.

Lamar Kent advised the Board that the issue of the public set-back needed to be addressed. Commissioner Peacock asked and Mr. Kent advised that he recommended a zero set-back from the County right-of-way. He advised of the uncertainty of determining the County's right-of-way. Brief discussion followed as to the required set-back from the County right-of-way.

The Board, on motion of Commissioner Peacock and second of Commissioner Dixon, voted unanimously to grant a variance for zero set-back to the County right-of-way.

Attorney Parsons then addressed the issue of the County having agreed in 1990 to have St. Andrews Street constructed by the end of that year. Commissioner Peacock stated that what the Commission had agreed to do was open the road up, not construct it. He explained what was meant by this, stating that the County should go in and cut the trees to get it open so that people can get back and forth.

BID COMMITTEE RECOMMENDATION

County Manager Parmer advised that John M. Warren had submitted the low bid for road signs and the Bid Committee had recommended awarding the bid to him in the amount of \$2,001.95.

Commissioner Peacock made a motion, seconded by Commissioner McGill, to award the bid to John M. Warren in the amount of \$2,001.95.

Chairman Powell asked Michael Sherman what had happened to the road signs for Powell Circle and Houston Road in District Two. He responded that as far as he knew, the signs had been ordered. Brief discussion followed.

The Board, on motion of Commissioner Peacock and second of Commissioner McGill, voted unanimously to award the bid to John M. Warren in the amount of \$2,001.95.

NOTICE FROM DER - FLORIDA GAS TRANSMISSION COMPANY APPLICATION

County Manager Parmer directed the Board's attention to a letter (**attached**) from the Florida Department of Environmental

Regulation which advised that the Florida Gas Transmission Company plans to construct a new line on their right-of-way through Gadsden County and other counties. The letter advises that if the County does not file objections within the designated time period or request an intent letter, the Department will assume that the local government does not wish to receive a notice of intent.

County Manager Parmer recommended that a letter be mailed to the Florida Department of Environmental Regulation with no objects but to request that the County be kept informed of any and all construction activities that might occur. Commissioner Davis asked what the increase in taxes would be. County Manager Parmer stated that he has not been able to ascertain this, but there will be an increase in the taxes. Commissioner McGill questioned the safety of the project with County Manager Parmer responding.

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously to send a letter of no objections to the Florida Department of Environmental Regulation with instructions that the County be kept informed of all activities relative to the project.

CONSENT AGENDA

Commissioner Peacock made a motion, seconded by Commissioner Davis, to approve the items **(attached)** on the consent agenda **(attached)**, to wit: Repairs to Boilers at GMH; Authorization for Centerline Profiles on Atwater, Tillman, and Hanna Mill Road; Request for Fund Reimbursement for December 1992 Atwater Paving Project Costs; Community Services Block Grant Application - Senior Citizens; Lease Agreement for Quincy State Livestock and Crops Pavilion; and Emergency Planning and Community Right-to-Know Act Proclamation.

Commissioner Dixon asked how the person to do the centerline profiles is chosen. County Manager Parmer responded that a call was made to a local person to get a price as to what it is estimated to cost, but it could be put out for bid. Commissioner Dixon responded that for the amount of monies involved, he would like to give everybody the opportunity. County Manager Parmer stated that there were two entities in town that could perform the task. Commissioner Davis asked and County Manager Parmer advised that price quotes could be obtained.

Commissioner Dixon made a motion to approve obtaining the centerline profiles. County Manager Parmer stated that he was

asking for authorization to move ahead and get some prices.

Commissioner Dixon made a motion to grant authorization for County Manager Parmer to move ahead and get telephone quotes on some bids.

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously to approve the items on the Consent Agenda, with the Centerline Profiles on Atwater, Tillman and Hanna Mill Road to be bid.

REVENUE REPORT

Clerk Thomas presented a Revenue Update (**attached**), highlighting same.

He advised that Tommy Baker would probably address the Board prior to the budget process pertaining to the possibility that some of the grant monies that the County currently receives will not be received next fiscal year. The County may have to consider supplementing some of that or cutting back.

Clerk Thomas advised that pertaining to Debt Service - Primary Health Care, when the facility was refinanced, it required a balloon payment next fiscal year. Therefore, next fiscal year, the County will have to decide whether to refinance the debt or pay the balloon payment which amounts to over \$200,000.

Commissioner Davis asked and Clerk Thomas advised that the rent monies from ASCS was not included in the Debt Service - Primary Health Care Fund. Commissioner Davis would like to know how much more the County owes on the facility. Clerk Thomas advised that he would provide the figures at the next meeting.

CONTINGENCY REQUEST

Clerk Thomas presented a Contingency Request (**attached**) of \$20,000 for repair of the Courthouse roof. Lamar Kent, Building Inspection Supervisor, explained the type roof that would be used.

Commissioner Dixon made a motion, seconded by Commissioner Davis, to approve the Contingency Request for the roof. Chairman Powell asked what type warranty would come with the roof. Mr. Kent advised that the project would be turned over the County Engineer for recommendations and come back to the Board before going out for bids. County Manager Parmer suggested that the warranty should not be less than thirty years. Chairman Powell asked that he proceed

with this.

The Board, on motion of Commissioner Dixon and second of Commissioner Davis, voted unanimously to approve the Contingency Request.

BUDGET AMENDMENTS

Clerk Thomas presented the following Budget Amendments (**attached**), requesting approval:

Fine and Forfeiture Fund (2); General Fund; General Fund; General Grants Fund; General Grants Fund; Library Fund; Mosquito Control/Landfill and Arthropod Fund; General Grants Fund; Emergency Management/General Fund; General Fund; and Veteran's Service/General Fund

The Board, on motion of Commissioner Dixon and second of Commissioner Davis, voted unanimously to approve the Budget Amendments.

PAYMENT OF BILLS

Clerk Thomas requested a motion to pay the bills.

The Board, on motion of Commissioner Peacock and second of Commissioner Dixon, voted unanimously to pay the bills.

CITIZENS REQUESTING TO BE HEARD

No requests were received for this meeting.

COMMISSIONER'S REPORT - DISTRICT ONE

Commissioner McGill presented no report.

COMMISSIONER'S REPORT - DISTRICT TWO

Chairman Powell advised that each year in this Country, Black History Month is honored. He then presented and asked County Attorney Richmond to read into the record a Resolution (**attached**) declaring the month of February as Black History Month in Gadsden County.

The Board, on motion of Commissioner Davis and second of

Commissioner Dixon, voted unanimously to approve the resolution.

Chairman Powell stated that the County's representative to Apalachee Regional Planning Council needed to be appointed and advised that Commissioner Edward Dixon had been selected to serve. There is no alternate.

COMMISSIONER'S REPORT - DISTRICT THREE

Commissioner Peacock stated that things were running smoothly in his district.

COMMISSIONER'S REPORT - DISTRICT FOUR

Commissioner Davis stated that things were running smoothly in his district.

COMMISSIONER'S REPORT - DISTRICT FIVE

Commissioner Dixon stated that he had received a petition from Mr. Sadberry concerning Roberts Sand Company. The Company is opening a new mine past the paved street which Commissioner Dixon had no knowledge of. He made reference to a letter from Steve Sparks which stated that if the unpaved portion of Sadberry Road is to be used by River Bend, it will be necessary for the developer to appear before the County Commission with a paving agreement. The Company has erected fences and Commissioner Dixon has been informed by residents that the road is being used.

Commissioner Dixon recommended that Planning and Zoning and the Building Inspector ascertain what is happening at the site. Commissioner Davis advised as to what the Board had previously approved for the site and road paving by the Company. Now that the Company is moving further down, they should pave that portion of the road also. County Manager Parmer made reference to the Agreement pertaining to paving the road.

Commissioner Dixon stated that the Company needed to be informed of the agreement relating to the road paving. County Manager Parmer advised that the Company that the agreement had been made with had sold out, but the agreement had to be a covenant running with the land. He suggested that County Attorney Richmond contact the Company's legal counsel. County Attorney Richmond stated that he would do this; he is not familiar with the agreements as they were prepared before his time.

Commissioner Peacock asked and Michael Sherman advised as to who now operates the Company and what was approved for the site. There is a portion of Sadberry Road which is not paved on which residential homes are located. Mr. Sherman does not feel that it would be appropriate to pave the road for large dump trucks, sand movers and earth movers to transverse. They should stay off the unpaved section and find another outlet. County Manager Parmer advised that he had found out that there is another access to the site which would not have to go in through the area under discussion. He wants to talk to the Company about using the back way. Chairman Powell asked that the matter be worked out.

Commissioner Dixon then stated that he had a resolution **(attached)** relating to the Airport Authority which sets up a meeting between the Airport Authority, the citizens and the Board of County Commissioners to finally hash out whatever problems there are. He read the Resolution into the record which set the meeting for Tuesday, January 26, 1993, at 6:00 p.m.

The Board, on motion of Commissioner Peacock and second of Commissioner McGill, voted unanimously to approve the resolution setting the meeting for January 26, 1993, at 6:00 p.m.

ADJOURNMENT

The Board, on motion of Commissioner Peacock and second of Commissioner McGill, voted unanimously to adjourn.

ANTHONY A. POWELL

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY, FLORIDA, ON
JANUARY 26, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
NICHOLAS THOMAS, CLERK

ABSENT : BUD PARMER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Chairman Powell. Pledge of Allegiance was followed with Prayer, led by Commissioner Peacock.

PURPOSE AND DISCUSSION

Chairman Powell stated that this meeting was being held to discuss the Airport Authority. It has been alleged that problems exist at the airport which the Board is now meeting to discern and attempt to remedy. The accused and accusers will be allotted ten to fifteen minutes each to be heard by the Board. In response, the following persons addressed the Board:

1. **Max Kohnke**, 381 East Sharon Street, Quincy, Florida, stated that he was spokes-person for the grievants. He stated that the Board members were in possession of a packet containing documents and that Mr. Gene Spencer was now providing the Board with information in support of the grievants' claims.

Mr. Kohnke stated that they feel that the airport is a vital part of the economic infra-structure of the community. These grievances are not meant to be an indictment for the Airport Authority concept, but are for County appointees, David Watson and Earl Lodge. He then enumerated the charges (**attached**) against the two appointees and stated that it is their (complainants') contention that the conduct of the County's appointees to the Airport Authority has been unacceptable, unethical and possibly illegal. If the people in this County are to be served by the airport, then the Authority which governs it can be neither self-serving nor secretive. It must be above reproach. It is the grievants' request that the Board of County Commissioners take decisive action tonight to remove David Watson and Earl Lodge from the Airport Authority and replace them with persons more interested in cooperating with the public at large and particularly, the

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airport patrons. He advised that for each of the charges cited from the outline, there is a corresponding number on the material/documents.

Commissioner Peacock asked if, relative to the charges, had any or all of them been referred to the Ethics Commission. Mr. Kohnke advised that some of them had. The nepotism charge has been referred, but there has not been a ruling on it yet. Commissioner Peacock asked when it was submitted to the Ethics Commission. Mr. Gene Spencer advised that it was submitted in June. Commissioner Peacock asked why there had been only one charge submitted. Mr. Spencer responded that it was not just one charge. He had originally charged Mr. Watson with assault, but they turned it down. Mr. Kohnke stated that this was the charge that went to the City which the City refused to act on. Commissioner Peacock clarified that the charges that he was referring to was not the ones filed with the City, but with the Ethics Commission. Mr. Spencer advised that the assault and nepotism charges had been filed with the Ethics Commission, but the ruling was still pending.

Commissioner Peacock asked and Mr. Spencer advised that he had not met with the Ethics Commission since the charges were filed. Commissioner Peacock asked and Mr. Spencer advised that there was to be an Ethics Committee hearing on the nepotism charge the day after tomorrow (Thursday) at 9:00 a.m. in the Capitol Building.

Chairman Powell asked Mr. Kohnke what the response of the Authority had been in response to the charges. Mr. Kohnke responded that he had received no response from the Authority. This is why they have elected to come before the Board with this matter. Commissioner Peacock stated that he had read in new media that the Ethics Commission had found no reason to bring charges or file charges. Mr. Kohnke advised that they have a letter, which is not contained in the Board's packet, which reflects that the Ethics Commission has not convened on the matter. He provided the letter for perusal.

Commissioner McGill asked and Commissioner Peacock advised that this disparity had been going on for the past 1 to 1 1/2 years. Commissioner Peacock then made reference to an affidavit given to the Quincy Department of Public Safety by Gene Spencer on June 4, 1992, reflecting that Mr. Spencer did not want to press any criminal charges, but wanted Mr. Watson to stay away from him. He wanted to know why Mr. Spencer did not press charges. Mr. Spencer advised that it was his prerogative to change his mind, which he did. The State's Attorney did not find enough evidence to prosecute. Mr. Spencer stated that ultimately, he did file charges.

Commissioner McGill asked what happened when these charges were filed. Mr. Spencer advised that the State's Attorney said that there was not enough evidence to prosecute. Commissioner Peacock stated what he concurred from Mr. Spencer's hesitancy to file charges. Brief discussion followed.

Commissioner Davis asked and Mr. Spencer advised that he filed one charge with the Ethics Commission which covered nepotism and assault. As far as he knows, the assault was dropped. Mr. Kohnke advised that persons other than Mr. Spencer had complaints who chose to come to the Board of County Commissioners rather than the Ethics Commission and stated why. Chairman Powell asked if it was the personal or managerial procedures being used at the airport. Mr. Kohnke responded that David Watson and Earl Lodge had never done anything to him personally. He has no personal grudge against them. Chairman Powell then asked how they were functioning at the airport. Mr. Kohnke responded that in his opinion, as a professional pilot, on performance, he would have to rate the airport a two on a scale of one to ten. Commissioner Peacock asked if they had filed a complaint with the Ethics Commission on the meeting held out of the Sunshine Law. In response, Mr. Kohnke advised that a lawyer had advised as to what the Authority could and could not do, after the fact. To Mr. Kohnke's knowledge, no action was ever taken against the Authority. No complaint on the Sunshine Law violation was filed with the Ethics Commission.

Commissioner McGill asked if charges numbered 1, 2 and 18 were filed with the State's Attorney Office. Mr. Kohnke responded as to why charges had not been filed on the charges specified.

2. Earl Lodge then addressed the Board. He stated that before they took over the airport, there were ten or twelve airplanes located at the facility. A Historical Committee had formed which went before the City Commissioners which was were exempted from paying rent or anything else. This is the problem as when they took over, they started charging everybody. He then provided a brief history of the airport, inclusive of the City's plan to close it and the formation, by the legislature, of the Airport Authority. The Authority set up guidelines, rules and regulations for the airport. Because of the small amount of funding that the airport received from the City and County, it was necessary for the members of the Authority to furnish their own equipment, tools and labor, free of charge, to maintain the facility.

Mr. Lodge, stating that he has been accused of stealing water, advised the Board that he pays approximately \$1,000 per year for rent, water and lights. He has two light meters and one water meter. Mr. Lodge advised that Terry McDonald was the person who

originally had a water meter installed at the gate and the reason. Mr. McDonald asked him to cut a "T" in the line and put a spigot in. He then advised as to the circumstances under which he moved the water meter from the gate. He also advised as to what he had been told by the City of Quincy relative to the accusation that he had stolen water.

Mr. Lodge stated that he did install a light meter in his hanger and wired it. Later, David Watson bought a plane and built a hanger next to Mr. Lodge's in which Mr. Lodge installed lights. Mr. Watson sold the plane and Aero Sports bought the hanger from Mr. Watson, to which Mr. Lodge is still providing lights. Mr. Lodge stated that he has two hangers, in which he keeps the junk parts from another plane that he owned and an in-operable plane that was owned and wrecked by another person. He advised as to what the Airport Authority's rules stated relative to planes in hangars and payment of rent. He also advised as to why he had not previously come before the Board of County Commissioners pertaining to this matter. He stated that the grievants wanted the airport to go back to the way it was before the creation of the Airport Authority. Mr. Lodge continued, briefing the Board as to the status of the airport prior to the Airport Authority and advising as to the construction/accomplishments made since the Airport Authority and the reason Quincy State Bank was handling the financing. He also advised as to the monies received and expended, the number of employees, the number of operating airplanes, and fund raising.

Commissioner Peacock asked and Mr. Lodge advised as to the amount charged to rent hangars or tie-downs. He also advised as to the amount charged for open and closed sheds, and land rental. Commissioner Peacock also asked and Mr. Lodge advised that the airport was self-supporting. Mr. Lodge also requested the \$5,000 that the County had budgeted for the airport, stating the reason for the request.

Mr. Lodge then addressed the issue of the books not being open to public at all times. He explained the reason for this and advised that information could be obtained a few days from the day of the request. With reference to the minutes not being available, the lawyer cannot be expected to stop work for which he is being paid to provide someone with information, to which they are not entitled to anyway, for which he is not being paid.

He advised that Mrs. Watson acted as secretary at no compensation. However, he recommended paying her fifty dollars a month as a token. He later recommended some of the other raises. He stated the secretarial tasks performed by Mrs. Watson, advising that with reference to the bookkeeping, the books were audited each

year. Mr. Lodge stated that he would not sit on the Board and let a rebel rouser take the books and write checks, pay bills and account for monies, for free of charge.

3. Mr. David Watson, Route 2, Box 251-A, Quincy, Florida, then addressed the Board, stating that he and especially Mr. Lodge did not deserve this. Mr. Watson stated that he did have a short fuse. Pertaining to the charges and allegations, he stated that he did not think that the Board had any hope to gain anything by his answering them. There is somebody higher than the Board that is paid and trained to do an investigation which he is wholeheartedly in favor of. He has all papers necessary to clear himself and Earl Lodge of anything that Gene Spencer accuses them of. It is not the Board's position to make a decision without having a thorough investigation.

Mr. Watson continued, giving a chronology of the proceedings leading to the establishment/creation of the Airport Authority, inclusive of persons appointed to the Airport Authority. He also chronologized the meetings held by the Airport Authority, stating what business/issues was addressed at each. He also chronologized other events which occurred with reference to the airport. Mr. Watson stated that they were appointed to do a job and they have done a fine job. If they never receive any money from the City or County again, they have accomplished what they set out to do. He has come through four separate investigations as clean as a whistle. He is certain that the Board knows that he and Earl Lodge are not guilty of any wrong doing. He now asks that the Board use proper judgment.

Commissioner Davis asked Mr. Watson how many hours work he guesstimated he and Earl Lodge had donated to the airport. Mr. Watson declined to respond, stating that it would sound as though he were bragging. He stated that Gene Spencer and Hugh Moreland had never contributed to the airport.

Commissioner McGill asked Mr. Watson if he were aware, prior to tonight, of the charges enumerated by Mr. Kohnke. Mr. Watson responded that the only charges that he was aware of were the ones presented to the Ethics Commission. Commissioner McGill then asked if he was aware of the other seventeen, eighteen, nineteen charges.

Mr. Watson responded that if Commissioner McGill thought he or Earl Lodge had done anything wrong, the proper thing for Commissioner McGill to do was to require someone trained to investigate he and Earl Lodge. He was not aware of charges other than those presented to the Ethics Commission.

Commissioner Dixon asked what the break down was between the Airport Authority and the Complainants -- has there ever been an

attempt to work things out to the benefit of both parties. Mr. Watson responded by referring to the number of times Mr. Spencer had called the Sheriff's Department on someone or the Sheriff's Department had been called on Mr. Spencer since his locating here some thirty years ago. Commissioner Dixon advised Mr. Watson that this had no bearing on this issue. Mr. Watson stated that the point that he was trying to make was that they realized early on that probably the best thing for them to do was be quiet and ignore Mr. Spencer. They listened to what he had to say. Commissioner Dixon stated that the reason he asked this question was because the attitude that Mr. Lodge exemplified was one of saying to hell with it and with them. Commissioner Dixon cited some of the words used by Mr. Lodge in referring to the complainants. Commissioner Dixon understands the accomplishments that have been made, but this does not make way for any type of disrespect. Mr. Watson chronologized the manner in which he had approached Commissioner Dixon when he was a City Commissioner and apologized for the manner in which he had displayed his temper as he is not inclined to be cordial to that personality.

Chairman Powell asked and County Attorney Richmond cited the duties and responsibilities of the Airport Authority. Chairman Powell stated that it is his understanding that the duties and responsibilities cited by County Attorney Richmond were taking place at the airport. The Board cannot deal with the personal opinions and personal attacks. As long as the Airport Authority is functioning properly, by statute, the Board is doing its job. County Attorney Richmond confirmed this. He stated that any member of the Airport Authority may be removed by the appropriate appointing authority for misfeasance, malfeasance or willful neglect of duty as it relates to the duties as Commissioners.

Commissioner Peacock made a motion that we put this thing under the table. Let the Airport Authority go back to the ones the Board has appointed to complete their term and do the job like the Board appointed them to do. At such time that it comes for reappointment, neither David Watson or Earl Lodge is eligible to be reappointed again. This will come up in about six months. In Commissioner Peacock's opinion, there is a personality conflict at the airport between two parties and to be honest, they need to get together and work matters out. It would be beneficial for both parties. He does not think that anything the Board does tonight would curtail the feelings between the gentlemen. Chairman Powell concurred that it was a personality thing. Commissioner Peacock continued, stating that the appointees needed to go back to the airport and run it like they have been running it, in an orderly fashion which they, evidently have been doing as the airport is, at this time, self-supporting. They have got to be doing something right out there to come this far.

County Attorney Richmond then requested that Commissioner Peacock form his motion as follows: That there be no finding that any member of the Authority duly appointed by Gadsden County Board of County Commissioners has committed any misfeasance, malfeasance, or wilful neglect of duty as established by the evidence presented.

Commissioner Peacock stated to let the record show that this be in the motion. Commissioner Davis seconded the motion.

Commissioner Dixon stated that there are some allegations which have to be answered by the Board. Whatever this Board does this evening, the problems will still exist if any of the allegations are true. Whatever the Board decides tonight, it should be known that the Board expects the Airport Authority Board and the public to get along.

Commissioner McGill stated that he was not comfortable with the motion. In terms of all of the allegations, it seems that someone should have known about them prior to tonight. With reference to Mr. Watson, it seems unreasonable, considering the news media coverage and conversation, that tonight would be the first time he heard about all of these charges. Commissioner McGill is concerned that the motion is not going to solve the problem -- what if a similar situation occurs next month. Commissioner Peacock responded that if anyone had any charges to bring against any member of the Airport Authority, the State's Attorney office or the State Ethics Commission is the place to carry it. Commissioner Dixon responded, citing what the State's Attorney findings were. Public officials should be mindful of their conduct. The Authority has made a lot of accomplishments, but the Board has to look at this situation beyond the accomplishments; their conduct has to be looked at also. Discussion followed as to there being an incentive for the Airport Authority Board to make things right.

Commissioner McGill stated his desire to amend the motion to provide for some type of letter of reprimand. It is hard for him to conceive that all of the incidents occurred and nothing wrong was done. County Attorney Richmond advised that a letter was sent in July which was meant as a letter of reprimand. Mr. Watson does not deny the conduct. The Board has repeatedly requested an investigation by the State's Attorney who has investigators who should be concerned with public corruption, if it exists. This should not be placed in the Board's lap. The allegations should have been investigated, but the State's Attorney chose, after all of the publicity, not to get involved. They have determined insufficient evidence on a few points.

Chairman Powell stated that Mr. Watson had publicly apologized for his conduct, so he does not know what more Mr. Watson could do -- what more could the Board do.

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted 3-2 that this matter be put under the table and let the Airport Authority go back to the ones the Board appointed to complete their term and do the job like the Board appointed them to do and that there be no finding that any member of the Authority duly appointed by Gadsden County Board of County Commissioners has committed any misfeasance, malfeasance, or wilful neglect of duty as established by the evidence presented.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned.

ANTHONY A. POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON FEBRUARY 2, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL McGILL
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER AND DISCUSSION

The meeting was called to order by Chairman Powell who stated that this was an emergency meeting concerning the hospital activities. He then turned the floor over to County Manager Parmer.

County Manager Parmer stated that he had received a call yesterday from a Tallahassee Attorney who represents Mr. John Courtney and Beverly Long, the former Hospital Administrator and Hospital Controller, respectively. The Attorney advised that he and his clients would like to meet with County Attorney Richmond and County Manager Parmer pertaining to information regarding some monies as soon as possible. A meeting was set for County manager Parmer, County Attorney Richmond, and Joe Woodberry to meet at 9:00 a.m., at County Attorney Richmond's office, with the Attorney and his clients. County Manager Parmer stated that he asked Mr. Woodberry to attend the meeting because he thought it may have had something to do with bonds. Upon viewing the information that they provided, County Manager Parmer decided that it was a matter that also needed the attention of the Board Chairman and Clerk Thomas who were called and came to the meeting. County Manager Parmer then turned the floor over to County Attorney Richmond.

County Attorney Richmond advised that Dr. Jim Thompson, Director and President of Healthmark, had met with him just prior to this meeting regarding this matter. Dr. Thompson advised him at the meeting that he did not know anything about this matter. County Attorney Richmond stated that he advised Dr. Thompson of this Special Board Meeting which Dr. Thompson advised he did not wish to attend as he was unprepared for it. He further advised County Attorney Richmond that he is fully familiar with the allegations.

County Attorney Richmond advised that a Temporary Injunction had been filed today with reference to the million dollar line of credit extended by the County to Healthmark to continue operation of the hospital. Healthmark knew from the beginning that they were going to need a large portion of these monies for the first six months of operation until the receivables started coming in. Healthmark withdrew the full amount available under the line of credit. Three Hundred Fifty Thousand Dollars (plus) of that line of credit line currently is in an account at the Quincy State Bank; Healthmark did not use it within the six month period. The former Comptroller and former Administrator, who signed affidavits in support of the injunction obtained today, indicated that they were told to use this money, get it, hold it, and put it in a money market account in case they needed it for equipment. They did not have a specific need at that time. That Three Hundred Fifty-Two Thousand Dollars is in an account. There is \$146,000 that was paid by Medicaid which is SouthEast money that they should have received under the former lease. This money is also in an account. The documentation that was filed with the Petition for Injunction

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reflects that \$188,000 was spent on American Express. A Seventy-Five Hundred Dollar (\$7,500.00) check was used for a down payment on a house in Walton County. There was great concern that the County could lose the \$352,000 and \$146,000, so the Injunction was filed which froze these accounts.

County Attorney Richmond again stated that Dr. Thompson had come to his office and Dr. Thompson stated that he was familiar with this matter and that he had tried to contact County Manager Parmer pertaining to it to present his side of it; Dr. Thompson declined to present it at this meeting. County Attorney Richmond stated that Dr. Thompson had further advised him that he had retained a lawyer and that there was a former employee that had written some questionable checks and directed the payment of some questionable expenses. Dr. Thompson had advised that all of these monies had been paid back to Healthmark.

County Attorney Richmond stated that this does not necessarily mean that it was paid back to the funds of Gadsden County. The \$7,500.00 that was used as a down payment on a house was jointed to Dr. Thompson and another employee, Mr. Casina -- both individuals would have had to sign this check. Dr. Thompson advised that this was done without his knowledge and that when he found out about it, he began an immediate in-house investigation. Almost all of the money has been recovered.

The question now is whether the Board wants to file a law suit at this point. The County is well-protected on the money, but it is not the County's money as Healthmark drew the money down on the note. The County would have to file law suits to obtain this money and to set aside or terminate the contract with Healthmark. It would then be a question as to what the County would do with the hospital -- would it close. There are presently four patients in the hospital. One of the points of concern was that the patient count had gone from a number that supported the hospital down to a very low number within the last few weeks. It appeared, this week, that Healthmark was getting ready to pull out and take the money; it does not appear this way at this time. At the time the County obtained the injunction, it was not known what Healthmark's intentions were.

Dr. Thompson indicated that there was and is a feud between former and present employees which is the reason for the low patient count -- some of the doctors had gotten upset with the operation of the hospital.

County Attorney Richmond then asked if the County was to proceed further to file a law suit to terminate the arrangement with Healthmark since they have spent the monies in terms not consistent with the contract; does the County proceed to try and sort this matter out with Dr. Thompson; or does the County close the hospital.

Commissioner Davis asked County Attorney Richmond if he had advised that at this point, the County had not lost any money. County Attorney Richmond responded that this is not what he is saying in the sense that Healthmark had a right to spend some of the \$188,000 documented in the form of salaries and other expenses; there are however, a lot of questionable expenses. Commissioner Peacock asked and County Attorney Richmond advised that \$7,500 had been spent as down-payment on a house; \$7,482 on American Express and \$18,919 in other questionable expenses. There are some personal checks/travel expense checks to a corporate officer. It is indeterminable at this time as to whether these travel expenses were incurred on behalf of Gadsden County. Dr. Thompson had documentation similar to that possessed by County Attorney Richmond. Dr. Thompson advised that he did not want to prosecute

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the employee who wronged him; he and that employee are engaged in a settlement and a lot of the money has been paid back. Commissioner Peacock asked if the documentation possessed by County Attorney Richmond reflected that the money had been repaid. County Attorney Richmond advised that it did not.

County Manager Parmer stated that he had some concerns as a result of conversation that he had with the two ex-employees of Healthmark who brought the evidence to the County pertaining to disbursement of funds. Commissioner Peacock asked what Dr. Thompson's indication had been about continued operation of the hospital. County Attorney Richmond advised that Dr. Thompson had indicated that it was his intention to continue the operation. They will resist non-operation as they have done nothing wrong -- it was just a bad employee.

County Attorney Richmond advised that there are some questions to be raised by the documentation, stating the terms of the note pertaining to removal of property and funds. Commissioner Dixon asked how long this type of activity had been going on. County Attorney Richmond responded, advising of immediate advances for payroll. County Manager Parmer stated that Joe Woodberry could explain how the draws were set up. County Attorney Richmond stated what the draws were set up to be used for.

Joe Woodberry stated that when SouthEast left, they took their accounts receivables with them. He then advised of the time table, when a medical facility does not have accounts receivables, for it to receive monies from third-party pay (insurance companies, medicare, medicaid). He advised as to the amount of funds that would be needed before these funds (accounts receivables) were received, stating that this, as well as the purchase of equipment, was the reason that the line of credit was established. Mr. Woodberry stated and County Manager Parmer and County Attorney Richmond confirmed that any equipment purchased with funds belong to Gadsden County until it is paid off.

County Attorney Richmond and County Manager Parmer stated that the hospital had been operating successfully prior to this incident.

County Attorney Richmond advised that Mr. Courtney had informed him that a surgeon and an ob/gyn physician were, prior to this incident, going to locate in the County. Chairman Powell asked, if legally, Healthmark had broken the contract. County Attorney Richmond responded that under the terms of the note, Healthmark is technically in default at this point. Commissioner Davis stated that the problem, if they broke the contract, is whether the County is going to close the hospital now or what is the County going to do. Commissioner Dixon stated that this would be decided after a determination is made as to what has transpired.

County Attorney Richmond advised that Dr. Thompson had told him that Healthmark had no objections to the County freezing the money as they were not going to withdraw it. County Attorney Richmond advised that Healthmark was going to continue operation unless the County instructed otherwise. There are no real strong controls on what Healthmark does money-wise at the hospital. The strongest controls have been the two employees who are no longer at the hospital. These employees advised him that they were asked to spend a lot of money to Walton County which they refused to do.

Commissioner Dixon asked Mr. Joe Woodberry what type of monetary controls would he recommend implementing should the County decide to continue with Healthmark until a determination is made as to what has actually occurred. Mr. Woodberry responded that absence of somebody sitting there on a daily basis, he does not believe that the County could actually put any control on that

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would guarantee any safety.

County Manager Parmer stated that he was impressed with John Courtney and Beverly Long for reporting this incident. This can reflect on them only in a positive manner. County Attorney Richmond stated that John Courtney and Beverly Long were not contract employees from the standpoint where they would be doing this to benefit themselves in any kind of law suit. They came forward because they had strong concerns about this matter which they had documented sufficiently for the judge to issue the order. No law suit has been filed to terminate the contract or put Healthmark on notice of termination. This cannot be done until the Board tells him what to do. This is why this matter is now before the Board.

Commissioner Davis suggested having County Manager Parmer, County Attorney Richmond and Mr. Joe Woodberry meet with Healthmark to work out something. County Attorney Richmond stated that the County needed to have an employee at the hospital with full access to everything if the County is going to proceed on this matter. The County may want to use John Courtney and Beverly Long or someone else. The County needs to make a decision as to whether to shut Healthmark down. There is \$50,000 or \$60,000 left in an operating account. The Payroll Account was not frozen. The County wants some assurances.

County Manager Parmer asked and Mr. Joe Woodberry advised as to the risk the County was exposed to, monetarily, given the options of (1) Healthmark discontinuing operation of the hospital with the County deciding to close it and (2) keeping the hospital open and forming a non-profit corporation. County Manager Parmer advised that the monies involved with the hospital were not from the General Funds, but from a Trust Fund set up for use at the hospital. County Manager Parmer elaborated on the option of setting up a non-profit corporation, stating that John Courtney and Beverly Long were available if this option were instituted.

Mr. Chris Moran, CPA with the accounting firm of Purvis, Gray and Company, advised the Board as to the draw-down activity of Healthmark, stating that they drew down money in November because it was available, not because it was needed. Healthmark has obviously violated the terms of the note by not requesting the money for operating; otherwise, they would have spent it instead of sticking it over in a checking account. The County has little or no control over what Healthmark takes out of the hospital, which is Healthmark's right. Since Healthmark did not use the \$350,000 for operating, they obviously did not need it and probably do not need it today. Healthmark is not going to just, obviously, roll over and go away. Maybe Healthmark is willing to give back the \$350,00 in good faith against the note and the County could set up some kind of accelerated payment plan on the balance of the \$600,000 and the County could leave Healthmark out there. He does not feel that Healthmark is going to go away as easily as the County would like them to if this is what the County decides it wants them to do.

If Healthmark can not put forth a good faith effort to give back the \$350,000, as they obviously did not it when they drew it down, then the County has some real problems. The County is stuck on \$997,000 that it is basically responsible for paying back. If Healthmark makes a good faith effort to give the money back and take some of the money that they have been paying in management fees to themselves and knock the note down, what does the County really care as the County wants an open hospital with someone else managing it.

Commissioner Peacock stated that he was not ready to make a decision as to whether to close or whatever on this matter. The

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Committee needs to get back and hear the options and then the Board can make a decision. Commissioner Dixon asked Mr. Woodberry if there were any other options aside from the two the had already given. Mr. Woodberry responded, stating that if Healthmark stays, their integrity has been impeached as far as he is concerned. County Attorney Richmond stated that Healthmark already has their scapegoat lined up. Mr. Woodberry stated that it was John Casina.

Commissioner Dixon asked and discussion followed on the feasibility of Healthmark allowing John Courtney and Beverly Long to be brought back in the hospital if they are allowed to keep the contract. County Attorney Richmond stated that this was negotiable in trying to settle this matter and avoid a law suit. Mr. Moran stated that the County had the integrity issue; Healthmark should be willing to come to the table again and try to regain the County's confidence. Chairman Powell asked County Attorney Richmond if the Board needed to do anything tonight. He responded that he was about to formerly serve Healthmark with the Injunction and a Complaint. He did not give a copy of the Complaint to Dr. Thompson, but he did give him a copy of the Order. The County is in a position that Healthmark could pull out tomorrow; the County needs to have a contingency. Dr. Thompson has every intention at this point of going on. Commissioner Dixon asked and County Attorney Richmond advised that Linda Yells, Vice-President of Healthmark, who was one of the persons drawing down immediately \$30,000 in advance salary on June 1, 1992, according to documentation, was now in charge of the hospital.

Discussion followed in which it was stated that the \$350,000 was frozen, but Healthmark could draw on any incoming accounts receivables. All accounts were initially frozen, but County Attorney Richmond gave Quincy State Bank a letter authorizing them to honor payroll checks. County Manager Parmer stated that Beverly Long had advised that as of Friday, all bills that they had knowledged of were paid up to date and that money was deposited to cover the payroll checks.

Chris Moran asked what was to happen to monies collected from accounts receivables. County Attorney Richmond responded that he assumed that it would be placed in the account. Mr. Moran stated that he doubted that Healthmark would deposit money into an account that has been frozen. County Attorney Richmond stated that this was why the County had to get something going; these monies would be placed into other accounts over which the County has no control or knowledge.

Commissioner Dixon stated that the County needed a contingency plan until a meeting with Healthmark is held. County Attorney Richmond advised that the County had the right to inspect all books on twenty-four hours notice and that he had advised County Manager Parmer to make this formal demand tomorrow. Discussion followed on Healthmark's failure to submit monthly financial statements. County Attorney Richmond advised that the audited Medicaid/Medicare statements have to be in by February which they are not going to have in. If Healthmark loses medicaid, they are going to close the hospital. Chris Moran advised that Healthmark had engaged Pete Morwick, CPA firm out of Jacksonville, to audit the hospital from May to September 30. Mr. Morwick was supposed to do an audit and fill out the cost reports. Without cost reports, you do not get Medicaid or Medicare money coming in.

Chris Moran stated that they were told today, by Healthmark's CPA at the hospital, the one that resigned, that Pete Morwick refuses to issue financial statements on the hospital because they have a question about their going concern, which is the ability to continue, as long as they have a management firm that can pull out as much cash as they want to. There is a good chance that as long

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as Healthmark is there, Pete Morwick is not going to sign a set of financial statements unless they can get some assurance that money is not going to leave the hospital.

Commissioner McGill wanted to know if an injunction could be obtained to prevent Healthmark from using Medicare/Medicaid and other billing funds received. County Attorney Richmond advised that the Board had to instruct him as to how far to go -- what end result did the Board want him to obtain. Commissioner Peacock wanted to know if the Board could prevent Healthmark from withdrawing advance salary draw-downs. County Attorney Richmond advised that the big money was frozen, but the problem comes up in the next week as accounts receivables come in; there is no control over the accounts. Commissioner Peacock stated that there needs to be a meeting with Healthmark immediately, if not tonight, certainly tomorrow morning. Chris Moran stated that he had read the Management Contract and there was nothing to prevent that man from cutting a salary of \$250,000 a year to himself. He does not know what the County's options are to go in and tell him to stop doing this.

Commissioner McGill commented on there being a breach of the contract. County Attorney Richmond stated that he thinks there is; it is a question of whether the County wants to get into the hospital operation; renegotiate and deal with Healthmark; or close the hospital. The County will have to file a law suit if it wants to close the hospital or get into the hospital operation business.

Commissioner Dixon asked and County Attorney Richmond stated that the County could get someone into the hospital through negotiation.

Commissioner Davis stated that the same committee, the Chairman, the County Attorney, Joe Woodberry, the auditors and County Manager Parmer should meet with Healthmark.

County Attorney Richmond stated that Dr. Thompson had requested that he call him at the hospital after this meeting to let him know what had been decided. County Attorney Richmond suggested that he and another Commissioner meet with Dr. Thompson after this meeting to see what he wants to do. County Attorney Richmond stated that the hospital seems more viable than it has ever been. Costs have been reduced and revenue has been increased.

Healthmark says that this incident is all an employee problem, but County Attorney Richmond believes that there is more to it than this.

County Attorney Richmond stated that if it was the Board's wish, he and another Commissioner could meet with Dr. Thompson after this meeting. It was Board consensus that County Attorney Richmond and Chairman Powell meet with Dr. Thompson after this meeting. Commissioner Peacock will Chair the Regular Meeting in Chairman Powell's absence.

ANTHONY A. POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON FEBRUARY 9, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT : BILL MCGILL

CALL TO ORDER AND DISCUSSION (GADSDEN MEMORIAL HOSPITAL AND
HEALTHMARK)

The meeting was called to order by Chairman Powell. Commissioner Dixon led in Pledge of Allegiance and Commissioner Peacock led in Prayer.

Chairman Powell thanked everyone for coming to the meeting, stating that he knew there was a big concern pertaining to it. A hospital is vital to any community and the County must keep its hospital no matter what the circumstances. He then stated that the representatives for Healthmark were present and turned the floor over to Dr. Thompson of Healthmark.

Dr. Thompson expressed appreciation for being allowed to address the Board. He stated that he would provide an overview of how they came into being in cooperation, the teamwork between the County and Healthmark, where Healthmark stands at present and where they are going in the future. Prior to doing this, he needs to bring the County up to date; it is Healthmark's policy to give the County frequent reports. He told the County when Healthmark contracted with the County that the books were open to the County and that they would have a representative come before the County and keep it abreast of what was going on. Dr. Thompson thought this was being done and apologized for it not having been done.

Dr. Thompson stated that a contingency of people, including lawyers, CPA's, board members, officers, and directors, from Healthmark had been brought to this meeting to answer questions and give any information requested by the Board; they stood for recognition by the Board.

Dr. Thompson synopsized the formation of the relationship between the County and Healthmark pertaining to the operation of the hospital, inclusive of the line of credit. He advised that Healthmark funded the hospital until the line of credit was provided. Healthmark drew down \$647,903 of the million dollar line of credit; the remainder is and always has been in the Quincy State Bank in an interest drawing account.

Dr. Thompson summarized local based resources, stating that equipment acquisitions amount to \$203,000 which were purchased in the name of Gadsden Memorial Hospital. Accounts receivable amount to \$1,480,504; there were no monies in accounts receivable when Healthmark took over operation of the hospital. If a fifty-five percent (55%) collection rate is figured, there is \$814,277 in receivables. Cash in the Quincy State Bank is \$226,837 for a total \$1,789,023. Accounts payable is \$126,000. Local based resources amount to \$1,663,023.

He stated that Healthmark has done what the County asked them to do -- the hospital has remained open, patient services were continued and improved, citizens were gainfully employed,

physicians have been recruited from Tallahassee who have come to the County and done some work, and Healthmark is in contact with other physicians who are interested in Gadsden County at this time.

Dr. Thompson stated that management fees have been paid and that an employee retirement plan has been implemented, which Healthmark designed, implemented and contributes to. Extensive improvements have been made to the buildings and grounds.

Dr. Thompson advised that site and facility planning by healthcare architects and engineers has and is under way. He stated that during the months of November and December, he met with the County Manager, Clerk Thomas, and County Attorney Richmond to discuss where to go in the future; Healthmark was doing immediate and long range planning. Dr. Thompson then provided a slide reflecting proposed additions to the hospital, elaborating on same.

He stated that there were a number of problems with the hospital and advised as to the what those problems were according to Healthmark's structural engineer.

Dr. Thompson stated that Healthmark and the County have made a lot of progress together; it is very unfortunate that the County and Healthmark had to meet under these circumstances. There have been accusations and innuendos that have been bantered around the County to the embarrassment of everybody. Healthmark feels that this has disrupted their business, is causing harm to the County, and possibly, to the patient care, and internal strife. Dr. Thompson invited the Board to visit the facility at any time. He then displayed a chart reflecting what is needed for an intensive care unit for the hospital. Space has been allocated for this. Healthmark does not make these type commitments of planning for the future-- spending the money-- that it takes to do these type things without having a very sincere long term commitment.

Dr. Thompson then stated that he would like to address the allegations. He called Mr. Jim Speed who he stated was an independent CPA. Mr. Speed addressed the Board stating that the total that had been afforded was \$188,000. To put this amount into perspective, he stated that at the end of December, preliminary financial statements on the hospital show a profit of \$171,000 for the time that Healthmark has operated the hospital. This is after the \$188,000 of the various components that has been charged to operations -- this is putting the hospital in the position to invest in expansion, equipment, and investing in employees.

He then stated that he wanted to address some of the components of the \$188,000. Pertaining to the issue of management fees, he stated that the management agreement provided for management fees in the amount of \$7,000 per month for several months and then changed to five percent (5%) of adjusted revenues.

This indicates that Healthmark had earned management fees of \$77,713 at the end of December; they were paid management fees of \$60,579. There was reporting of house payments and other things; Healthmark acknowledges that there were some payments made on behalf of the Company, i.e. a house payment; wall paper payment in Pensacola; and interior design fee in Pensacola. These payments, made on behalf of Healthmark, were applied against the management fees that they had earned. A cleaner way to have done this would have been to pay Healthmark their management fee and let them then pay for the cited expenses themselves. There has been no harm to the hospital.

Pertaining to the credit card payments and travel expenses, Mr. Speed stated that one of their staff had sat down with the executives of Healthmark and gone through these files. They recommended to Healthmark that they change some of their documentation. It had been noted that a number of items had been charged to physician recruit. Mr. Speed stated that he will let Dr. Thompson address what is involved with physician recruitment.

After going through the files, Healthmark has identified expenditures of approximately \$2,000 which should be reimbursed.

Pertaining to the salaries paid to Healthmark officials, Mr. Speed stated that the start period was difficult and many changes and close supervision were required. The salaries paid to Dr. Thompson and others are reasonable and are probably much less than Healthmark would have had to pay to independent consultants to render those same services which were needed in the start period. The \$171,000 net profit indicates that Healthmark made some good decisions and that they are on track.

Mr. Speed then addressed the medicare payments of approximately \$146,000 that were received by the hospital. He stated that the hospital files a medicare cost report. Medicare has a number of years to look at the report before signing off on it. In this instance, they were looking at a report which applied to the hospital during the year when Southeast was running the hospital. There are some additional years that lapsed between that and the current period where Healthmark is handling the hospital. Healthmark has advised Southeast that the \$146,000 has been received and that it is available. Healthmark has asked Southeast to execute an agreement which states that during the intervening years, we will hold you harmless and we will pay any deficits, and any assessments that Medicare may make against the hospital. This is a matter of getting an Agreement from Southeast.

Commissioner Peacock asked on what grounds should the \$2,000 be reimbursed -- how was the money spent. Mr. Speed advised that the money had been spent on travel, meals, entertainment, airfare, hotel and lodging. This does not come as a result of what was in the paper. Dr. Thompson had learned of some of these improprieties around the first of November and began an investigation at that time.

County Attorney Richmond asked that Mr. Speed state for the record his full name and whether he was a licensed CPA in the state of Florida. Mr. Speed stated that his name was James Harold Speed, a CPA in the state of Florida. He is with the firm of Saltmarsh, Cleaveland and Gund.

Dr. Thompson then readdressed the Board. Pertaining to the \$2,000, he stated that it came to his attention in late October, early November, that Healthmark had some accounting policies and procedures which he did not feel were appropriate. With the assistance of the administrator and comptroller, he pulled all of the records and conducted a very extensive investigation which resulted in the resignation of an employee, Healthmark's Vice-President of Finance. This employee made restitution. That part of the restitution that should not have come out of the Quincy funds, whether they were Healthmark's, the hospital's or whoever, amounted to \$2,000 according to the independent CPA. Healthmark is now prepared to pass those funds immediately back to the County. The employee has not been with the Company since December 1.

Dr. Thompson then addressed the issue of the \$352,000 that was drawn down when Healthmark did not necessarily need it for operations at that particular moment. He stated that a hospital's business fluctuates with seasons and diseases and all types of situations that sometimes cause the census and collections to fall a bit. Dr. Thompson stated that he received a call from his administrator and comptroller immediately before the deadline. Healthmark had five months to use the funds if they were needed. There was no restriction of Healthmark removing those funds other than Healthmark coming through the County for justification and obtaining the funds. The administrator and comptroller advised Dr. Thompson that in the future, Healthmark may need the funds. They justified in Dr. Thompson's mind why Healthmark should take the

funds out, put them in a local bank and let them earn interest. The funds are in the bank. Dr. Thompson stated that the administrator and comptroller made a very logical request. He granted the request advising them how to handle the funds.

Commissioner Dixon advised Dr. Thompson that the contract specifically called for Healthmark to draw down the money for the sole purpose of operating the hospital. To stick the money into a money market account or whatever kind of account it was slaps this in the face, especially to draw it down days before the deadline date. This concerns Commissioner Dixon.

Dr. Thompson responded that they have been out recruiting physicians which is very expensive and time consuming. They have had some measure of success and anticipate more in the near future. When you bring physicians in, you have to have specialized equipment. One particular area that Healthmark has been concentrating on that this County badly needs, is reopening the obstetrical/gynecological unit to deliver babies. To do this, there are a number of pieces of equipment and instruments and expenses that Healthmark would incur, just as expenses would be incurred if a surgeon or family practitioner or internist were brought in. Healthmark has been talking to these people.

The request of the administrator and comptroller was justified. Healthmark does not know what it is facing. They have had phenomenal success in a very short period of time, but they do not know what is coming in the future. All Healthmark was trying to do was insure that Healthmark would be able to continue to serve the County in the manner that they did for the short period of time it took them to generate all of the activity in the positive cash flow picture. Dr. Thompson stated that he participated in the decision to draw down the money. He saw nothing in the contract that indicated that they should not do this. Healthmark anticipated using the money for operational purposes, if necessary.

Commissioner Dixon asked Dr. Thompson to explain the allegations made by Mr. Courtney and Ms. Long pertaining to the books and trips to Vegas and Hawaii. Dr. Thompson responded that restitution had been made on those things that were violated on the part of the employee. Mr. Frank Bozeman, one of the attorneys for Healthmark, explained that he had engaged, as a consultant the regional accounting firm of Saltmarsh, Cleaveland and Gund to do an independent audit of the books of Healthmark. Mr. Speed, one of the principals and partners of the Saltmarsh firm, is the person who headed up the audit.

Commissioner Dixon asked and Dr. Thompson advised that restitution had been made for San Juan Puerto Rico, Hawaii and things like that.

County Attorney Richmond asked Dr. Thompson if the purpose of the note was to fund Healthmark and help fund the hospital for the first four or five months of operation. Dr. Thompson responded that he thought the time period was five months, but he would like to call upon someone that is more familiar with legal documents than he to answer the question.

County Attorney Richmond asked Dr. Thompson if he was prepared to pay down on the note the \$352,000 that is presently in the Quincy State Bank in a money market account. Dr. Thompson responded that they are prepared to act in accordance with any agreements that they have with this County. They would like to sit down and make sure that the County will let Healthmark, in case they have a shortfall, have something to back them up.

County Attorney Richmond stated that this was a yes or no answer, citing what the agreement stated. He again asked Dr.

Thompson if he was willing to pay back the \$352,000 to the County that is presently in a money market account not being used for the current operation of Gadsden Memorial Hospital. Attorney Nancy G. Linnan interceded, stating that she was Attorney Bozeman's partner.

She stated that they had pointed out to the Chairman tonight that the purpose of this meeting was not to be a legal proceeding. There are different readings of those documents. The purpose of those funds include operating expenses of the hospital. She does not read the documents as saying that it has to be operating expenses of the hospital. If this question had been asked two to three weeks ago, it would have been an easy answer. They could have answered affirmatively as the money was sitting there not being used and the hospital was doing great. Healthmark has been hurt by the bad publicity. She, Dr. Thompson, nor anyone present can tell the Board that if the Board wishes the hospital to continue operation with Healthmark that it will be an easy operation at this point. The question is whether to shut down the hospital or whether Healthmark will continue to operate it, considering and existing expenses caused by the action of this Board and the way matters were handled. This is a separate question that the lawyers need to get together on.

County Attorney Richmond stated that back when all of this was done, the understanding of the Board, the hospital and all the banks was that the money was a start-up fund. If Healthmark needed the money, they could draw it down for the operation and if Healthmark needed it they could have it by November 1 for the operation. Healthmark took \$350,000, not for operation, but for contingency, and put it into a money market account. It does not seem that it was needed for operation. Attorney Linnan stated that it is true that at the time it was not needed for operation and the money has not been touched. Whether the money will be returned to pay it down is a question of whether this can legally be done -- what happens to the operation of the hospital.

County Attorney Richmond asked Attorney Linnan if the money was going to be paid back to the County -- paid on the loan. Healthmark has stated that it made a profit of \$171,000 in six months. He would like to see the working papers on this. The County needs to know if the money is going to be repaid. Attorney Linnan stated that Healthmark is current on all payments.

Commissioner Dixon asked Dr. Thompson if Healthmark intended to pay the \$350,000 back. He responded affirmatively, stating that they never intended not to pay the line of credit back. Commissioner Dixon then asked if, in bulk, the \$350,000 would be returned to Gadsden County, as Dr. Thompson has stated that they do not need the money, it is there for contingency, not operating. Dr. Thompson asked if the County would let them have the money back if it were needed in the future. Commissioner Dixon stated that this was a matter of private operation; a matter of operating the business. Commissioner Dixon again asked Dr. Thompson if he intended to give the money back to the County now as it is not being used for operating. Attorney Linnan responded affirmatively, stating that there was a qualification to this. Healthmark would be happy to agree that they would not write a check on the money unless the County counter-signed a check for future operation expenses. Commissioner Dixon stated that the money was not set for this purpose, so it cannot be used for this purpose. Attorney Linnan responded by stating what the contract calls for, if there is a default; Healthmark is given notice and sixty days to rectify it. This did not take place in this case which has caused damage to the hospital. If Healthmark can relate this damage to expenses, they would like the ability, if they give the money back to the County, to have the ability, with the County Commission's permission, to draw on the funds to continue operational expenses of the hospital. The monies will be given back, but problems have been created.

Commissioner Dixon stated that the Board is not talking about default, but getting back on level ground -- if Healthmark and the County can do business. The County needs the money back to get back to that level ground. Attorney Linnan stated that Healthmark needs some indication from the Board, that it recognizes that problems have been caused by the way this matter has been handled.

Commissioner Dixon stated that this meeting says that the Board recognizes that problems have been happening. Attorney Linnan stated that the question is "will the Board work with Healthmark in the future if they have extraordinary expenses caused by these unique circumstances"?. Commissioner Dixon responded that Attorney Linnan was changing the whole contract, she wanted to renegotiate the total contract which might not be a bad idea. He needs to know, before he can go forward on anything, the status of the \$350,000 that the County is responsible for. Attorney Linnan stated that they too are responsible for the money.

Commissioner Peacock asked on the \$350,000, if Healthmark returns it to the County and the County agrees that any check drawn on the money would come through the County's auditors and Clerk before the money was turned back over to Healthmark, would this be acceptable? In other words, could the County and Healthmark work this way. Dr. Thompson responded affirmatively. Healthmark can work with the County to assure that Healthmark does not spend any money for anything that the County does not approve. They want the County to understand that the allegations have hurt Healthmark. Their collections may fall off. Their census, since the resignations, has increased. They have a great deal of hope for the future and intend to be here. Healthmark will work with the County in any way they can, to the County's satisfaction. He does not want the project to fail after all of the work that Healthmark and the County have done together to make it work. Healthmark is not hung up on having the \$350,000 under their control. They will gladly share this with the County. He is sorry that Healthmark has not reported to the County on a timely basis, but they will do so in the future.

Commissioner Dixon responded that the County had not caused Healthmark's problems. The County had given Healthmark basically carte blanc at the hospital. The contract gives them carte blanc, plus a million dollars. Commissioner Dixon is interested in lowering the Board's vulnerability to the million dollars. Posting the \$350,000 back to the bank would make him feel better in doing business with Healthmark. Dr. Thompson responded that they feel that the Board should have abided by the terms of the agreement. If the Board saw a problem, they should have given them notice in writing or sixty days time to cure. This is not the way it was handled. As a result, Healthmark has received terrible publicity.

Healthmark did not come to this meeting to be adversarial. They came to tell the County how this came about, what had been going on and what their plans are for the future. They ask that the County move together with them in a reasonable manner which they are ready, willing and able to do.

County Attorney Richmond asked Dr. Thompson if there was some requirement that the hospital furnish medicaid/medicare a qualified audit by the end of February 1993. He responded affirmatively, stating that they employed Pete Morwick who has delayed the audit, with permission from medicare and medicaid and all the other agencies. The ACCB report, all those things, its an internal situation with Mr. Morwick. They have not been able to turn out the audit. Dr. Thompson stated that he has called them a few times a week for the past few weeks asking why Healthmark could not get the report. Dr. Thompson stated that Mr. Speed had spoken with one of Mr. Morwick's principals recently, and asked that Mr. Speed advise the Board as to what he had been told. Mr. Speed addressed the Board, stating that he had asked about the delivery of the audit report -- the audited financial statements. The audit

partner's response to him was that it was a matter of timeliness. He has not finished reviewing, but he expects that the audited financial statements would substantially be the same as the internally generated financial statements. County Attorney Richmond asked Mr. Speed if he could answer, on behalf of Healthmark, whether Healthmark would have a qualified audit from a nationally recognized firm, such as Pete Morwick, by March 1, 1993, to maintain Healthmark's status where they can receive medicaid and medicare funds. It seems that the hospital will not operate without at least having this assurance. Mr. Speed repeated what he had been told by Mr. Morwick's firm, stating that he could not state that Mr. Morwick would deliver.

County Attorney Richmond stated that the hospital could not function without medicare and medicaid which Dr. Thompson confirmed. County Attorney Richmond stated that it was the Board's understanding that the funds were start up monies at the time the documents were signed and Healthmark had five months to use what was needed. The \$350,000 obviously was not needed as it is still in a money market account. The Board wants some assurance on the \$350,000 before it decides what to do. He then asked if Healthmark was in a position to continue operation of the hospital. Dr. Thompson responded affirmatively, stating that Healthmark had employed Pete Morwick. Pete Morwick has assured him that the audit will be available soon. They have an extension. Healthmark is in no jeopardy of losing medicare and medicaid. Dr. Thompson feels that the County will get a timely response to the audit. He then addressed Commissioner Dixon, stating that there was no problem with giving the money back. All he asks if this is done is assurance of the Commissioners that if there is a shortfall in cash, if the census falls off or something unforeseen at this time occurs, the Commission will be reasonable with Healthmark and help them keep the hospital moving forward.

Commissioner Dixon responded that he had a rough time with Dr. Thompson asking the Board for assurances when the Board has just been shown that Healthmark has made a \$171,000 profit that is not being put aside for contingencies for their private operation. Dr. Thompson explained that the profits were in accounts receivables, yet to be collected. If collected, they hope to reinvest the money into more equipment and recruiting more physicians. Commissioner Dixon responded that this does not jive for him. The County had given Healthmark start-up money which they had used and abused. Healthmark now wants the County to pledge further assets for them to maintain business for private enterprise. Dr. Thompson again stated that the profits were not in their pockets. Healthmark wants to make sure that there is still a team effort that the Board recognizes. Somewhere down the line, problems may arise that could interfere with the operation of the hospital. If problems arise, Healthmark wants to know if they can count on the County to come back and join hands and hearts with them to move forward together.

Commissioner Dixon stated that everything that has occurred at the hospital in the context of what is happening now was not caused by this Board. Dr. Thompson concurred, stating that Healthmark is not blaming the Board for anything. All they would have asked is that the Board had called them and told them there was a problem and given them sixty days to make corrections. He is embarrassed that the County has not been kept advised on a month to month basis which is what the hospital administrator was supposed to do. This will be done in the future.

County Attorney Richmond stated that Dr. Thompson had advised him in conversation that the money would come back to the County, without conditions. Dr. Thompson stated that the answer had been, yes. Chairman Powell asked Dr. Thompson for the status of the hospital, staff-wise. He responded that there were nine patients and a few disgruntled employees going around making threatening

sounds to other employees -- there is unrest. He will find it necessary to deal with these matters. He then introduced the new hospital administrator, Mr. John Hufstetler, advising that he held a Master's Degree in hospital administration and gave the Board a brief background report on him. Chairman Powell asked for the status of funds to pay the employees and vendors for this week -- is the \$350,000 under discussion set aside to pay employees or take care of vendors. Dr. Thompson advised that it was not, that there is money in the operating account to meet payrolls; there is no problem meeting payroll. The only problem now is the adverse publicity and allegations that could harm Healthmark's business. Healthmark needs assurance that in case of shortfall of cash due to some unforeseen circumstance or directly related to these circumstances, they can continue operation. Commissioner Dixon wanted to know what he meant by assurance. Dr. Thompson responded that the assurance is that Healthmark and the County sit down and find out what each wants-- under what circumstances would the County continue to help Healthmark if and when they need it. Commissioner Dixon asked and Dr. Thompson confirmed that he meant monetarily. Commissioner Dixon asked Dr. Thompson why they would not go to the bank for a loan like any other private industry. He stated that it was because they do not own the hospital.

Commissioner Dixon advised that one of the problems he finds with the management agreement is that it provides the County no source of accountability short of Healthmark providing an audit. Dr. Thompson responded that he has invited the Board to come out at any time to view any records and ask questions. Commissioner Dixon stated that should the Board choose to continue, there will be certain kinds of accounting things that he would like to have his man from the County check out. Dr. Thompson responded that they welcome this.

Chairman Powell then asked County Manager Parmer what his recommendation was pertaining to this matter. County Manager Parmer responded that it was his recommendation that the Board turn over whatever documents and evidence that the County has with regard to the operation of the hospital to the State's Attorney and the Florida Department of Law Enforcement through the Sheriff's Office for an investigation. If the investigation reveals nothing has happened, nothing is wrong, then nothing is wrong. If the investigation reveals that something happened wrong, then he is sure that the State's Attorney will impanel a grand jury and follow the litigative necessity of the case. The other recommendation is that the \$350,000 plus the \$144,000 outstanding to Southeast be put back in Quincy State Bank under the control of the County.

In response to County Manager Parmer's recommendation, Attorney Linnan stated that Dr. Thompson had stated that Healthmark would put the \$352,000 under the County's control. He did want some assurances. What he was talking about was warm fuzzies, not a legal document, that if there was a situation in the future, the County would work with them and be reasonable in terms of the future. He was not asking for a legal commitment. As for the \$352,000 there is no problem. Commissioner Dixon asked Attorney Linnan to repeat her statement. She complied, stating that Dr. Thompson had stated that he would give back the \$352,000, tomorrow morning, solely under the County's control. He was asking for some warm fuzzy feeling, personal assurances, should a problem arise that they had not foreseen; some feeling that the County wants the hospital to continue operation under Healthmark. If there were to be a problem in the future, Dr. Thompson could come before the Board and advise of a cash flow problem. Healthmark has a profit, but it has not been collected yet. The County owns the hospital, so Healthmark cannot go to the bank and mortgage the hospital. They want to work with the County for a temporary situation. With regard to County Manager Parmer's recommendation, the reality is that a hospital cannot be operated while it is under criminal

investigation. Healthmark would strongly object to any intimation, in any sense, that anything criminal was going on. Brief discussion pertaining to this followed.

Commissioner Peacock stated that he would make County Manager Parmer's recommendation into a motion. Commissioner Davis seconded it. County Attorney Richmond made a recommendation that upon the repayment of the \$352,000 and upon the \$146,000 being put under County control, that the Board direct that the temporary injunction be stayed so that Healthmark can pay their bills and carry on at least at this level for now. County Manager Parmer stated that he so amends his recommendation. Commissioner Peacock stated that he amends his motion to include this.

An audience member, Georgina Guyer, stated that she was Director of Nursing at the Hospital. She asked if Healthmark would still be allowed to manage the hospital if this matter is turned over to the law enforcement officials recommended by County Manager Parmer or will the hospital be taken over by the County until a temporary interim person is allowed to manage. Commissioner Peacock responded that as far as he knew, Healthmark would still be allowed to manage the hospital. He then commented on the cost to the County if the contract with Healthmark were cancelled in error.

Ms. Guyer stated that to her, Healthmark had not totally explained the allegations, exclusive of the \$350,000. She would like the Board to delve into this issue more. Commissioner Peacock advised that this was the reason for the investigation. Discussion followed as to the length of time the investigation would take and what was involved in the investigation. The investigation will take two to three months with a minimum of sixty days. Commissioner Davis voiced concern for the effect a lengthy investigation would have on the credibility of the hospital.

An audience member, identifying himself as Dr. Nelson from Alabama, asked how many physicians Healthmark had successfully recruited -- who had committed to coming to Gadsden County and signed a contract. Dr. Thompson advised that Healthmark had not entered a contract. Discussion between Drs. Nelson and Thompson followed pertaining to the unsuccessful recruitment of Dr. Nelson by Healthmark.

Dr. Alma Littles, an audience member, stated her concern for her patients with reference to the status of the hospital. Commissioner Dixon advised that this matter would be worked through as expeditiously as possible.

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously that the Board turn over whatever documents and evidence that the County has with regard to the operation of the hospital to the State's Attorney and the Florida Department of Law Enforcement, through the Sheriff's Office, for an investigation. The \$350,000 plus the \$144,000 outstanding to Southeast, is to be put back in Quincy State Bank under the control of the County. Upon the repayment of the \$352,000 and upon the \$146,000 being put under County control, the temporary injunction be stayed so that Healthmark can pay their bills and carry on at least at this level for now.

Various members of the audience were then allowed to address the Board pertaining to the hospital. Those speaking included Dr. John P. Brinnon; Dr. Nelson; Kathy Storch; Jane Campbell; Kaye Hammell; John Courtney; Carla Campbell; and Larry Guier.

ADJOURNMENT

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously to adjourn.

ANTHONY A. POWELL

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
FEBRUARY 15, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
NICHOLAS THOMAS, CLERK

ABSENT : BUD PARMER, COUNTY MANAGER

CALL TO ORDER AND DISCUSSION (FIRE ASSESSMENT UPDATE)

The meeting was called to order by Chairman Powell. He then turned the floor over to the consulting firm.

Mr. George Nickerson introduced himself, stating that he was with the firm of Nabors, Giblin and Nickerson of Tallahassee which did the legal work on the fire assessment program. He stated that he would like to go through, again, how the original assessment program was structured; to talk about how a number of improvements came to be left off the original assessment roll; and what they propose that the Commission do to correct the error.

He proceeded to summarize the procedure used in assessing the properties. After completing the procedure, his firm found that there were some improvements that had been omitted. As bad as some of the omissions were, there are only seventy parcels involved out of the fourteen thousand parcels in the County. He then explained how this omission had occurred, advising that the assessment roll was generated by a computer. Mr. Nickerson stated that he would focus on the non-residential classification as this is where the problem is. His firm asked the computer to tell them how many square feet of improvements there were in the land use categories that were in the non-residential category. Each Property Appraiser has several classifications of improvements -- primary features and extra features. He explained what is expected to be found in each of these categories. On the tax roll in Gadsden County, they found that there were a number of very large improvements in the extra features category that they would ordinarily expect to find in the primary features category. In their experience in doing this kind of roll, they had never previously encountered a situation where there was such a large amount of accessible square footage that was classified as an extra feature instead of a primary feature. As a result of this, when they pulled over the amount of square footage and divided the cost allocated to non-residential property, they came out with eight cents per square foot which was the assessment for non-residential property. When all of the square footage was used, including the square footage that they identified in extra features, it reduced the assessment from eight cents a square foot to six cents a square foot. There was almost 700,000 square feet of improvements that they had not identified in the original assessment roll.

Mr. Nickerson stated that the only category of property affected is non-residential and explained why. The only thing to be decided is how to divide the cost among the non-residential properties. They propose to apply exactly the same standards that were applied this summer and apply those standards and rules to all of the property that should have been assessed, including the improvements that were subsequently discovered in the extra features category. The non-residential property owners will be affected in different ways; residences and agriculture will not be affected. There were 230 parcels of property that were in the non-

residential classification on the original assessment roll. Of those 230 parcels of property, 214 will have a reduction in their assessment of approximately twenty-five percent -- from eight cents a square foot to six cents a square foot. Those 214 properties will not have any additional assessment on the supplemental roll because his firm found no additional square footage in the extra features category.

There are 214 properties that are only going to get a refund. There are eight parcels of property that will get a refund as to the square footage that was already on the assessment roll, but will also have a new assessment on improvements that were found during the firm's supplementary work. The amount of the refunds on these eight parcels will be greater than the amount of their new assessment, so they will pay less than they did on the original assessment roll. There are seven parcels of property that have a refund for the improvements that were already on the roll and have a new assessment. For these seven parcels, the new assessment exceeds the amount of their refund, so their assessment will be larger than it was on the original assessment roll. The fourth category is the category in which most of the problem parcels were found. In this category, property was assessed for another classification and there were no improvements in the primary features category that would have been assessed for a non-residential use; however significant improvements were found in the extra features category. There are twenty parcels in this classification. The final classification are properties that did not receive an assessment at all because the land use code was not one that his firm targeted to receive an assessment by itself, but they subsequently found improvements that should have been classified as non-residential improvements. There are thirty-seven of these parcels.

Mr. Nickerson advised that his firm had prepared a resolution **(attached)** for the Board's consideration. He reminded the Board that when the original assessment was done, two resolutions were approved. The first one established a public hearing and directed that notices be sent to the individuals who were to be assessed. This is the resolution that is being presented to the Board tonight. If adopted, it would establish a public hearing for March 23, 1993, as to the approximately seventy parcels that will receive a new assessment. It will also direct that notices be sent, individually, to those parcels of property. It will tell them exactly what the status of their new assessment is. He then advised as to what the resolution included and welcomed questions from the Board.

Commissioner Peacock asked and Mr. Nickerson clarified that the resolution was authorizing remittance of notices to the seventy parcels that will be affected; notices will not be sent to anyone else/no other parcels. Mr. Nickerson stated that if a person does not get a notice, they are not getting a new assessment. After the supplemental assessment roll is adopted, notices will be sent to persons whose assessment will be reduced. Commissioner Davis asked and Mr. Nickerson advised that the public hearing was for the seventy parcels affected. Mr. Nickerson recommended that the Board hear, first, from the seventy owners. There is no legal requirement that the Board hear testimony from anyone who is not being assessed. If this type of testimony is entertained, they recommend that it be after the people who are directly and financially affected have had the opportunity to be heard.

Commissioner McGill asked if it was now known what caused those seventy parcels to be missed in the initial assessment. Mr. Nickerson advised that they were missed because they were classified as extra features. Commissioner McGill then asked if it was now certain that all properties in Gadsden County had been identified into a classification. Mr. Nickerson responded that to

the best of their knowledge, they have.

Commissioner Dixon asked and Mr. Nickerson advised of the procedure the Board should follow pertaining to this matter. He stated that the Board should call itself into special session after this workshop and adopt the resolution. His firm will handle preparation of the notices. There is adequate time to hold a public meeting after the notices are mailed; the public hearing will be held March 23, 1993. At that hearing the Board will be presented an assessment roll for adoption. After the assessment roll has been adopted, Mr. Nickerson's firm will take to the Tax Collector a series of ENI forms. Those persons' tax bill will be modified. If they have paid their assessment, they will get a refund from the Tax Collector, if not, they will get a revised tax bill that will reflect the reduced assessment. The second thing that will happen is that his firm will send regular manual bills to the seventy properties that are getting the new assessment; these assessments will not be placed on the tax roll for this year because they were not picked up on the original roll. In subsequent years, starting next year, these properties will be picked up and assessed on the tax roll as all other properties are.

Commissioner Davis asked if the taxes would be collected this year. Mr. Nickerson advised that a bill would be sent this year and they do expect it to be paid.

Commissioner McGill asked if persons entitled to a refund could be given a credit instead, by the Tax Collector. Mr. Nickerson advised that they were recommending that a refund be given. Chairman Powell asked and Mr. Nickerson advised as to how late payment penalties and early payment discounts were calculated into refunds issuance. Commissioner Dixon asked and Mr. Nickerson advised as to discounts for persons who were not assessed.

Commissioner McGill asked and Mr. Nickerson explained how the cost per square foot was derived. Chairman Powell then stated that the workshop was over with and called the Board into Special Session for the purpose of passing a resolution to supplement the fire assessment for Gadsden County.

The Board, on motion of Commissioner Peacock and second of Commissioner McGill, voted unanimously to pass the Resolution.

ADJOURNMENT

The Board, on motion of Commissioner Peacock and second of Commissioner McGill, voted unanimously to adjourn.

ANTHONY A. POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON FEBRUARY 16, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Clerk Thomas led in Pledge of Allegiance and Commissioner Peacock led in Prayer.

ADOPTION OF AGENDA

The Board, on motion of Commissioner Dixon and second of Commissioner Davis, voted unanimously to adopt the agenda.

APPROVAL OF MINUTES - JANUARY 26, 1993 - SPECIAL MEETING

The Board, on motion of Commissioner Davis and second of Commissioner Peacock, voted unanimously to approve the minutes of the January 26, 1993, Special Meeting.

APPROVAL OF MINUTES - FEBRUARY 2, 1993 - SPECIAL MEETING

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously to approve the minutes of the February 2, 1993, Special Meeting.

APPROVAL OF MINUTES - FEBRUARY 2, 1993 - REGULAR MEETING

The Board, on motion of Commissioner Dixon and second of Commissioner Peacock, voted unanimously to approve the minutes of the February 2, 1993, Regular Meeting.

PUBLIC HEARING - STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) ORDINANCE

County Attorney Richmond advised that the required publication had been done on the SHIP Ordinance. He directed the Board's attention to the proposed Ordinance (**attached**) and welcomed comments from the Commissioners.

Commissioner Dixon commented that the Ordinance was a great thing and expressed hope that the Board move expeditiously on the matter. He encouraged the local partnership that is called for in terms of banks, builders and developers to take a hand and join in with it.

Chairman Powell stated that Commissioner McGill was late, but would be at this meeting.

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously to adopt the SHIP Ordinance.

PUBLIC HEARING - ROAD PAVING ORDINANCE

County Attorney Richmond stated that this ordinance dealt with paving of roads in Gadsden County. Since advertising this item, he

has looked a little further, at the request of the Chairman, into some other aspects of this item. There are some other alternatives that the Board may want to consider.

County Attorney Richmond stated that he found some other legislation involving special benefits to landowners who want this done. He explained how the process worked, citing Leon County as an example. He suggested that if the Board wanted to consider using the method used by Leon County that this Ordinance be withdrawn at this time and re-advertised. This ordinance does not affect the Subdivision Ordinance and it does not require the County to find the money to pave a road, if a petition is filed. It is only if the money is available or if Farmer's Home has funds available to buy the liens. He requested Board approval to withdraw the Ordinance.

Chairman Powell asked and County Attorney Richmond confirmed that the Ordinance would still be based on one-thirds. The Board will have to decide whether it will require the majority of property owners or two-thirds of the property owners on a road to petition the County to pave a road. Commissioner Peacock asked and County Attorney Richmond confirmed that the Board would make this decision at the time the matter is re-advertised. Commissioner Peacock stated that he had a problem with the wording in the present proposed ordinance, so for this reason, the Board needs to abide by the recommendation of County Attorney Richmond.

Commissioner Peacock made a motion to table this ordinance and readvertise. Commissioner Dixon seconded the motion. Chairman Powell asked and County Attorney Richmond advised that he could have the redrafted ordinance to the Board in two weeks which would allow advertising the first week in April. Chairman Powell asked and County Attorney Richmond advised that he would have several copies of the proposed ordinance available at the next meeting for distribution to the public. Copies will also be available at his office.

The Board, on motion of Commissioner Peacock and second of Commissioner Dixon, voted unanimously to table this ordinance and readvertise.

RICK McCASKILL - ECONOMIC DEVELOPMENT UPDATE

Mr. McCaskill provided the Board with an economic development update (**attached**), highlighting the magnetic lab; tourism package; a company that wants to open a packing house; a company that manufactures housing panels, a confidential firm looking at property in the eastern part of the County; and a company looking for a spring to bottle water.

Commissioner Dixon asked and Mr. McCaskill advised that the Economic Development Update that is provided the County Commission and Clerk is the same that he provides his Board. The cost of the report is \$2500.

MIKE SHERMAN - PLANNING AND ZONING RECOMMENDATIONS (ATTACHED)

Mr. Sherman addressed the Board, presenting the following:

1. STORAGE SOLUTIONS - PROJECT #93PZ-5-201-1-1

Storage Solutions proposes to sell portable buildings (playhouses) on the northeast side of US 27 and Choctaw Drive at the entrance of Ochlockonee Estates. The property consists of 1.33 acres. The applicant is Ms. Janice Boyett and the property owner is Mr. Donald Jones.

Mr. Sherman advised that the property owner did not inform

the business owner that they needed to go through Planning and Zoning and the development review process. A letter was sent to the property owner advising that on any future developments on his property, he must advise the developer of this or staff would recommend disapproval of the development.

The Planning and Zoning Board and staff recommend approval, subject to the listed special conditions.

Commissioner McGill asked and Mr. Sherman advised that this development had been in operation for three weeks prior to obtaining the proper permit. He then asked and Mr. Sherman advised that this County does not have any type ordinance assessing a fee when the property owner sells property or leases property to a business that allows that business to go into operation prior to proper processing. Commissioner McGill stated that this was something that the Board may want to consider enacting. Mr. Sherman advised Commissioner McGill that he would check to see if there are any existing ordinances in any of the local governments in the area. If there is not one, he will discuss this with the County Attorney to ascertain how the County can adopt such an ordinance. Commissioner McGill then asked and Mr. Sherman explained the ingress and egress for the project. Commissioner McGill then asked and Mr. Sherman advised that the business had no problems with conforming to the special conditions.

Commissioner McGill made a motion, seconded by Commissioner Peacock to approve the project. Chairman Powell asked if anyone was present to speak for or against the project, to which there was no response.

The Board, on motion of Commissioner McGill and second of Commissioner Peacock, voted unanimously to approve the project, subject to the special conditions.

2. MICKEY'S DINER - PROJECT #93PZ-6-201-2-1

Mickey's Diner is a proposed restaurant to be located in an existing building (former restaurant) on the west side of US 27, approximately 0.15 miles north of the Havana Town Limits. The property consists of 3.19 acres. The applicant is Mr. Vick Dillard and the property owner is Mr. M.E. Craig.

The Planning and Zoning Board and staff recommend approval of the project. Chairman Powell recommended approval of the project.

Commissioner Davis made a motion, seconded by Commissioner Peacock to approve the project. Chairman Powell asked if anyone was present who opposed the project, to which there was no response.

The Board, on motion of Commissioner Davis and second of Commissioner Peacock, voted unanimously to approve the project.

UPDATE

Mr. Sherman advised the Board that he had a number of meetings with HRS District Two as well as some people from the Department of Community Affairs -- the Division Director, Charles Patterson -- in regards to the proposed small scale amendment which the Department of HRS had once petitioned Gadsden County to petition the State of Florida for an amendment to Gadsden County's Comprehensive Plan. This amendment is to change a ten acre parcel on the Bear Creek Recreation Facility which is presently designated as conservation.

They want to take the ten acres and redesignate it as public. The reason they want to do this is HRS has received some grant money from the State of Florida to open up a Half-Way House for

delinquent boys. The Half-Way House will consist of twenty-four beds and will have twenty-four hour awake supervision. The program description or program operation with what will go on at that location basically is a wilderness camp to help children improve their self-esteem and learn life skills and get back with their families.

The Department went out for proposals for a provider or someone to run the operation. They have selected Associated Marina. Mr. Sherman advised that a representative of this agency, Mr. Dan Grizzard, was present to answer questions. He then advised the Board that several citizens of Gadsden County had requested that he process amendments to the Comprehensive Plan. The Department policy has been that until the County comes into compliance with the State of Florida, the County does not feel that it would be appropriate to petition the State for any amendments, although by law the County is allowed to do this. Administratively, it would be difficult to have two sets of amendments going. Mr. Sherman asked that the Board give direction as to what to do on this matter. He stated that this matter was before the Board at this time because Associated Marina is on a very restricted time frame to get the program up and running.

Commissioner Dixon wanted to know why they were only now asking the County to pursue a small scale amendment to which Mr. Sherman responded. Commissioner Davis asked and Mr. Sherman advised that a public hearing would be required before the Planning and Zoning Commission or LPA as well as the Board of County Commissioners. Commissioner Dixon advised as to what his reservations were with pursuing an amendment, stating that he was not going to make a motion tonight to do anything without something in writing.

Chairman Powell asked and Mr. Sherman advised that there was nothing to prioritize this request over that of the citizens of the County. Commissioner Peacock asked and Mr. Sherman confirmed that the Department of Community Affairs concurred with the County's Department policy that it is administratively difficult to have a bunch of Plan amendments out when not in compliance. Commissioner Dixon stated that if the County got to the point where it could allow petitions for small scale amendments, it would be wise to notify persons who had been turned down. Mr. Sherman stated that he did not have a problem with this as long as the County stayed under the threshold set out by the State.

Chairman Powell asked and Mr. Sherman advised as to the time frame on this matter for presentation to the Department of Community Affairs. County Manager Parmer advised that Secretary Shelly of the Department of Community Affairs was about ready to sign off on the County's Comprehensive Plan. Commissioner Peacock stated that he did not feel that the County needed to do anything to upset the Comprehensive Plan. Commissioner Dixon advised as to another process under consideration for amendments to comprehensive plans. Commissioner McGill commented on the inequity of rushing this request through when citizens' requests had been denied. Commissioner Davis asked and Mr. Sherman confirmed that the Comprehensive Plan could be amended only twice per year under the regular amendment process. He then explained that the small scale amendment process could be amended as many times as wished, provided that the County stays under the thirty acre threshold.

Chairman Powell then welcomed Mr. Dan Grizzard to address the Board. Mr. Grizzard stated that they were not allowed to officially pursue anything until the contract was awarded which officially happened last Tuesday. Once this was done, they started pursuing the steps they had to take which is when Mr. Sherman's office started briefing them on what had to happen. Mr. Grizzard advised the Board as to what commitment they had received from the

Department of Community Affairs. If this project has to be postponed another one or two months, it will be drawn out to a four to six month procedure. Mr. Grizzard then advised the Board as to what the RFP stated with reference to the non-adherence to the time table on this project.

Commissioner Dixon asked and Mr. Grizzard advised that this was the site that they wanted. Commissioner Dixon then asked and Mr. Sherman advised that Associated Marina had not completely subverted the Planning and Zoning process, advising that it was scheduled for the March 3, 1993, Planning and Zoning meeting for review. Commissioner Dixon then asked and Mr. Shepard advised that what was being asked at this time is whether he should start the analysis to prove to the State that it is justified to change the land use category. Commissioner McGill wanted to know and discussion followed as to whether or not all citizens who had requested changes be included in the process, if the request were allowed.

Commissioner Dixon stated his concerns with subverting the process. County Attorney Richmond stated that he would not like to see the Board make a decision tonight that could be seen as binding by anyone. There may be opposition among the public to this project. County Manager Parmer stated that submission of small scale amendments to the Department of Community Affairs may stop the approval process of the Comprehensive Plan. Commissioner Peacock asked and it was confirmed that the approval process did not prevent the Board from submitting this project to Planning and Zoning for processing so that it could go forward if it was the desire of the Board. Mr. Sherman explained the process. Commissioner Peacock asked and Mr. Sherman confirmed that it was after the process that the Board would make a decision as to whether to send it back to be amended to the Comprehensive Plan or the Comprehensive be amended to it. Mr. Grizzard stated that he had been advised that he needed to appear before the Board to answer questions. They are asking permission to submit the process. Commissioner Dixon responded that the Board did not have any information from which to ask questions. Mr. Grizzard advised that he could get information to the Board.

County Attorney Richmond advised the Board that it could not be in a position, but the door is open and Associated Marina can submit the application to begin the process; however, the Board does not need to be in a position of telling them to go ahead. The Board is in no position tonight to take action on this project. Board members asked questions pertaining to the project to which Mr. Grizzard responded. Commissioner McGill stated that the Board could not stop whatever Associated Marina could do on their own initiative, but he would vote against anything that the Board would officially do to get Associated Marina started.

Commissioner Dixon made a motion to allow Associated Marina to pursue the process and send the Board some information. Commissioner Peacock stated that no motion was needed as the Board was not taking any action on the matter. Chairman Powell advised Mr. Grizzard that he could start the process and provide information to the Board. Mr. Grizzard asked and Chairman Powell confirmed that nothing was official, but it was okay for them to start the process. Chairman Powell also advised that this was to be done on Associated Marina's own initiative.

AMERICAN DISABILITIES ACT

Mr. Edward J. Butler addressed the Board, requesting funds to facilitate the American Disabilities Act. The County has a few buildings that need to be surveyed for this purpose. He has been in contact with Mr. Michael Elliot of the Center for Independent Living in Tallahassee. The Center can do the evaluation and study

and make the report for the County. The charge is \$50 per hour with a minimum of two hours. The buildings included are the old city hall, Planning and Zoning, Building Inspection, Property Appraiser, Tax Collector and perhaps the public library; this survey would include all buildings except the courthouse as the Court Administrator's Office in Tallahassee has already performed a survey of the Courthouse. Mr. Butler is in possession of the report. He asked for between \$300-\$400 to facilitate the costs of the survey and report. Everyone is supposed to be in compliance with this Act; the County is not in compliance.

Chairman Powell asked and Mr. Butler advised that although the County is renting some of the buildings, the County is still responsible for improvements. He then entertained questions from the Board.

The Board, on motion of Commissioner Dixon and second of Commissioner McGill, voted unanimously to approve a maximum of \$400 for the survey of the County's buildings.

ROADSIDE LITTER

County Manager Parmer addressed the Board pertaining to the problem of roadside litter. He advised that he is doing juggling of personnel so that a full time crew consisting of one employee and state prisoners on the roads to clean up litter. Commissioner Peacock suggested that to dispense with the litter problem, the County might want to institute a reward program to persons who report on persons who are littering when a conviction is obtained. Discussion followed.

OCCUPATIONAL LICENSE FEE

County Manager Parmer advised that Gadsden County is one of the few counties in the State of Florida that does not have an Occupational License fee. Institution of a fee was attempted two or three years ago, but the fees were too high and there was a lot of resistance to it.

The fee is not so much for the money collected, but for control of what is going on in the County. He stated that with the Board's permission, he would get back to work on this, advising that the legislature is recommending occupational fees. The matter will be brought back to the Board with a recommendation, inclusive of a list of fees and the types of businesses affected.

VIBRATOR PACKER

County Manager Parmer advised that the County's people had located a vibrator packer in Marianna at the governmental military surplus facility. This machine is used for putting down base before paving a road. The price of a new packer is \$182,000; the used one costs \$4,000. According to the County's shop foreman and Road and Bridge Superintendent, the packer needs about \$300 worth of work to make it into outstanding condition. County Manager Parmer stated that he needs the Board's approval as to whether or not to purchase the equipment. He recommended that the purchase be approved.

Chairman Powell asked and County Manager Parmer advised that there was someone to operate the machine. Commissioner Dixon commented on the dilapidated condition of Road and Bridge equipment and the failure of the Department to follow proper procedure on lease/buy-back procurements which has prevented the County from selling the machinery back. County Manager Parmer advised that the County would be able to sell the five motor graders that were purchased three years ago. Commissioner Dixon stated that the Department has a mechanic who is also a foreman, so he does not get

dirty; a man who is not a mechanic works on the machines. Commissioner Dixon would be hesitant to buy another piece of equipment until the whole situation is overhauled. County Manager Parmer stated that he would be coming to the Board with some recommendations with regard to this area. He then commented on the lack of funds to purchase new equipment. Discussion followed on the exorbitant amount of funds spent on the maintenance of used equipment and the lack of certified operators of equipment.

Commissioner McGill asked and Commissioner Dixon stated that his position was that everything at Road and Bridge needed to be inventoried and a replacement process begun. Certified mechanics and certified operators also need to be hired.

Mrs. Archie Mae Carter, an audience member, commented on the shortcomings of offering a reward for citizens reporting on the littering of other citizens. She stated that the Board needs to look further into this.

Commissioner Davis asked and County Manager Parmer advised that the Packer was a common piece of equipment used on roads instead of the rollers.

Commissioner Dixon made a motion not to approve the purchase of the Packer. The motion died for lack of a second.

Chairman Powell asked if the Board wanted to table this matter. Commissioner Davis responded affirmatively. Chairman Powell stated that the matter would be tabled until further discussion.

TILLMAN ROAD UPDATE

Chairman Powell asked and County Manager Parmer advised that he had received the center-line profiles this afternoon and given them to Bill Adams who will review them with the Department of Environmental Regulation to get the permits.

CONSENT AGENDA

Commissioner McGill questioned the title of the Resolution, stating that "State" should precede "Appropriation". He requested that this item be removed from the Consent Agenda for further discussion.

Commissioner Dixon requested that the Request from the City of Quincy for Easement and Request for Fund Reimbursement for January 1993 Atwater Paving Project Costs be removed from the Consent Agenda for discussion.

The Board, on motion of Commissioner Davis and second of Commissioner Peacock, voted unanimously to approve the remaining items (**attached**) on the consent agenda (**attached**), to wit: Bid Committee Recommendations for Steel Pipe; Concrete & Concrete Block; and Asphalt and Request for Authorization to Advertise for Rip Rap.

Discussion then followed on the three items that were removed from the consent agenda as follows:

RESOLUTION FOR PRESERVATION 2000

Commissioner McGill stated that his problem with this Resolution was that the introduction of the Resolution leaves one with the impression that the County does not know where the money is going to come from until the entire Resolution is read. It would be more appropriate if the Resolution read "CONTINUED STATE APPROPRIATION" as the money is going to come from the State and not

the County.

He then made a motion to approve the Resolution, provided that the word "Florida" be inserted between the words "Continued" and "Appropriation". Commissioner Dixon seconded the motion.

The Board, on motion of Commissioner McGill and second of Commissioner Dixon, voted unanimously to approve the Resolution with the insertion of the word "Florida" inserted between the words "Continued" and "Appropriation".

REQUEST FROM CITY OF QUINCY FOR EASEMENT

Commissioner Dixon asked and County Manager Parmer explained what was being given to the City of Quincy and the purpose.

The Board, on motion of Commissioner Dixon and second of Commissioner McGill, voted unanimously to approve the Easement.

REQUEST FOR FUND REIMBURSEMENT FOR JANUARY 1993 ATWATER PAVING PROJECT COSTS

Commissioner Dixon asked if Atwater Road was still classified as an emergency. If so, why? County Manager Parmer responded that it had been classified as an emergency because there had been the possibility of losing the base with the rainfall. Commissioner Dixon then asked and County Manager Parmer confirmed that the road could now be de-classified since it is now in great repair.

Commissioner Dixon made a motion to pay the \$214.07 and de-classify Atwater Road as an emergency situation. Commissioner McGill seconded the motion. Commissioner Peacock asked County Manager Parmer, what the paving time frame was for the road. County Manager Parmer advised that the road should be out for bids in two to four weeks. Chairman Powell asked and County Manager Parmer confirmed that the bids would include Tillman, Hanna Mill and Atwater Roads.

The Board, on motion of Commissioner Dixon and second of Commissioner McGill, voted unanimously to pay the \$214.07 and de-classify Atwater Road as an emergency situation.

BUDGET AMENDMENTS

Clerk Thomas presented the following Budget Amendments, requesting approval:

Library Fund (2); County Transportation #1

The Board, on motion of Commissioner McGill and second of Commissioner Dixon, voted unanimously to approve the Budget Amendments.

HEALTHMARK CHECK

Clerk Thomas advised that Healthmark had brought to the County a check in the amount of \$339,692.13. This money was applied last Friday against the outstanding note at The Quincy State Bank.

PAYMENT OF BILLS

The Board, on motion of Commissioner Peacock and second of Commissioner Dixon, voted unanimously to pay the bills.

CITIZENS REQUESTING TO BE HEARD

SUZANNE HOOD - WHIPPOORWILL SPORTSMAN'S LODGE

Ms. Hood stated that she would like to present the Clerk with a copy of the same material **(attached)** that was included in the Board's packet.

She stated that the Board approved the Whippoorwill project on January 19, 1993, subject to eight special conditions that had not been included prior to the meeting. It was their understanding that the commercial use of the property was considered a vested use and that subject to the additional eight conditions, they could proceed. They did not have time that night to review and seriously consider all of the conditions.

Since that time, she has written letters **(attached)** to County Attorney Richmond dated January 22 and 27, 1993, expressing her concerns on behalf of her clients regarding the restrictive nature of the conditions. After reading and absorbing all of the conditions, it appeared that the Board had given with one hand and taken more with the other. She advised that her clients had met with Commissioner Dixon, Mr. Sherman and Mr. Rudd to review the concerns. She was hopeful that some type of resolution could be reached so that this project could proceed; this has not been the case. Her purpose for addressing the Board tonight is to find out if they should proceed with the project, and what they should do with their concerns about the unduly restricted conditions that have been proposed. They would like to know if the Board has made a final decision. She would like to review her concerns with the Board.

Commissioner Dixon stated that he had met Mr. Rudd and Mr. DuBree a number of times. Other than some minor clarifications, he has no problem with the special conditions. He does not think that they are unfair or harm his business in any way, form or fashion. The condition concerning the fact that he should not have a camper on the project site is the only condition that Commissioner Dixon might even consider looking at again for the simple reason that he did not want to discourage him from having his camper as much as renting it out. This is the only reason for number six.

Commissioner McGill asked, with reference to condition number two, if the DuBrees could get something less expensive with a longer time to grow or is it tied into 180 days. Commissioner Dixon responded that this was part of the special conditions.

Commissioner McGill stated that the reason that he was going to entertain a motion to rescind that motion is to look at that. Commissioner Dixon asked and Mr. Sherman responded that the buffer should be in place within 180 days. Commissioner Dixon clarified that the buffer should be in place in 180 days, not that it should have grown to six feet in 180 days.

County Attorney Richmond stated that a lot of the matters are standardly interpreted by Mr. Sherman and his staff and are usually left to them to interpret in light of the way they treat everybody else in the County. These matters are not necessarily over restrictive. These are the ones that were adopted by the Board and it is a question of interpretation of these matters. If the Board wants to consider that any of them are too restrictive, it can.

Commissioner McGill questioned the procedure under which this matter was being discussed, stating that there was not a motion to entertain that motion before discussion. The Board has already voted on this issue, so a motion is now needed to proceed -- to place that motion on hold until it is studied. Otherwise, the Board can not discuss it.

Commissioner Dixon responded that he does not have a problem with what the Board has done. That's just a matter of interpretation between Mr. DuBree and the Planning and Zoning

Director. The conditions that the Board has given do not deny him any rights. Discussion followed in which it was determined that no motion was needed on this matter. Ms. Hood asked if there was not going to be a motion of no action taken.

The Board, on motion of Commissioner Peacock and second of Commissioner Dixon, voted unanimously that no action be taken.

Attorney Stewart Parsons suggested that for the record, the minutes reflect that the action and special conditions were adopted on January 19, 1993. Commissioner McGill stated that this was his question -- whether the Board could entertain this matter, having previously acted on the matter.

COMMISSIONER'S REPORT - DISTRICT ONE

Commissioner McGill presented a resolution, stating that in essence, it attempts to bring together the County Commission, each town or municipality in the County, the School Board and the Chamber of Commerce in working jointly on the legislative initiative that will be taken to the State of Florida before the legislature. He stated what the resolution provides.

If the Board adopts the resolution, it will be the responsibility of one of the Board members or County staff to visit with each of the entities to get them to adopt a similar resolution.

The Board, on motion of Commissioner McGill and second of Commissioner Peacock voted unanimously to adopt the resolution asking the State for \$150,000.

PEASE PROJECT

Commissioner McGill stated that he had reviewed the Board's action in 1991 on this project. The basic stipulation was that it could not have mentally retarded persons living in the project. Mr. Pease wants to be able to expand, on the same site, within the same area, and put more residents in. This project would not interfere with the Comprehensive Plan. Commissioner Peacock asked if advertising would be required if this were permitted. County Attorney Richmond advised that it would depend on whether there was a development order and if it needed to be amended or whether this is consistent with the prior development. If this is not a change, there is no need to advertise. If it is a change, advertising will have to be done. The County has to advertise to the people in the area to prior to allowing additional occupants.

Mr. Sherman advised that if anything additional took place at the site, it must go through Planning and Zoning at a local level.

If more than eight clients are allowed at the facility, an amendment to the Comprehensive Plan is needed. Commissioner Dixon asked and Mr. Sherman explained the reason for this. Discussion followed as to what was adopted by the Board, inclusive of stipulations. Commissioner Dixon asked and much discussion followed pertaining to land-use categories and policy changes that would be required in the Comprehensive Plan relating to this project. Commissioner McGill then stated that he was withdrawing this until he gets with Mr. Pease. More discussion followed.

COMMISSIONER'S REPORT - DISTRICT TWO

Chairman Powell stated that he, County Attorney Richmond and County Manager Parmer had met last Friday morning at 10:00 with FDLE, the State Attorney's Office, and the County Sheriff to discuss the allegations at the County Hospital concerning Healthmark. At the present time, all documents have been turned over to the State Department and FDLE. FDLE is taking the lead on

the investigation. The Board is awaiting a report from FDLE.

Chairman Powell then presented a petition (**attached**) for road naming in the Scott Town area. It is proposed that a road which has not previously been named be named Lightfoot Road.

COMMISSIONER'S REPORT - DISTRICT THREE

Commissioner Peacock stated that things were running smoothly in his district.

COMMISSIONER'S REPORT - DISTRICT FOUR

Commissioner Davis stated that things were running alright in his district.

COMMISSIONER'S REPORT - DISTRICT FIVE

Commissioner Dixon asked what the process would be, pertaining to the bid awards put out by the County. County Manager Parmer responded. Commissioner Dixon stated his concern that the Transportation #2 Funds not used for Atwater Road would be depleted. Chairman Powell stated that once the profiles are received, a time frame could be determined and the Board could lump-sum some roads from each district -- the money will be spent on road paving. Commissioner Dixon stated and discussion followed on how he would like the paving process to work. Commissioner McGill suggested that the Board might want to consider a bond encompassing what it would take to pave all roads in the County. County Manager Parmer stated that he had discussed this with the County's bond attorney who will get back with him on the matter. He commented on the cost savings to the County if the roads were paved. Discussion followed on the advantages of road paving.

County Manager Parmer advised that he had investigated the use of County right of ways by utility companies. It has been necessary for the County to do substantial construction work to repair damages caused by the companies. There is an ordinance that will be brought to the Board for adoption that will impose a penalty on the companies as well as charge them a fee for use of the right of ways.

Commissioner Dixon advised that he had written a letter to the County's legislative representatives asking them for some money to study the feasibility of this County and one or two of the adjoining counties getting together to purchase a utility. This seems to be the way to go. Through this, maybe the Board can keep some of the taxes off of the citizens. The County has no way of generating funds. He made reference to the County giving Talquin Electric a \$500,000 grant that the County got from the State to install a water system. Talquin is going to make money from this system; the County gets nothing. Talquin pays a franchise fee of 6% of their gross revenue to Leon County, but does not pay this County anything. Brief discussion followed.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned.

ANTHONY A. POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON MARCH 1, 1993, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL McGILL
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER AND DISCUSSION (WORKSHOP ON ROAD PAVING BOND)

The meeting was called to order by Chairman Powell. He welcomed everyone, stating that this workshop was the first of many on proposed bond issues for Gadsden County. He went on to explain that the purpose for the workshops is to explore options for raising the money needed to fund necessary improvements within the county.

County Manager Parmer provided the Board with a schedule of estimated revenue for the Road and Bridge Department which had been prepared by Clerk Thomas's staff. (Attached.) In addition, by extraordinary vote of the County Commissioners, the county can adopt the ninth cent. (This ninth cent is not a bondable amount of money, but it could replace money that is currently in the construction fund that would be used for the bond issue.)

James Harold Thompson, County's Bond Counsel, addressed the Board. He reminded the Board that this is a continuation of the concept that has been discussed since 1990. The Commission voted 1990 not to pursue this particular avenue due to the declining market. The market has now rebounded some and is expected to be more profitable for the next few months. He then introduced David Hull, a fellow Attorney who does bond work frequently.

Attorney Thompson stated that the Board would have to do the following:

1. Determine needs.
2. Define where the money would go - money presently being spent would have to be re-allocated allowing for this program.
3. Determine the real number that the County can budget each year toward debt retirement - this information would be

essential in determining what can be done and the selecting the strategy in approaching the market.

Bond issues can be handled in several ways.

1. Bank Qualified - On smaller issues it can be borrowed from a bank. One concern with this method is that you can't issue more than ten million dollars worth of debt in a given year.

2. Limited private placement - On a bond of five to ten million dollars. It has a little better interest rate. The "up front" expenses are normally less.

He urged the Commissioners to prepare a schedule of construction that could be accomplished with five million dollars, another schedule that could be accomplished with six million dollars and still another which could be accomplished with ten millions dollars. These schedules should be prepared, keeping in mind, the cost of maintenance as well.

Ultimately the Board should expect to reduce a department budget; probably the Road and Bridge budget.

County Manager Parmer confirmed this. He suggested that each commissioner make a list of five roads in his district that are in need of paving. Then prioritized them according to the greatest need.

Once the total number of miles of roads awaiting paving is determined, engineers can prepare a written estimate of the costs of the paving.

When estimated figures are received from construction engineers, the Commissioners can compare those costs to the amount of money that the county can afford to bond. The Board can readress the number of miles awaiting paving according to their priority. At the same time, it is imperative that monies be maintained for resurfacing of existing roads when making the ultimate decision.

He advised the Board that monies in Transportation Fund #1 was where the maintenance budget came from and that the monies in Transportation Fund #2 were strictly construction monies. (Schedule attached.)

Commissioner Davis asked and County Manager Parmer confirmed that the Constitutional 80% monies in Transportation Fund #2 could also be used for resurfacing. Resurfacing of some of the roads can be put into the bond issue because resurfacing is considered a

construction problem.

Mr. Parmer reviewed the steps the Commissioners need to follow in determining the information that Attorney Thompson must have in order to proceed in making recommendations about the bond issue.

Chairman Powell stated that he wanted the Board to obtain as large a bond as possible so that as many roads as possible could be paved.

County Manager Parmer explained that the bonds would be limited by the amount of money that could be amortized.

Commissioner Davis reminded the Board that there are over 300 miles of existing roads that must be maintained.

County Manager Parmer again repeated that the amount of the bond issue would be limited by the amount of money available to with which to amortize it. The only money available to amortize the bond issue at this time, is the Transportation #2 Funds.

Mr. Parmer reiterated that as more funds are spent on paving roads, less money will be spent maintaining roads.

Issues Raised in Discussion:

- the bond issue will be limited by the funds that can be secured with the Transportation # 2 Funds.
- people requesting payment for right-of-ways.

Commissioner McGill asked and discussion followed on the difference in the bond issue and the road paving ordinance which was suggested by Chairman Powell.

Clerk Thomas explained the budgeted and estimated revenue figures in the Transportation #2 Fund. He then advised that Transportation #2 Fund would probably contain more than the \$500,000 by the end of the fiscal year. One Hundred Sixty-nine Thousand Dollars (\$169,000) was budgeted to be brought over into Transportation #2. The total amount brought over was actually more because Atwater Road was not paved as anticipated.

Clerk Thomas went on to say that cash in Transportation #2 Fund at the end of the fiscal year will probably total \$647,000. That includes the Constitutional 80% and the carry-forward money. At least \$250,000 of this money will be transferred from Transportation #2 to Transportation #1 for operations. All things considered, there should be approximately \$500,000 in the

Transportation #2 Fund which includes the amount brought forward.
It can be used for paving and resurfacing.

From this amount, the cost of paving Atwater, Hanna Mill and Tillman Roads must be subtracted. Basically, the County will have at least \$500,000 annually that can be used to pave and resurface roads.

If the Board decides to bond this money, expenditures in Transportation #1 Fund must be reduced. This amount of money will not be enough to bond for road paving considering the resurfacing that will be necessary.

In response to a question by Commissioner Peacock, Attorney Thompson advised that, with the monies available, the County could not bond \$10,000,000. Considering interest rates and the number of years required, the dollar amount varied from 4.1 million to 6.8 million dollars.

Commissioner Peacock concluded that, based on what the County is collecting, the most it will be able to bond is \$6,000,000.

Attorney Thompson reminded the Board that this was a rough figure. He said the Board must look at how much road this would buy and how it would impact the rest of the budget.

The cost of resurfacing a road would be \$24 a linear foot for the asphalt and base. Depending of varying factors, the initial paving of a road would cost a minimum of \$125,000 - \$135,000 per mile. It would cost \$80,000 - \$90,000 per mile to pave a road with existing base.

Attorney Thompson stated that the Board was considering forty five to fifty (45-50) miles of road on a six (6) million dollar bond issue.

Commissioner Davis stated that if the Board used the \$500,000, there would be no monies for resurfacing for a period of twenty years.

County Manager Parmer recommended that the Board adopt the ninth cent gas tax which the legislature made available last year in the Ken Jenny Bill. It could be used in the resurfacing program.

Clerk Thomas advised that he projected a collection of \$138,000 per year from the ninth cent gas tax.

After apologizing for being late, Commissioner Dixon asked if

a total restructuring of Road and Bridge Department was being contemplated. In light of the funds being encumbered for twenty years and knowing that the County used a substantial part (\$250,000) of the Transportation #2 funds for operations (Transportation #1).

County Manager Parmer suggested that the Board not take the money out of Road and Bridge for three to four years. He recommended supplementing the operations fund with the ninth cent tax.

Commissioner Dixon asked Mr. Parmer planned to replace the \$250,000 if he did not re-organize.

Mr. Parmer responded by saying it would take about three years of paving before the County would realize the maintenance savings brought about by the paving of roads. Paving reduces the need for maintenance.

Commissioner Dixon asked Mr. Parmer if he had any real dollar projections available for consideration. Mr. Parmer did not have such figures to present. He informed the Board that Billy Bishop will provide the costs figures.

Mr. Bishop informed the Board of the data collection tasks which have been performed by his firm in relation to this project. He went on to say it must be the decision of the Board to schedule the paving according to the political aspect of priority.

Bill Adams informed the Commissioners of the data which is readily available. He is waiting for the maintenance information from Mr. Parramore of the Road and Bridge Department to complete the rough data needed to present the board with solid information.

Mr. Bishop advised that his firm could provide the Board with this data within the next three weeks. The Board should be able to prioritized road needs after they review the information contained in the reports to be submitted.

County Manager Parmer stated there was never a thought of spending every dime of the money in Transportation #2 as an amortization. There has to be money left in the fund to continue resurfacing current paved roads regardless of the ninth cent tax.

Commissioner Dixon stated that he wanted to see some hard numbers so that he might see how this will impact the total budget.

County Manager Parmer stated that it would have a profound affect on the budget.

Commissioner McGill asked what type of paving method used determined the cost and longevity of the paving.

Mr. Adams advised with regard to the slag method, he advised that on the three roads to be paved, they intend to do a test road. They are going to include an alternate to bid a slag road -- mineral sealing. This is going to be bid as an alternate on a short section of road off of 65. They will have some good hard numbers on this.

Mr. Parmer stated that if the roads were contracted out, the Road and Bridge Department would have time to perform maintenance work such as brush cutting. There will be some reorganization in the Road and Bridge Department. All monies of Transportation #2 will not be spent as an amortization tool for the bond issue because monies will have to be maintained for resurfacing and for supplementing the Road and Bridge Department.

Chairman Powell considering the fact that the base has been completed, asked Mr. Adams what type of time table is expected for completion of the aggregate road off Highway 65.

Mr. Adams advised that allowing for acquisition right-of-ways, and other processes still yet to be completed, it will be ninety (90) days from now before paving can begin.

Commissioner McGill asked if the ninth cent tax would be added to the \$526,000.

Clerk Thomas responded that Attorney Thompson had said that the ninth cent tax could not be bonded. It can be put into operations, used in the paving fund or for infrastructure.

Attorney Thompson confirmed Clerk Thomas's statement.

County Manager Parmer confirmed that the ninth cent tax funds would be placed in Transportation #2.

Clerk Thomas advised as to the location and interest being drawn on Transportation #2 Funds.

Commissioner McGill asked if none of the funds were used, and if \$250,000 was transferred from Transportation #2 to Transportation #1, (leaving approximately \$300,000) and add to this \$138,000 each year for five years, what amount of money the County would have in Transportation #2 (including interest), at the end of five years?

Clerk Thomas explained that he could not answer his question

at that time without extensive calculations and more preparation.

Commissioner McGill then asked what is the maximum time limit that the county can float a bond.

Attorney Thompson confirmed that time limit is thirty years.

Mr. Hull advised that in a number of instances, an underwriter would not allow thirty years. Because he had a calculator with him at the meeting he was able to respond to Commissioner McGill's previous question regarding funds accumulated in five years. He advised the commissioner that \$130,000 for five years at six percent would total \$776,000.

Commissioner Dixon remarked he would like to see a more detailed study that would include the number of roads and the grade of roads within the county. The study should include everything that the County would have to do to the roads in the way of preparation for paving. These things should be considered prior to a making a decision. He went on to say that he does not believe that a ninth cent sales tax is politically possible at this time. He reminded the commissioners of the number of fiascos that the Board already has on the table. He asked if this project had been considered without implementation of the ninth cent tax.

Commissioner McGill stated that this was additional revenue.

Commissioner Dixon stated that if the additional revenue is cut, something else, somewhere else, is cut.

County Manager Parmer stated that it just lowered the amount of money available to spend on roads as the bond issue will be smaller.

Commissioner Dixon responded that the bond issue would be smaller but the \$250,000 transfer would no longer be transferred. That would have a traumatic effect on Road and Bridge because the \$138,000 would no longer be transferred. In turn, that will have an affect on maintenance.

Mr. Parmer replied it is for that reason that all of that money could not be spent.

Commissioner McGill stated that would lessen the need for and cost of future maintenance which, in turn, would permit a savings over a period of time. That savings in maintenance costs would make up for the funds that would no longer be transferred.

Commissioner Dixon stated that he would like to see the figures reflecting what the savings would be.

Mr. Parmer advised Commissioner Dixon of his earlier suggestion for each Commissioner to submit a prioritized list of five roads from his district that needs paving.

Commissioner Peacock surmised that only six million dollars could be bonded.

Mr. Parmer again related to the commissioners that this is the reason he suggested that each commissioner submit a list of roads. If the cost of paving the twenty-five roads exceeds six million dollars, the number to be paved would be decreased. He then stated the factors which affect the cost of paving.

Attorney Thompson cautioned that if bond were issued for six million dollars, the annual payments would be \$500,000. He based that on twenty years at five percent interest. This would vary depending on the interest rate and the length of time bonded.

Commissioner Peacock again stated that six million dollars is all that the Board is going to have to work with for paving and resurfacing. The Board now has to decide if it wants to encumber the revenue sharing and the six cent local option tax for the necessary number of years.

Commissioner Dixon asked where would the County get money in the event of an emergency while the money is encumbered.

Mr. Parmer answered by saying this is one of the kinds of things that must be considered before a decision regarding the bond issue.

Commissioner Davis stated that the Board had to bear in mind that once the money is encumbered, no other paving or resurfacing could be done.

Attorney Thompson advised that he did not think the interest rates would get better for this issue.

Commissioner Dixon commented that he would like to have a fixed interest rate.

Attorney Thompson recounted that his presentation was based on a fixed rate. He advised that a flexible rate could be obtained, but he did not recommend it.

Chairman Powell asked Attorney Thompson if other issues, such as a new courthouse and administration building, could be included in the bond issue under discussion.

Attorney Thompson advised that in private placement, the County could not exceed ten million dollars a year.

Chairman Powell asked if the County had any other options other than bonding.

Attorney Thompson responded that there were none and explained bonding.

Mr. Parmer re-emphasized the purpose for this meeting. He stated that planning could now begin. The Board must decide how it wants to handle this issue.

Attorney Thompson advised that forty-five to fifty miles of road could be paved with a six million dollar bond.

Mr. Parmer again recommended that each commissioner prepare a list of five roads within his district. Then prioritized that list the order of greatest urgency. If it is not feasible to pave all of the five roads in each district, then the list can be amended to the number of miles that can be financed.

Commissioner Davis reiterated that resurfacing must be considered in this decision.

Attorney Thompson requested a copy of the County's Transportation budget.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned.

ANTHONY A. POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
MARCH 2, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Clerk Thomas led in Pledge of Allegiance and County Manager Parmer led in Prayer.

Chairman Powell announced that Commissioners Dixon and McGill were not yet present, but would arrive later for this meeting.

APPROVAL OF MINUTES - FEBRUARY 9, 1993 - SPECIAL MEETING

The Board, on motion of Commissioner Davis and second of Commissioner Peacock, voted unanimously to approve the minutes of the February 9, 1993, Special Meeting.

APPROVAL OF MINUTES - FEBRUARY 15, 1993 - SPECIAL MEETING

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously to approve the minutes of the February 15, 1993, Special Meeting.

APPROVAL OF MINUTES - FEBRUARY 16, 1993 - REGULAR MEETING

The Board, on motion of Commissioner Davis and second of Commissioner Peacock, voted unanimously to approve the minutes of the February 16, 1993, Regular Meeting.

LOCAL HOUSING ASSISTANCE PLAN RESOLUTION

County Attorney Richmond stated that the Board had been provided a Local Housing Assistance Plan Resolution (**attached**) which goes hand in hand with the SHIP Ordinance which was approved at the last meeting. This Resolution needs to be enacted to stay in compliance with the Department of Community Affairs. Mr. Edward Butler is present who can answer any specific questions that the Board may have relative to the Resolution. County Attorney Richmond asked and Mr. Butler advised that the names which were to accompany the Resolution would be attached to the Plan.

The Board, on motion of Commissioner Peacock and second of Commissioner Davis, voted unanimously to approve the Resolution.

ROAD PAVING ORDINANCE ADVERTISING

County Attorney Richmond stated what action had previously been taken pertaining to this Ordinance and advised as to what this Ordinance provides for. He then answered questions propounded by the Board pertaining to the Ordinance and requested approval to advertise the Ordinance which will be presented at the first meeting in April.

The Board, on motion of Commissioner McGill and second of Commissioner Peacock, voted unanimously to approve advertising the Ordinance.

COMPLAINT - FIRE ASSESSMENT

County Attorney Richmond advised the Board that a hearing had been held last week before Judge Padovano on the County's Motion to Dismiss the Complaint attacking the Fire Assessment Ordinance. Judge Padovano has dismissed the Complaint and given the Plaintiffs twenty days to re-file. The Judge has been advised that all parties want to resolve this matter. County Attorney Richmond stated that he thinks an agreement has been reached with Mr. Freidlander, Attorney for the Plaintiffs, that the Complaint will be filed and a hearing should be held within forty-five days. The Judge wants to rule on this matter as quickly as possible. County Attorney Richmond thinks that will be in the best interest of the County and citizens. County Attorney Richmond then responded to questions propounded by Mr. Nolan Hancock, an audience member, pertaining to payment prior to the penalty date to avoid being assessed the penalty. He also responded to Ms. Sealy Brown's, an audience member, question pertaining to payment of taxes which included additional monies. She was referred to the Tax Collector's and Property Appraiser's offices for a further explanation.

ANNUAL ADMINISTRATIVE FEE FOR USE OF TRUSTEE'S-OWNED LAND

County Manager Parmer synopsisized a letter (**attached**) received from the Florida Department of Natural Resources. He stated that no action was required tonight from the Board with reference to the letter. He stated that he had advised the Department to notify the County when the bill is passed and the rule adopted.

CONSENT AGENDA

The Board, on motion of Commissioner Peacock and second of Commissioner McGill, voted unanimously to approve the items (**attached**) on the Consent Agenda (**attached**), to wit: Emergency Management Assistance Agreement.

EXPENDITURE REPORT

Clerk Thomas provided the Board with an Expenditure Report for review. He advised that there were no real expenditure problems other than the fact that the Clerk's office is monitoring a possible situation with the Drug Abuse Grant. The judge did not access enough assessment fees to go into the trust fund to make up the County's match.

CASH BALANCE REPORT

Clerk Thomas presented a Cash Balance Report (**attached**) reflecting \$2,063,588.19 in the General Operating Accounts.

BUDGET AMENDMENTS

Clerk Thomas presented the following Budget Amendments, requesting approval:

Mosquito Control/Landfill/State I Fund; Mosquito Control/Landfill/State II Fund; and General Fund for Hopkins Landing

The Board, on motion of Commissioner Dixon and second of Commissioner Davis, voted unanimously to approve the Budget Amendments (**attached**).

PAYMENT OF BILLS

The Board, on motion of Commissioner Dixon and second of Commissioner Davis, voted unanimously to pay the bills.

CITIZENS REQUESTING TO BE HEARD

There were no requests received for this meeting.

COMMISSIONER'S REPORT - DISTRICT ONE

Commissioner McGill stated that at the last meeting, a resolution had been brought before the Commission. He asked County Attorney Richmond if the Resolution had been prepared so that it could be adopted tonight. County Attorney Richmond responded affirmatively and Commissioner explained that the Resolution addressed each city in the County and the School Board, encouraging them to adopt similar Resolutions in an attempt to obtain \$150,000 from the legislature to set up three industrial parks in the County -- one near Chattahoochee, one near Quincy, and one near Havana. He spoke of the difficulty in getting the legislature to pass a bill providing for these funds. Chances of passage will be enhanced if the County can present to the legislature Resolutions adopted by each municipality, the School Board and the Chamber of Commerce. Commissioner McGill would like for the Commissioner who represents the district where the town is located, along with the County Manager, to present the Resolution to the legislature. If this is not possible, he and the County Manager will make the presentation.

County Attorney Richmond advised the Board that a person with his office was retrieving the Resolution from his office. Chairman Powell stated that the Board would return to this item.

COMMISSIONER'S REPORT - DISTRICT TWO

Chairman Powell asked an audience member, Mr. Wiggins, to approach the podium. Chairman Powell then addressed Mike Sherman, Planning and Zoning Director, advising him that Mr. Wiggins lived on the unnamed road with the proposed name of Lightfoot Road. Chairman Powell stated that Mr. Sherman had advised him that this road is considered a private road.

Mr. Sherman responded that from what he understands and from speaking with Mr. Parramore, the road is a private one. A number of years ago, the County Road and Bridge Department did some grading and scraping on the road. Mr. Sherman has not been able to locate any documentation reflecting that the road has been deeded to the County. Chairman Powell asked Mr. Sherman what needed to be done to make it a County road. Mr. Sherman advised that the Board would need to adopt a resolution accepting dedication of the road.

The County can order a road sign for this private road at the expense of the owner. This sign would be blue as opposed to green which would indicate that the road is a private road and not maintained by the County. Chairman Powell asked and Mr. Sherman advised that the road has been maintained by the County, but he is not sure if it is on a continued basis.

Commissioner McGill stated that it was his understanding that it is possible for the County to maintain a road if the owners pay a \$50.00 permit fee. County Manager Parmer advised that the reason for this requirement is that State law prohibits the County from working on private property at tax payers' expense; there would have to be remuneration to the County for the work. Mr. Wiggins advised the Board that the Road and Bridge Department had been maintaining the road, but had quit. When he advised the Department about the condition of the road, they again started maintaining the road. He advised the Board as to the problems caused by rainfall on the road and damage to property. He stated that a lady (unidentified) accompanying him knew more about the road than he.

Commissioner Peacock asked the lady if the County periodically graded the road. She advised him that the County graded the road whenever the residents requested them to do it, usually when there has been a lot of rain. She stated that the lady who owns the property who gave the residents use of the road lives in Tallahassee, Leon County, Florida. This road is the only access residents have to their property. The only time the County now works on the road is when the residents call them. Commissioner Peacock asked and the lady advised that they have never been required to pay a \$50 permit fee for the County to grade the road. Commissioner McGill asked and the lady advised that the County had been routinely maintaining the road, at the residents' request, for at least seven years. Commissioner McGill stated that this made the road the County's responsibility. Commissioner Dixon asked if the Board was going to claim adverse possession. Commissioner Peacock responded that he would like to ask the County Attorney Richmond a question pertaining to this, but he is not present. He had read somewhere that if the County maintained a road for seven years, the County would take the road by prescription and continue to maintain it. The Board would have to get with the landowner to do this. Chairman Powell advised Mr. Wiggins that the legalities would be checked and he would then be contacted.

Pertaining to the road sign, Chairman Powell stated that the County could order it, at the residents' expense. It will be a blue sign reflecting the name Lightfoot Road. Commissioner Dixon stated that if the residents waited, the County might take the property and a green sign would be erected. Chairman Powell asked that Mr. Wiggins wait for a legal determination to be made. He will contact Mr. Wiggins after the determination has been made.

COMMISSIONER'S REPORT - DISTRICT THREE

Commissioner Peacock did not present a report.

COMMISSIONER'S REPORT - DISTRICT FOUR

Commissioner Davis stated that District Four was alright.

COMMISSIONER'S REPORT - DISTRICT FIVE

Commissioner Dixon stated that he had attended the Small County Coalition and had met with the County's representatives, Senator Thomas and Representative Lawson. He advised as to his conversation with the representatives.

PRESENTATION

Reverend Chad Cooper, on behalf of himself and Alice Dupont, Chairman of the Black History and Culture Committee and the Committee as a whole, presented Chairman Powell with a plaque for his many years of dedicated service and for representing the County Commission so diligently.

Chairman Powell expressed appreciation for the recognition and asked the citizens of the County to work with the Board.

NOLAN HANCOCK

Mr. Hancock, an audience member, asked the Board if they had any information pertaining to an allegation that there was a division of the Wayco, Texas sect living in Gadsden County. They have built a Church in Tallahassee.

The Board knew no information pertaining to this matter.

OPEN FORUM

Chairman Powell asked if there was anyone present who wanted to make a statement to the Board. In response, the following persons spoke:

(1) **Charles Levison** stated that he had property located in the Saint Hebron area. He would like to have a culvert installed and wants to know the procedure. He was referred to Mike Sherman, the County's Planning and Zoning Director.

(2) **Celia Brown** asked questions pertaining to the County performing work on a drive way located on 267-A. Commissioner Dixon advised her as to the reason the County performed the work.

(3) **Archie Mae Carter** inquired about the responsibility of the County to repair another lady's drive way that the County's water had washed out.

(4) **Mr. Wiggins** advised of problems caused by a blocked culvert on his road. Chairman Powell advised him that the problem would be checked.

RESOLUTION

County Attorney Richmond advised that he was now in possession of the Resolution referred to earlier by Commissioner McGill. He read same into the record.

Commissioner McGill made a motion to adopt the resolution, seconded by Commissioner Dixon.

The Board, on motion of Commissioner McGill and second of Commissioner Dixon, voted unanimously to adopt the resolution (**attached**).

ADJOURNMENT

The Board, on motion of Commissioner Peacock and second of Commissioner McGill, voted unanimously to adjourn.

ANTHONY A. POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell. County Manager Parmer presented the license applications of William Brian Hutchinson, Benjamin L. Gavins, and Richard Dean Patterson for a Master Plumber, Residential Contractor, and Master Electrician, respectively, recommending approval.

The Board, on motion of Commissioner Peacock and second of Commissioner McGill voted unanimously to approve the licenses.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned.

ANTHONY A. POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON MARCH 16,
1993, THE FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL McGILL
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner McGill led in Pledge of Allegiance and Commissioner Dixon led in Prayer.

WITHDRAWAL OF MINUTES OF SPECIAL MEETING OF MARCH 1, 1993

Chairman Powell advised the Board that Clerk Thomas had requested in a memo that the Approval of the Minutes of the Special Meeting of March 1, 1993 be withdrawn from the agenda. Commissioner Peacock made a motion and second by Commissioner Davis, to remove said minutes from the agenda. Motion carried.

ADOPTION OF THE AGENDA

Upon motion of Commissioner Peacock and second by Commissioner Dixon, the Board voted unanimously to adopt the Agenda.

APPROVAL OF MINUTES - MARCH 2, 1993 - REGULAR MEETING

The Board, upon motion of Commissioner Dixon and second of Commissioner Peacock, voted unanimously to approve the minutes of the March 2, 1993, regular meeting.

REPORT ON GADSDEN MEMORIAL HOSPITAL INVESTIGATION

County Attorney Hal Richmond advised the Board that he had talked with the FDLE Agent in charge of the investigation of allegations against HealthMmark. The agent has requested additional time to review its findings with the State Attorney, Willie Meggs. The investigation report should be completed and made public within ten days.

He also advised the Board of correspondence with HealthMark concerning the corporation that has been established. HealthMark of Quincy, Inc. has been filed with Public Records of the Department of State. The formation of this corporation was to correct a contractual defect.

He also reported to the Board that he had been contacted by several employees of the hospital in reference to specific problems. He encouraged the Board to schedule a special meeting to address those concerns. However, it would not be appropriate to meet with the employees until after the FDLE investigation report is made public.

In response to a question by Commissioner Peacock, Mr. Richmond acknowledged that HealthMark did have a Board of Directors but none of them are local people as required by Florida Law. It is customary for corporations to appoint a temporary Board of Directors. He expects HealthMark to address the issue of Board appointees at their organizational meeting. Gadsden County will have some input at that meeting as to who will serve on that board.

Commissioner McGill posed the possibility of setting up a hospital authority. Attorney Richmond advised that the establishment of a hospital authority for Gadsden County had been considered in special legislation. Such an authority is feasible and the matter warrants further research. That would create a new situation entirely. He advised the Board not to discuss or make speculations concerning the hospital dilemma in an open meeting. Any comment made on the record could be taken out of context and create a legal problem later.

RURAL ECONOMIC DEVELOPMENT INITIATIVE (REDI)

Steve Barron presented an overview of the Rural Economic Development Initiative (REDI). The purpose of the program is to help a community define its needs and establish a vision of what it hopes to become in the future. REDI then brings together various state agencies, pool the resources of those agencies with the resources of the locality. At that point, REDI teaches a plan to the community to accomplish their vision.

His response to questions by the Commissioners indicated that he could and would assist the county upon request.

ECONOMICS DEVELOPMENT ACTIVITIES UPDATE

Rick McCaskill of the Gadsden County Chamber of Commerce presented to the Board, a resolution to commend them for pursuing a

\$150,000 grant from the Florida Legislature. The grant is to be used for the development of industrial parks within the county. (Resolution attached.)

Mr. McCaskill then reported on the various activities of the Chamber with respect to economic development within the county. (Memo attached.)

PLANNING AND ZONING RECOMMENDATIONS

Mike Sherman was present to present the recommendations of the Planning and Zoning Commission. They are as follows:

1. PETITION FOR DEVELOPMENT ORDER FOR C. W. CLUB, PROJECT NO. 93PZ-3-201-2-1.

The Planning and Zoning **Commission** recommended **denial** of petition by the Board on project No. 93PZ-3-201-2-1.

The Planning and Zoning Department **Staff** recommended **approval** of the petition.

Mr. Charles Williams was present to defend petition for development. Motion was made by Commissioner McGill to grant the request provided that all special conditions as specified by the Planning and Zoning Department are met by the petitioner. Motion was seconded by Commissioner Dixon. Motion carried Unanimously.

2. PETITION FOR DEVELOPMENT ORDER FOR THE APALACHEE CENTER FOR HUMAN SERVICES, INC. (ACHA) PROJECT NO. 93PZ-7-207-5-3.

The Planning & Zoning Department **Commission and Staff** recommended **approval** of Petition for Development for Project No. 93PZ-7-207-5-3 subject to conditions listed in attached report.

Mr. Brooks, Attorney for Petitioners, was present to request that the Board grant a variance of the parking space allowance required in the special conditions. He was unable to justify the variance request based on hardship.

Commissioner Davis asked to abstain from voting on this issue due to conflict of interest. Form 4 Memorandum of Voting Conflict filed with the Clerk and made a part of these official minutes. (Attached)

Commissioner Dixon made a motion to **approve the Petition for Development** Project No. 93PZ-7-207-5-3 **but deny to variance requested.** Commissioner McGill seconded the motion. Motion carried by vote of 4-0. (Commissioner Davis abstaining.)

3. PETITION BY THE FLORIDA DEPARTMENT OF HEALTH AND
REHABILITATIVE SERVICES (HRS), DISTRICT II, FOR A SMALL
SCALE MAP AMENDMENT TO THE GADSDEN COUNTY COMPREHENSIVE
PLAN 2001, FROM THE CONSERVATION LAND USE CATEGORY TO THE
PUBLIC LAND USE CATEGORY. PROJECT NO. 93PZ-8-207-5-4.

Mr. Sherman presented the Petition by Florida HRS, District II for a Small Scale Map Amendment to the Gadsden County Comprehensive Plan 2001, from the CONSERVATION land use category to the PUBLIC land use category. Project No 93PZS-8-207-5-4. (Draft Analysis for Gadsden County Small Scale Amendment #93-1 attached) He informed the board that the Planning and Zoning **Commission** recommended **denial** of the Petition while the Department **Staff** recommended **approval**.

The Petitioners (Florida HRS and Associated Marine Institute (AMI)) present were: Danny Grizzard (AMI) addressed the Board with evidence required for them to make an informed decision. His presentation was followed by questions from the board. Assisting in answering the questions were: Dave Powell in charge of facilities and Zack Thomas who operates one of the AMI facilities.

Ron Cox of Florida HRS addressed the Board answering their questions as well as questions by the Sheriff and spectators.

Woody Harper, Staff Director for the Legislature's Commission on Juvenile Justice, addressed the Board in support of the proposed facility.

Speaking in opposition to the amendment were:

Earl Morrogh
Henry Holley
Opal Holley
Mattie Presnell
Jim Brantley
Lynn Shelfer
L. L. Shaw
Micky Watson
Monty Bitner
Donna Stinson
Judy McCalman
Alney Parramore

Having heard from all those who wished to speak, Commissioner Dixon made remarks concerning his investigation of the AMI facilities. Following his remarks, he made a motion to grant the Small Scale Amendment. Motion was seconded by Commissioner McGill.

Commissioners Dixon, McGill and Powell voting for approval of the amendment. Commissioners Peacock and Davis opposing the amendment. Motion carried by a vote of 3 - 2.

Mr. Sherman, Director of Planning and Zoning Department, spoke again to the Board concerning the appointment of Planning Commissioners pursuant to Ordinance # 88-03. All Commissioners agreed to take matter up at the next meeting.

RESOLUTION ON REGULATION OF WATER AND SEWER SYSTEM RATES

County Manager Bud Parmer presented a Resolution Declaring Gadsden County Subject to the Provision of Chapter 367, Florida Statutes. (Resolution attached.) The purpose of this resolution is to relinquish authority to the Public Service Commission to establish the rates which private providers may charge for water services within the county.

Commissioner McGill made a motion to adopt the resolution. Commissioner Dixon made a second to the motion. Motion carried unanimously.

BORROW PIT

County Manager Bud Parmer reported to the Board that the Road and Bridge Department had notified him of the need for a new "Borrow Pit". A property exchange has been negotiated with Mr. Curtis Littman with certain stipulations outlined in a letter to the Road and Bridge Department. (Attached)

County staff submitted an estimate of costs to the county in adhering to those stipulations set forth in the contract for the property exchange. (Attached) County Manager, Bud Parmer stated that most of these stipulations would be required by the state in any event, when the old borrow pit is abandoned by the county.

Commissioner McGill made a motion to instruct County Attorney Richmond to proceed with negotiations with Mr. Littman on the property exchange. Commissioner Peacock seconded the motion. Motion carried unanimously.

BID COMMITTEE REPORT ON RIP RAP

County Manager Bud Parmer reported on the opening of the bids

on Rip Rap. (Broken-up concrete; Invitation for Bid No. 93-10; advertised February 25, 1993) Only one bid was received. (Bid attached.)

Commissioner McGill made a motion to accept the bid by Peavy & Son for \$2,500 and \$25.00 per ton for broken concrete. Motion seconded by Commissioner Peacock. Motion carried unanimously.

MISCELLANEOUS ITEMS

County Manager advised the Board of a request from Jim Cleek of the Clerk's office to **change the inventory rule dealing with purchase of capital expenditure items**. Presently the rule states that any item purchased costing more than \$200 must appear on the property records as fixed assets of the county. All these expenditures will come from the 6400 capitol outlay account. Any item costing less than \$500.00 would no longer require a physical inventory audit to be done by the auditors. The items will continue to appear on an inventory but not as fixed assets.

Motion was made by Commissioner Davis and seconded by Commissioner Dixon to **change the inventory rule to read that any item purchased in excess of \$500.00 must appear on the property records of the county**. Motion carried unanimously.

County Manager relayed to the Commissioners that the final vertical data on the **Atwater & Hanna Mill** is prepared. All information will be ready to submit to DER for permits by middle of the following week. Construction is expected to begin in about 45 days.

CONSENT AGENDA

Motion made by Commissioner Peacock to approve the Consent Agenda items. Second by Commissioner Dixon. Motion carried.
(Consent requests and agenda attached)

- To wit:
1. SHIP Plan Certification and Checklist
 2. Request for Fund Reimbursement for February 1993 Atwater Paving Project Costs
 3. Request to Advertise for Equipment - Recycling Program
 4. Library LSCA Grant Proposal
 5. Quarterly Activities and Expenditures of Gadsden County Public Health Unit

FIRE ASSESSMENT COLLECTIONS

Clerk Thomas advised the Board that \$402,000.00 has been

collected from the fire assessment. No disbursements have been made to the municipalities and volunteer fire departments from this money due to pending litigation.

A request for payment from the City of Quincy has been received.

Attorney Hal Richmond advised the Board that Judge Padovano has dismissed the law suit filed against the county as a result of the Fire Assessment fees. A new law suit is expected to be filed by the end of the week. Negotiations will be begin as soon as the suit is filed with the hope of avoiding a lengthy trial. Until the litigation is resolved, no disbursements should be made.

MEDICARE/MEDICAID BUDGET

Clerk Thomas advised the board of the status of the Medicare/Medicaid Budget. The Clerk emphasized a potential problem by the end of the fiscal year. (Memo attached.)

CASH BALANCE REPORT

Clerk Thomas presented the Cash Balance Report reflecting \$2,470,008.10 in the General Operating Account.

BUDGET AMENDMENTS

Clerk Thomas presented the following Budget Amendments, requesting approval:

General Fund/ changes for Building Inspector; General Fund/ line item changes for County Court Judge, County Commissioners, Court Reporter, Office Management and Budget, Circuit Judge; County Probation Office/ line item change; General Grants Fund/additional revenue and projected disbursement; Library Fund

Commissioner Davis made motion to approve the Budget Amendments, seconded by Commissioner Dixon. Motion carried unanimously.

MISCELLANEOUS

Budget preparation work papers will be issued next week.

Clerk Thomas introduced Ms. Whitfield who will be serving as the Clerk's Secretary to the Board of County Commissioners. Ms. Green has been reassigned to another department to effect the Clerks effort to provide cross-training in his office.

PAYMENT OF BILLS

Motion made by Commissioner Davis to pay bills, seconded by

Commissioner Dixon. Motion carried.

COMMISSIONER'S REPORT - DISTRICT ONE

Mr. James Tool was present as petitioner requesting to have a road closed. He stated he has made repeated efforts to resolve the issue to no avail.

County Attorney Richmond stated there has been some confusion between himself and the Planning and Zoning Department as to what needs to be done on this road closing request.

Commissioner McGill made a motion, seconded by Commissioner Peacock to instruct County Attorney Richmond to begin procedures to accomplish Mr. Tool's request to have the road closed. Motion carried unanimously.

COMMISSIONER'S REPORT - DISTRICT TWO

Commissioner Powell spoke to the Board concerning the lack of security provided to Ms. Gloria Hill and the Book-Mobile on Saturdays.

County Manager Parmer stated that there is some capital money left in the Library's Book-Mobile fund from which a telephone could be purchased and installed. He will contact Jane Mock concerning such a purchase.

Commissioner Powell appointed Commissioner Dixon to act a liaison of this Board with the Leon County Board of County Commissioners. They hope to work together on joint ventures at no cost to Gadsden County.

Commissioner Powell was contacted by Mrs. Inez Holt to extend to the Board an invitation to participate in the Rock-a-thon for Senior Citizens on March 27, 1993.

COMMISSIONER'S REPORT - DISTRICT THREE

Commissioner Peacock reported that everything is running smoothly in his district.

COMMISSIONER'S REPORT - DISTRICT FOUR

Commissioner Davis reported that he had received several reports about illegal garbage dumping. He asked what the possibility of using prison labor to clean up those sites.

County Manager reported that prison labor and is being used. Prisoners must meet a classification criteria in order to be

assigned to work detail outside their confinement. At the present time, the county is already using those who meet those standards.

COMMISSIONER'S REPORT - DISTRICT FIVE

Commissioner Dixon presented an invoice requesting payment of \$118.84 for the cost of travel for himself and Pat Spencer (a private citizen) to visit the AMI facilities.

Commissioner Peacock voiced concern about paying travel expense that was not authorized in advance by the Board.

Commissioner Dixon made a motion to pay the invoice. Motion died for lack of a second.

Chairman Powell recognized Mrs. Opal Holley who asked to speak on the issue. She made observations and statements opposing the payment of this invoice.

Commissioner Dixon again made a motion to pay the invoice. Motion was second by Commissioner McGill. Motion carried with Commissioners Dixon, McGill and Powell voting in favor of the motion. Commissioners Peacock and Davis opposing.

Commissioner McGill requested County Attorney Richmond to draft a travel policy for the Board to consider as a written policy.

OPEN FORUM

Mrs. Opal Holley asked to be heard. She was recognized by the Chairman. She stated that she and her husband had made an effort to be placed on the agenda to no avail.

County Manager acknowledged that Mrs. Holley had made a timely request to be heard. He apologized that his staff had not included her request on the agenda. He also stated that he had informed the Chairman of her desire to address the Board and the Chairman had amended the agenda to recognize her.

ADJOURNMENT

The Board, on motion to adjourn by Commissioner Davis and second of Commissioner Peacock, voted unanimously to adjourn.

ANTHONY A. POWELL, CHAIRMAN

Gadsden County Board of County Commissioners
March 16, 1993 Regular Meeting

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
MARCH 23, 1993 THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

At 6:00 P.M. only Chairman Powell and Commissioner Davis were present for the meeting. The meeting was delayed until 6:15 to allow extra time for Commissioners Peacock and Dixon to arrive.

At 6:15, Commissioner Dixon arrived late for meeting which comprised a quorum.

The meeting was called to order by Chairman Powell. He stated for the record that the purpose of this meeting was to hold a public hearing for those persons whose names did not appear on the original roll for the fire assessment. They were invited to voice their objections to the supplemental roll which was issued after the original public hearing was held.

Chairman informed those present that Commissioner McGill had asked in advance to be excused from this meeting.

Commissioner Peacock had not arrived at the time the meeting began but Chairman was informed that he would arrive late.

HEARING ON FIRE ASSESSMENT

Sarah Bleakley, Attorney at Law, with Nabors, Giblin & Nickerson, P.A., addressed the Board and spectators. She stated the purpose of the meeting was to hear testimony from those who received notice of the hearing. These were people who were erroneously left off the original assessment roll or were incorrectly assessed on the supplemental assessment roll.

In addition to considering testimony from petitioners in reference to the assessment, Ms. Bleakley presented the Final Assessment Resolution for the Supplemental Assessment Roll and the Assessment Roll itself that will extend the Assessment at the six cent rate to those properties which were left off the roll and to send bills out to begin the process for collection of the assessment.

Ms. Bleakley asked for question from the Board. The Board had no questions.

Chairman Powell called for questions from spectators.

Chairman Powell recognized Tom Howell for questions.

After Mr. Howell began to speak, Chairman Powell asked him to reserve his remarks until after all those whose names were on the Supplemental Roll gave testimony.

Chairman Powell recognized **Marilyn Strange representing Coastal Lumber Company** for questions and remarks in reference to fire assessment. Ms. Strange had previously written a letter to the Board stating objections to the additional fire assessment levied on Coastal Lumber Company, Property Identification No. 2-15-3N-2W-0000-0013-0200. (Letter describing those objections and requests for consideration in making the assessments based on stated facts are attached.) She requested that the assessment be revised.

Chairman Powell recognized **Rev. Robert Gaines representing St. James Primitive Baptist Church, Havana, Florida.** Rev. James requested that the Church be exempted from the fire assessment because it was viewed by him to be a tax. The property is a religious affiliate and should not be taxed by federal, state and municipal entities. (Letter stating his objections is attached.)

Chairman Powell explained that the fee is not a tax but an assessment.

Chairman Powell recognized **Mr. Tom Howell.** He addressed the Board stating for the record that he considered the assessments to be unfair and inconsistent even though his property does not appear on the supplemental roll.

Ms. Bleakley spoke again to the spectators and to the Board to address some of the issues raised by those present.

Chairman Powell advised the Board that legal issues dealing with the fire assessments made it compulsory to disburse the funds collected on a pro-rata share.

Chairman Powell called on Ms. Bleakly to explain those legal issues to the Board. They are as follows:

1. Contract - The County has a contract with the cities and volunteer fire departments. If the money is not dispersed, the county could be held in breach of contract.

2. Benefit - The fire assessment itself is legally required

to provide benefit to the people who have been charged with the assessment. In providing benefit, the county must provide service. If the county fails to provide the service for which it has collected money, a law suit could result in an "Order for Rebate".

Commissioner Davis made a **MOTION TO DISPERSE THE FUNDS.** Motion was **SECONDED BY COMMISSIONER DIXON.** Chairman Powell asked for discussion. Mr. Nolan Hancock requested to be heard. Chairman Powell asked if his remarks were in reference to discussion of the motion being considered. His remarks did not pertain to the motion therefore, Chairman Powell declined to hear Mr. Hancock.

Chairman Powell recognized Mr. Tom Howell who wished to speak to the Board as President of the Mt. Pleasant Fire Department in addressing the motion under consideration. Mr. Howell stated that the Mt. Pleasant Volunteer Fire Department has not signed the contract with the County nor do they intend to sign the contract at this time. He asked the Board to take that into consideration when they voted on this issue.

There being no further discussion, a vote was called for by the Chairman. **MOTION CARRIED BY VOTE OF 3-0.**

Commissioner Dixon made a **MOTION THAT THE BOARD ADOPT THE FINAL ASSESSMENT RESOLUTION FOR SUPPLEMENTAL ASSESSMENT ROLL.** **MOTION WAS SECONDED** by Commissioner Davis.

DISCUSSION FOLLOWED:

Ms. Strange, asked to address the Board again. Chairman Powell granted her request to speak. She voiced concerns that the Board did not seem to consider the written objections she had filed. Chairman Powell assured her that even though they had adopted the Resolution, that individual objections would be considered at a later time. Ms. Bleakley also reiterated that to the extent that their objections pertained to legitimate complaints, they can be resolved in the errors and insolvency process. Coastal Lumber Company is not totally foreclosed from relief by the adoption of the resolution.

Rev. Gaines again addressed the Board voicing his displeasure with the Board's actions.

Chairman Powell called for vote on the motion. **MOTION CARRIED WITH A VOTE OF 3 - 0.**

Commissioner Dixon made **MOTION TO ADJOURN**. Commissioner Davis
SECONDED THE MOTION. MOTION CARRIED BY 3-0.

Meeting adjourned.

ANTHONY POWELL, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
MARCH 27, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL McGILL
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner Davis led in Pledge of Allegiance and Commissioner Peacock led in Prayer.

Chairman Powell announced this meeting was for the purpose of providing a public forum for discussion of problems relating to the management of Gadsden Memorial Hospital.

Chairman Powell asked County Attorney, Hal Richmond to inform the Board and the spectators of his findings.

Mr. Richmond called the Board's attention to several documents which were provided to him by unnamed hospital personnel. Copies of these documents were circulated to the Commissioners. They contained a copy of a check for legal services which was written by HealthMark on the Gadsden Memorial Hospital account. The legality of the check was not questioned. However, in the same time span, a delinquent payment letter (from a drug company to HealthMark) threatening to cut off service, was received by the hospital. Other payments were made to American Express and to certain individuals for travel expense reimbursements.

In view of the situation, patients appeared to be at risk as a result of improper scheduling of bill payments.

Mr. Richmond appealed to the Board requesting direction from them. He added that he viewed his dealings with HealthMark and their attorney as favorable and cooperative. He then entertained questions from the Commissioners.

Commissioner Peacock asked what was purchased on the American Express card for which the reimbursement was made. Mr. Richmond was unable to verify what was purchased.

Commissioner Powell remarked that a delinquent notice was not necessarily indicative of a shut down of services.

Mr. Richmond's difficulty came as a result of discussions with HealthMark in reference to "profit" vs "non-profit". The word is open to a wide interpretation. He went on to say if there were outstanding bills for drugs, they should take precedent over anything called attorney fees and travel expenses. This matter became a significant question and he felt impelled to bring it to the attention of the Board.

In response to Commissioner Davis's question about the Peat Marwick Report, Mr. Richmond stated that since the report was issued, the financial statements of the hospital indicate there is sufficient accounts receivable to meet the accounts payable. The analysis of the latest financial reports for January and February have not been completed by Chris Moran of Purvis & Grey. Without them, there is not sufficient information to advise the Board.

Commissioner McGill's concerns: Bond requirement of "Not for profit" status.

Mr. Richmond's reply: The bonds issued by the Board to build the hospital, did require the operating vendor of the hospital to be a "not-for-profit" corporation. As a point of fact, HealthMark was not a "not-for-profit" entity at the time the contract was negotiated. HealthMark did lead the Commission to believe that they would obtain the "not-for-profit" filing status. It was only done two or three weeks ago. They are now listed by Secretary of State as non-profit, but no paper work has been returned by IRS.

County Manager Parmer's concerns:

1. HealthMark's inappropriate method of operations. Reading from the Peat Marwick Report, he reiterated the report's remarks that without continued infusion of cash from the county, HealthMark may not be able to continue to as a going concern.

2. The county's liabilities for unpaid bills of HealthMark should they leave the county. Additionally, he stated his apprehension of HealthMark's delay in filing for "non-profit" status. If in fact, the county did not have a valid contract with HealthMark and the line of credit expired, the county's legal position could become questionable. He feels the county has been exposed to extraordinary liability and responsibility. It is not inconceivable that the bond holders would call the bonds due creating another dilemma.

Commissioner Davis's concerns: The medicaid liabilities that might be left with the county.

Mr. John Hufstedler addressed the Board in response to concerns listed above. He made replies to the Commissioner's questions as follows:

Peat Marwick Report:

The report was issued when HealthMark was still drawing down on the line of credit. The next audit will reveal a definite improvement. He asked for another chance to run a good hospital.

Debt in the event that HealthMark should leave the community:

It would be the debt of the corporation and not of the county.
Regarding the Contract with HealthMark:

There is a contract. HealthMark does not intend to leave. They will run the hospital and abide by the contract.

Drug bills:

On March 1st, \$1,200 was paid on it. Another check was mailed this week for over \$7,000.00. The balance of the bill is near \$2,000.00 which is normal for any hospital the size of Gadsden Memorial. He noted he had received a phone call from Durr with regard to the delinquent payment letter. Ed Durr was apologetic that the letter had gone to the hospital. The delinquent letter was because of a January bill amounting to \$600.00 that has not been received by HealthMark. It has been paid.

Drugs vs. Attorney Fees:

Mr. Hufstedler agrees that patient care should come first and insisted that it does. He strongly contended that services to patients were never in jeopardy.

Mr. Hufstedler remarked that there was \$145,000 cash in the hospital account presently. He related to the Board that he paid bills discriminately. He rationalized that he probably had enough cash to pay all the bills, but did not wish to deplete the cash only in reaction to someone who indiscriminately took records and circulated them. His phone conversation with Durr had been enlightening and he felt it was too bad that the Board didn't have the phone call monitored so that information could have been passed to them as well.

Commissioner Peacock questioned Mr. Hufstedler about specific payments made for travel expense while leaving unpaid drug bills.

Mr. Hufstedler addressed each of the questionable checks paid

for travel expenses. He explained that the check to American Express was for physician recruitment. Checks made payable to Linda Yale were to reimburse Ms. Yale for expenses for her travel to and from her home in Alabama. Her expertise is necessary to the overall operation of the hospital. He emphasized that patient care was never in jeopardy due to payment of these travel checks. He invited the Board to visit the hospital and talk with staff and patients to soothe their concerns.

Commissioner McGill asked if Gadsden County was the sole recipient of the benefits derived from payment of the travel expenses. Mr. Hufstedler's answer was affirmative. He refused to accept the description of the hospital as being "at risk" business or in fear of being shut down. He insisted that the hospital was never at risk and the patients have always come first. Again he invited the Board to visit and see for themselves. He repeatedly stated that patients were absolutely never at risk.

Mr. Davis asked if HealthMark expected the county to provide more funds to the hospital.

Mr. Hufstedler jokingly replied that HealthMark would love for the county to contribute if they would like to do so. At the same time, he assured the Commission the hospital is no further behind today than when he arrived in Quincy. In fact he reported they were actually caught up somewhat with bills. Given enough time despite a gap in medicare/medicaid payments, May should support his proclamation that the hospital is strong and vital. He pleaded with the Board to examine all the facts in making a decision.

Commissioner McGill asked if the worker compensation premiums were paid. Mr. Hufstedler assured him that payment of premiums were current.

Commissioner McGill again addressed the issue of the delay of HealthMark in filing for the 501C3 non-profit status that was required to protect the County from being "at risk" with the bonds.

Mr. Hufstedler explained that Mr. Chisena had been instructed to address the 501C3 issue. He neglected to do so. Once HealthMark discovered it had not been done, application for it was made immediately. It was always the intent of HealthMark to create a 501C3 organization. It has now been filed with the Secretary of State and with IRS. It will take about 15 months for that to be resolved.

Nancy Linnan, HealthMark's attorney, informed the commissioners the law allows up to 15 months to qualify for that status. It does not take that long to actually do it.

Commissioner McGill insisted that the County and the bond is still at risk.

In response to Commissioner Davis's question, Mr. Hufstedler acknowledged there are no local people presently assigned to the Board of Directors. Chairman Powell was extended an invitation to be a member of the board when the new one is appointed at the organizational meeting. It is customary in this type of business arrangement to appoint a temporary board until such organizational meeting is held.

Questions arose from the Board as to Mr. Chisena's continued affiliation with HealthMark. Mr. Hufstedler and Mrs. Linnan assured the commissioners that Mr. Chisena was terminated last December. He now resides in Georgia and has nothing to do with any of the HealthMark entities. He has been asked to return only to answer questions of the accountants and lend assistance in creating paper trails for the purpose of an audit.

Chairman Powell asked Mr. Richmond to advise the Board.

Mr. Richmond informed the Board of two options. One was to continue operating as they are doing presently and renegotiate with HealthMark. The other was to terminate the present contract.

If termination was the choice, then decisions as to the operation of the hospital must follow. He went on to say that if Gadsden County should break the contract, a law suit would be inevitable.

Commissioner McGill asked Mr. Richmond how a law suit could be filed for breach of contract when the existence of a contract is questionable.

Mr. Richmond reminded the commissioners that HealthMark certainly has a note with one of their subsidiary corporations for which they are responsible. Secondly, they have been operating the hospital for some period of time. They have complied with the establishment of the corporation as required by the bond and contract, regardless of the timeliness of its establishment.

Mr. Richmond went on to say if there was a contract, it certainly needed to be renegotiated because it is now questionable.

Commissioner Davis asked Mr. Richmond if HealthMark assigned the contract in question over to Gadsden HealthMark, Inc. without consent from the Board of Commissioners.

Mr. Richmond answered by saying he had not seen any documentation. However, he felt it was the intent of HealthMark to do just that.

Commissioner Dixon made a number of pointed statements directed at HealthMark. He conveyed his concerns with remarks relating to the dubious behavior of HealthMark with respect to the business affairs. He acknowledged some culpability in allowing it to happen.

Commissioner Dixon remarked to his fellow board members that he was unhappy with the conduct of the Board as well. He felt it inappropriate to make any decision based on the evidence provided to the Board by parties with alterative motives. He went on to say he did not object to Board action to withdraw the contract but he wanted it to be done based on facts rather than on the prejudiced information he had before him. Whatever decision the Board makes should be in the interest of the people of Gadsden County. He was of the opinion that the Board had instructed the County Manager and the County Attorney to ascertain the facts pertinent to the facts required to make such a decision.

Commissioner Peacock agreed with Commissioner Dixon in his remarks as they pertained to source of the facts being considered at this meeting. All things considered, he felt a solemn responsibility to act on behalf of the people at greatest risk. He questioned the existence of a contract. He conceded fault of the Board and the County Attorney if it is determined that a contract did not exist.

Commissioner Peacock added if the Board took action to pull the contract with HealthMark, the state law would require that the county request bids from interested vendors. In acquiring new bids for services, appropriate advertising would have to occur first. His decision would be based on due process rather than awarding the contract to someone more to his liking.

Commissioner Dixon apologetically stated he did not want to appear as though he was suggesting that the contract could be awarded on the basis of favoritism. His intention was to assure himself and the commission that enough correct facts were before them in order to make any decision at all. He stated again that he did not feel that he had enough facts from trustworthy sources to make an informed and fair decision.

Commissioner McGill wished to go on the record as saying he had not set out to seek any information from anyone concerning questionable management of hospital staff. The information was

provided to him without request. Since he was aware of the information, he felt compelled to consider it. He maintained that his apprehension is because of the degree to which the county is left at risk.

In the opinion of Commissioner McGill, timely payment of travel expenses for healthy individuals vs. delinquent payments for drugs for ill patients, did constitute risky patient care.

Again Commissioner McGill emphasized his dissatisfaction with the answers given by HealthMark in reference to the filing for 501C3. In addition, the show of profits while still drawing down on the line of credit bothered him. He conceded that draw down on the credit has ceased since last September.

Chairman Powell conveyed to the other commissioners and the spectators his opinion of the hospital. He reported that he visited the hospital weekly and has seen improvements over the last few months. He recognized that there could be some problems but for the most part he is satisfied with HealthMark. His foremost interest is to keep the hospital operating regardless of personal feelings of the board members toward HealthMark.

Commissioner Peacock made a **MOTION TO TERMINATE THE MANAGEMENT CONTRACT WITH HEALTHMARK. HIS REASONS ARE STATED AS FOLLOWS: THE CONTRACT WAS VOIDED FROM THE OUTSET. THEY WERE NOT A NON PROFIT ORGANIZATION AT THE TIME THE CONTRACT WAS SIGNED.**

MOTION WAS SECONDED by Commissioner McGill.

DISCUSSION FOLLOWED:

Stewart Parsons, Attorney, spoke as to his concerns. He questioned how the county got into the posture of entering into a contract with a corporation that did not exist or at best was improperly organized. Corporate records are public records and the county could have resolved this issue with one toll free phone call. He surmised that if the county was out on a limb as Mr. Parmer had described, that the county had put themselves there and then handed the person behind him the saw. He asked the commissioners if the county proceeds to withdraw the contract, and HealthMark of Gadsden folds as a result, who would be liable for the \$650,000.00 line of credit? As a citizen and taxpayer, he suggested further consideration of these issues before voting on the motion. He implied that the county and its administrator were irresponsible in protecting the tax-payers from tremendous liabilities.

Mr. Parmer explained that at the time the negotiations were

made, leaders in the community were asked to be a part of the committee to conduct the transaction. Mr. Harold Henderson, School Superintendent; Nicholas Thomas, Clerk of Court; Joe Woodberry, CPA who served on the original hospital board for more than 20 years; Rick McCaskill of the Chamber of Commerce; Dr. Catteau; Dr. Furlow; Commissioner Holt and others. He related that Mr. Thompson of HealthMark had repeatedly assured them that the organizational requirements were being handled. Mr. Richmond was also present and guiding the committee in these negotiations.

Commissioner Peacock called the questions.

Chairman Powell recognized Mrs. Angie Parsons, Nurse Manager of Gadsden Memorial Hospital. Mrs. Parsons pleaded with the Commissioners not to make the decision for fear they had not obtained enough insight into the situation to make an informed decision. She urged them to visit patients and employees and to question those employees present at the meeting. She spoke of positive strides the hospital had taken since HealthMark began its management.

Commissioner Peacock reminded the spectators of the previous public meeting held to discuss the hospital issues. They listened to hospital employees at that time. He assured her that the decision would be made with long term consideration of the facts. He explained that Mr. Thompson had stood before the Board at the last public hearing and lied about the purchase of equipment at the hospital. He again called the questions.

One other spectator asked to speak. Her request was denied.

Vote was called. **MOTION CARRIED 3 - 2**, with Commissioners Peacock, Davis and McGill voting to withdraw the contract. Commissioners Powell and Dixon opposing.

Commissioner Peacock made a **SECOND MOTION TO INSTRUCT THE COUNTY MANAGER AND COUNTY ATTORNEY TO TAKE WHATEVER ACTION IS NECESSARY TO CONTINUE TO OPERATE THE GADSDEN COUNTY MEMORIAL HOSPITAL.**

Commissioner Davis **SECONDED THE MOTION.**

Commissioner Peacock **AMENDED THE MOTION TO INCLUDE THAT THE COUNTY SHOULD SEEK REQUEST FOR PROPOSAL FROM POSSIBLE VENDORS.**

DISCUSSION FOLLOWED:

Commissioner Dixon voiced concern that the Board was sending the same people out to re-negotiate the operation of the hospital as it did previously to get the present contract. He stated his displeasure with the present contract that left the county and patients in jeopardy a mere six months after it was signed. He cautioned that those charged with the responsibility to formulate an agreement for the operation of the hospital, should deliver a workable plan. He expressed vexation that the county consistently finds itself on the on the brink of a law suit.

Commissioner McGill admitted that he, too, felt similar frustration in dealing with consequences of hasty decisions. He expressed hope that the Board has gained enough sophistication to make a more informed decision this time in dealing with the hospital.

Commissioner Dixon disagreed with his optimism. He focused on two things that still have not been ascertained. One being that the County still does not know what HealthMark is doing because no daily inventory has been done. This responsibility was earlier broached to the County Manager. Secondly, the county has not sent a CPA to conduct an audit. He stated that he was tired of sending people to conduct county business and they don't follow through with it.

Mr. Parmer responded by saying that it would take four to five days to conduct an inventory of the hospital. He did not have sufficient staff to conduct the inventory. He asked the Clerk if he could lend some of his staff to assist with the inventory but he could not send his staff at that time.

Commissioner Dixon replied that the board did not expect the clerk to do the inventory. The Board had not been informed that he needed people. He recalled to Mr. Parmer that he had been authorized by the Board to do whatever he needed to clarify the situation with HealthMark.

Mr. Parmer, in turn, told Commissioner Dixon that the auditing firm employed by the Clerk, was presently working at the hospital to bring a recommendation to the Board.

Commissioner Dixon reminded Mr. Parmer that the Board is unaware of the problems it has inherited as a result of withdrawing the contract. He requested to be apprised of the financial liabilities of the County as a result of such action.

Commissioner Peacock called the questions and asked for vote on the motion.

Chairman Powell asked Commissioner Peacock to **REPEAT HIS**

MOTION.

Commissioner Peacock made the MOTION TO INSTRUCT THE COUNTY MANAGER AND COUNTY ATTORNEY TO TAKE WHATEVER ACTION IS NECESSARY TO CONTINUE OPERATION OF THE GADSDEN COUNTY MEMORIAL HOSPITAL DURING THE INTERIM THE COUNTY IS WITHOUT A MANAGEMENT CONTRACT FOR THE OPERATION OF THE HOSPITAL AND INSTRUCT THEM TO SEEK REQUEST FOR PROPOSALS FROM POSSIBLE VENDORS TO OPERATE THE HOSPITAL IN THE FUTURE.

Vote taken. **MOTION CARRIED WITH NO OPPOSITION.**

Commissioner Dixon asked what kind of interim arrangements must be made to keep the hospital operating at this point.

Mr. Richmond answered by saying that if the contract existed, HealthMark had six months to leave. If there was no contract, they must leave immediately.

Spectators asked who would pay their checks.

Mr. Jerry Wynn, Gadsden County Health Department Administrator, asked to address the Board. He requested that they consider a grace period to be granted so that the hospital would not be shut down. Issues of OLC need to be addressed. He pleaded with them to not let the hospital shut down for even a day. The employees need some incentive to stay.

Commissioner McGill made a **MOTION TO ALLOW HEALTHMARK TO CONTINUE OPERATING THE HOSPITAL FOR FORTY TO FORTY-FIVE DAYS.**

MOTION SECONDED by Commissioner Peacock. **MOTION CARRIED UNANIMOUSLY.**

Meeting adjourned.

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON APRIL 6, 1993, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
BUD PARMER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner Davis led in Pledge of Allegiance and Commissioner Davis opened the meeting with a prayer.

APPROVAL OF MINUTES - MARCH 1, 1993 - SPECIAL MEETING

MOTION TO APPROVE THE MINUTES OF THE MARCH 1, 1993 MEETING was made by Commissioner Davis, **SECONDED** by Commissioner Dixon. **MOTION CARRIED 5-0.**

APPROVAL OF MINUTES - MARCH 16, 1993 - REGULAR MEETING

MOTION TO APPROVE THE MINUTES OF THE MARCH 16, 1993 MEETING was made by Commissioner McGill, **SECONDED** by Commissioner Peacock. **MOTION CARRIED 5-0.**

APPROVAL OF MINUTES - MARCH 23, 1993 - SPECIAL MEETING

MOTION TO APPROVE THE MINUTES OF THE MARCH 23, 1993 Meeting was made by Commissioner Peacock, **SECONDED** by Commissioner McGill, **MOTION CARRIED 5-0.**

APPROVAL OF MINUTES - MARCH 27, 1993 SPECIAL MEETING

MOTION TO APPROVE THE MINUTES OF THE MARCH 27, 1993 was made by Commissioner McGill, **SECONDED** by Commissioner Peacock, **MOTION CARRIED 5-0.**

CONTRACT WITH HEALTHMARK

County Attorney, Hal Richmond, addressed the board calling attention to the lease agreement with HealthMark which was a part of the agenda. He explained that the re-negotiation process with HealthMark was necessitated by the failure of HealthMark to

establish the not-for-profit corporation in proper form in June, 1992. The lease agreement presented to the board for approval was actually started several weeks prior to the termination of the original contract on by Board action on March 27, 1993.

Discussion:

Commissioner McGill expressed his continued residual concerns which were raised at the Special Meeting on March 27, 1993 in regard to the long delay by HealthMark in applying for not-for-profit 501(C)3. He asked if this agreement will rectify that situation.

Mr. Richmond replied, the not-for-profit situation was rectified at the time they filed for the 501(C)3 application several weeks ago. Because the way the contract was set up originally by the committee, it was necessary to have a corporation not-for-profit enter into the agreement with Gadsden County under the terms of the bond resolution. It was conceded that if there was any money made over and above expenses, the money would go to a management concern that HealthMark would put in place to manage the hospital. That was the second entity, HealthMark of Gadsden, Inc., which entered into the loan arrangement with Gadsden County. That corporation is in effect and in place. This agreement does ratify and relates back to June 1, 1992 at the beginning of the contractual arrangement with HealthMark. This agreement provides for the continued operation by HealthMark.

Commissioner Davis asked Mr. Richmond if he helped with the writing of the new agreement.

Mr. Richmond affirmed he did have input to the agreement until such time that the Board of County Commissioners told him not to. At that point, Clerk Thomas became involved from the financial aspects. Purvis & Gray was working and trying to determine what the financial situation of HealthMark. The Clerk continued the negotiations.

Clerk Thomas explained he became involved in the negotiations only because of the financial concerns to the county. He referred to a letter he sent to the Commissioners outlining those concerns. He finished the negotiations for the lease agreement because it is in the county's best interest. There are some additions in the agreement which are to the county's benefit. The county will now get paid \$60,000.00 as lease payment. The agreement is in compliance with the bond covenant and the bonds are no longer at risk. The agreement if approved, will be retroactive to June 1, 1992 absolving the county of any liability that the county might inherit if they continue the pursuit of the March 27, 1993 decision

to withdraw the contract.

Commissioner Davis voiced his concern that the lease agreement appears to be one-sided. According the provisions of the proposed agreement, HealthMark could leave at any time. They can renew after four years under the same terms.

Clerk Thomas pointed out that the County would have to approve those terms when they are re-negotiated. In four years, the county could readdress negotiations.

Attorney Richmond offered the following historical observation of the HealthMark contract agreement:

Southeast (corporation operating the hospital) wanted out. They reported to the board they were suffering million dollar losses each year.)

It became a paramount consequence of the former Board that the hospital should not be closed.

A committee was established to do something constructive for Gadsden County in terms of providing hospital services. That committee sought someone to come in and run the hospital. It was said more than once during those negotiations that "if we have to get in bed with the devil to keep the hospital open, we shall do so." He went on to say "there have been times in the last few weeks, when I thought we did. But there have also been times when HealthMark has been most cooperative and interested in resolving matters to avoid any type of law suit or consequences that may go on."

At the time the contract was entered into in June, 1992, there was a primary concern.

1. Gadsden County was putting up one million dollars. That million dollars was viewed by the committee as being a potential loss. If HealthMark sustained losses such as Southeast, they would lose also, causing the hospital would ultimately close.
2. The hospital had to stay open on June 1. It was the last minute. If the hospital closed, Gadsden County would never get it re-opened.
3. If HealthMark should make a profit after all bills are paid, the county had to create a legal situation to let HealthMark take the money out the same as any other business would have the right to

do so.

That is exactly what the Board ratified in the contracts. Any money after all the bills were paid and the money was paid back to the county, would go to HealthMark. That is why there were two corporations set up and the confusion set in.

The operating or the management contract was with HealthMark of Gadsden which executed the note. HealthMark of Quincy, Inc. was supposed to be set up as a non profit corporation under the IRS rules and regulations to meet all the IRS code responsibilities. HealthMark did not do that. They have done it now. Everything is back on track.

Mr. Richmond gave no assurances that HealthMark would not leave. He went on to say they have done a very good job of managing the hospital. He pointed out one fact that was overlooked when the board made its decision to pull the previous contract from HealthMark - nineteen patients were at the hospital that week end which is more than the hospital has had in a long time.

(The spectators applauded Mr. Richmond's remarks.)

Clerk Thomas reiterated the bottom line in the matter is that the lease agreement is in the financial best interest of Gadsden County. He advised the board should they pursue the other route, they most certainly will create some serious financial problems. He asked the board to rescind the past actions taken at the special meeting of March 27, 1992 and adopt the new lease.

Commissioner McGill asked if the payments were to continue throughout the life of the contract. Mr. Richmond responded affirmatively.

Commissioner McGill then asked what would happen to the money generated above the expenses of the operations of the hospital.

Mr. Richmond answered according to the operating management agreement, the money would go to HealthMark of Gadsden, Inc. twice a year. They would be advanced six per cent of the gross on a monthly basis to pay management expenses. If bills were left outstanding in the community, HealthMark would get nothing but the six percent, which is offset. HealthMark would pay that money back if there should be a shortfall.

Mr. Richmond added that it does not affect the \$5,000 monthly lease payment. It does not affect the million dollar line of

credit. The line of credit is gone. The \$600,000.00 is scheduled to be repaid by HealthMark over the next thirty-six months. If the board continues to terminate the contract, HealthMark would not likely repay the money.

Commissioner McGill asked Attorney Richmond if he knew for a fact that the 501(c)3 has been requested from the IRS.

Mr. Richmond indicated he had actually seen the letter of request. They have not received verification of approval by IRS.

Clerk Thomas pointed out that in the event HealthMark should not obtain the 501(C)3 or maintain that status, the contract would be voided. If that should happen, Gadsden County would have sufficient grounds to terminate the contract.

Commissioner Davis asked who would be on the Board of Directors of the not-for-profit corporation.

Mr. Richmond related that the full organizational meeting has not been held nor has the Board of Directors been established.

Clerk Thomas noted that the lease agreement calls for an advisory board to be made up of citizens of Gadsden County.

Commissioner Peacock remarked that the Advisory Board was not so important. He interpreted the lease agreement to say that HealthMark would be the one to set up the Advisory Board. He asked if would be possible for the County Commissioners to set it up.

Attorney Richmond indicated that he thought HealthMark would be asking for the Commissioners to advise them as to who to appoint to the Advisory Board anyway.

Commissioner Peacock acknowledged receipt of a copy of the lease on Friday. He expressed that he had not had ample time to study it and resolve questionable issues of the contract. He felt that the County would be left without recourse and voiced hesitation to act in haste. It was his opinion that this lease was being pushed upon the Board too hurriedly.

Clerk Thomas encouraged the Board to take immediate action noting the urgency for their action stating it was time for the matter to be resolved. (The audience applauded his statement.)

Commissioner Peacock reminded the others that the County has forty-five days from March 27, 1993. He requested more time to study and negotiate with HealthMark on particular issues that would offer protection to the county.

Attorney Richmond pointed out the problem from a legal

standpoint is:

1. The contract originally entered into with HealthMark begs the question that they have operated the hospital since June 1, 1992 and apparently have done a good job.
2. The terms of that contract that Gadsden County and HealthMark entered into, can be pushed to modify and change terms but the fact remains that HealthMark entered into that contract with Gadsden County with the understanding that if they did a good job and if they made excess revenues, they would be entitled to them as management fees.

He went on to say he did not believe that much of it can be changed. Other people now see that maybe there is a profit to be made there.

Commissioner McGill expressed concern about the Advisory Board and the Board of Directors. Why are there two? What does an Advisory Board do?

Attorney Richmond answered saying that an Advisory Board would deal more with hospital-wide problems on a community level. It would be made up of primarily doctors and people concerned with the hospital. They would have input as to what goes on at the hospital.

The Board of Directors is mainly concerned with the operation of HealthMark. The Chairman of the Board of County Commissioners has been asked to serve on the Board of Directors.

Commissioner McGill asked if HealthMark would be willing to make some changes.

Clerk Thomas and Chairman Powell told Commissioner McGill to make his wishes known to HealthMark and they would be willing to re-negotiate those less substantial changes.

Based on the HealthMark's willingness to re-negotiate the terms of the lease agreement on issues that cause the Commissioners particular concern, Commissioner McGill voiced a willingness to make a motion to rescind the board's actions of March 27, 1993.

Clerk Thomas told Commissioner McGill that he and Attorney Richmond would work diligently to get the desired changes.

MOTION TO RESCIND THE BOARD'S ACTION OF MARCH 27, 1993 TO

TERMINATE THE CONTRACT WITH HEALTHMARK was made by Commissioner McGill, **SECONDED** by Commissioner Dixon.

No discussion followed.

MOTION CARRIED 3 - 2 with Commissioners McGill, Dixon and Powell voting for the motion. Commissioners Peacock and Davis opposing.

Commissioner Dixon made a **MOTION TO ADOPT THE NEW LEASE WITH HEALTHMARK WITH CHANGES AS BROUGHT FORTH BY THE COUNTY ATTORNEY, CLERK OF COURT AND THE BOARD.** Commissioner McGill **SECONDED** the motion.

Discussion followed.

Several changes that the Board felt would be appropriate were:

1. Renewal of the lease should be made to be subject to the Board of Commissioner's approval.
2. Some oversight capability of the Board over the administration and the finance department.
3. Routine reporting to the Board by HealthMark in respect to number of patients and how they are being served.
4. More detailed financial statements.
5. In the event that the indigent care does not amount to the \$164,000, would HealthMark consider helping on the bond debt.
6. If income should appear to be more than the six percent over and above the expenses, would HealthMark consider helping to pay on the bond debt?

Commissioner McGill called the question.

Vote was taken. **MOTION CARRIED 4-1.** Commissioner Davis opposing.

Attorney Richmond informed the Board of the ordinance which was authorized at the first meeting in March to publish on the road improvement ordinance. It is on the agenda calling for public hearing to be held. It provides for paving, where a majority of

people in interest on a road right of way want it paved, it can be paved provided that money is available.

Commissioner Peacock made the **MOTION TO APPROVE THE ROAD IMPROVEMENT ORDINANCE**. Dixon **SECONDED THE MOTION**.

Discussion called for by Chairman Powell. **NO DISCUSSION FOLLOWED** by the audience.

Commissioner Davis asked if the petition requires 100%.

Mr. Richmond answered him by saying that it requires 2/3 of the owners of 2/3 of the property abutting any road.

MOTION CARRIED 5-0.

PROPOSED COURTROOM FACILITY

Judge Charles McClure was present to speak to the Board concerning a Proposed Justice Center for Gadsden County. He spoke of previous efforts spanning over 4 years to remedy the need for more courtroom space. He noted that the case load for Gadsden County is twenty per cent of the case load of the entire circuit. It requires three full time judges. It is a busy court and needs help.

He informed the Board of several people who were present to answer questions of the Board.

Mr. Jim DeHaven and his wife Judy Britt made a presentation to the County and made an offer to donate his equity in the Masonic Temple Building. He told of the renovations in recent years and explained the plan that could convert the building into a Justice Center. (Proposal Attached.)

Several members of the Board questioned him regarding the estimated cost of renovation. The Board expressed several concerns revelent to the building.

Miss Nancy Daniels, Public Defender spoke to the Board in favor of the Justice Center concept.

Mr. Tony Guarisco spoke to the board as to the present needs of the State Attorney with respect to facilites. He stated that the present court room facility is not conducive to conducting the court's business. The staff is growing as well as the case load. He spoke in favor of the concept presented by Judge McClure stating that the proposed plan would suit the needs of the State Attorney.

Judge Gary spoke to the Board as to the cramped courtroom facilities. He remarked that this county is the only county in the circuit that does not have all the court related agencies housed under one roof. He encouraged the board to look hard at the proposal and not take too long. He viewed it as the only opportunity available to them at the present.

Judge Padovano made a plea to the Commissioners to do something. It indicated that he thought the proposal was a good one and encouraged them to accept it. In the event, the Board determines that another course would be wiser, he prompted them to take the other course. He fears that the issue will be tabled and years will pass before action will be taken. The court system cannot continue this way.

Brantley Clark, President of the Gadsden County Bar Association, spoke to the Board saying the problem of the Courtrooms must be addressed. He encouraged the board to begin making a plan to remedy the problem.

Mr. Billy Bishop made a report as to his study of the proposed floor plan for the Justice Center.

Mr. Adams of Mr. Bishop's office spoke as to their finding of various leaks in the proposed building. Waterproofing of the building would be an expensive proposition.

Mr. Bishop spoke again saying he had not been asked to evaluate alternative uses for locating these areas. He would be happy to do so. He restated he was simply giving the Board information on what it cost to bring the building into good repair.

Judge McClure summarized his appeal by stating that the Justice System is very expensive but it is the only thing that stands between man and tyranny. He asked the Board to weigh all the options and take appropriate action reminding them the Florida Statutes require the County to provide housing for the court system. He went on to say that as a Judge he could not sacrifice the rights of those people who come to court. It is his opinion, not providing adequate facilities, sacrifices those rights. He asked again that the Board make an affirmative decision within the next 30 days.

PLANNING AND ZONING RECOMMENDATION FOR GADSDEN COUNTY CORRECTIONAL INSTITUTE PROJECT 3 93PZ-11-107-4-4

Mike Sherman, Director of Planning and Zoning presented the Board of Commissioners with a recommendation that the county approve Project # 93pz-11-207-4-4. (Description of project and

special conditions of P & Z recommendation attached.) The Prison will employ 258 people.

Mr. Hank Rigler, Project architect, spoke to the Board as to specifics of the project. He answered questions by the Commissioners and spectators.

Mr. Forrest Davis made a **MOTION TO APPROVE THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION WITH SPECIAL CONDITIONS LISTED.** **MOTION SECONDED** By Commissioner McGill.

Discussion called for from the audience.

Mr. Johnny Burns asked several questions and stated he was all for rehabilitation of prisoners. He would like to see some assurances that the Gadsden County population of prisoners receive the benefits of this prison. It is a proven fact that family support is an integral part of drug rehabilitation. It is his belief that the Department of Corrections should be asked to cooperate in assigning Gadsden prisoners to the facility.

MOTION CARRIED 5-0.

CONSENT AGENDA

Commissioner Peacock made a **MOTION TO ADOPT THE CONSENT AGENDA.** (All requests are attached.)

Commissioner McGill offered one change to the consent agenda. Under Bid Proposals, the recommendation of the bid committee reads at the bottom where "Requested Action" appears states that "Approval by BCC to rebid Petroleum bid # 93-11". It should read Pest Control instead of Petroleum.

Commissioner Dixon called attention to the Clerk's memo stating the short fall of revenue in the Fire Assessment Fund. He questioned whether those funds should be dispersed. He asked to table those payments in view of potential restructuring needed.

Mr. Parmer recalled that these funds would be remitted to the agencies on a pro-rato share of the funds collected.

Commissioner Dixon added, if the disbursements can be made on a pro-rato basis, he has no objections.

MOTION SECONDED BY Commissioner Davis. MOTION CARRIED 5 - 0.

BUDGET AMENDMENTS

Chairman Powell noted for the record that Clerk Thomas had been excused for the last part of the Meeting. He explained that the Clerk had to travel to Tampa for a Clerk's Workshop before 8 A.M. on Wednesday morning. In the Clerk's absence, Chairman Powell asked the Board to approve the amendments.

Commissioner Davis made a **MOTION TO APPROVE THE AMENDMENT REQUESTS**. Commissioner Dixon **SECONDED THE MOTION**. **MOTION CARRIED 5 - 0.**

PAYMENT OF BILLS

Commissioner Peacock made the **MOTION TO PAY THE BILLS**. **SECONDED** by Commissioner Dixon. **MOTION CARRIED 5 - 0.**

DISTRICT ONE REPORT

Commissioner McGill reported the High Bluff Road sometimes referred to as Joe Bud Road, residents have requested a pier to be constructed over the lake. They also have requested bathroom facilities be constructed there.

On Dupont Road, the first drive to the left if you are going north toward Havana or 159, the drainage ditch is completely obstructed. It is also bent on both ends. They need a drainage pipe placed there.

He reported that he had been to the Department of Community Affairs and looked at the Peace Project. He believed that the project can be handled.

Attorney Richmond informed the due process would have to be followed. Advertisement, and a public hearing must be held first.

DISTRICT TWO REPORT

Chairman Powell asked Mrs. Holley if she would like to speak to the Board.

Opal Holley asked when the Board intended to send out the money to the volunteer fire departments.

The Clerk has been authorized to cut the checks.

Mrs. Holley stated for the record, that Mr. McGill never told her that he would vote any way nor did she ask Mr. McGill how he would vote. She desired it to be made publicly since Ms. Alice Dupont Smith did not print the correction in last weeks paper.

CLOSING OF COUNTY OFFICES ON GOOD FRIDAY

Commissioner Dixon made a **MOTION TO GRANT THE COUNTY EMPLOYEES A HOLIDAY FOR APRIL 9, 1993 FOR OBSERVANCE OF GOOD FRIDAY.** Commissioner Peacock **SECONDED** the motion. **MOTION CARRIED 5 - 0.**

Chairman Powell commended the other commissioner for passing the Road Ordinance earlier in the meeting.

Chairman Powell also thanked the Road and Bridge Departments for putting up the signs in District II.

Mr. Forehand made comments in reference to the pot holes etc. in the Robertsville area on Hosey Road.

Chairman Powell explained the road was a very old gravel road but promised to maintain it to the ability of the county.

DISTRICT THREE REPORT

Commissioner Peacock reported everything was running smoothly in District Three.

DISTRICT FOUR REPORT

Commissioner Davis reported everything was well in District Four.

DISTRICT FIVE REPORT

Commissioner Dixon reported of his travel to Polk County, at his own expense, where he met with Commissioner Marlene Young. He was extended all county services to observe. He questioned them of their Economic Development Plan. He noted Polk County had done some things that could be applied to Gadsden County to improve the economy and the standard of living here.

Commissioner Dixon explained that Polk County has the Fire Assessment. He went on to discern the difference in how they operate their volunteer fire departments. They man each fire station with two men. The volunteers respond to the fire scene when called on an emergency. This method effects arriving on the scene earlier.

Commissioner Dixon made a public apology for his use of profanity in the previous meeting. He noted that is was inexcusable and he pledged not to do it again. He went on to say it was his intent to convey to the board and the spectators that

the Board was not living up to the standards that it is trying to implement.

Commissioner Dixon contended the service delivery expected from the people they turn to for advice has been inadequate. The Board must depend on the County Manager to provide them with pertinent and competent facts relating to issues they are expected to resolve. Keeping that in mind, Commissioner Dixon asked for Mr. Parmer's resignation. In light of the issue with the HealthMark contract and other things, retaining him in the position of County Manager would be to the detriment of the County. He emphasized that in all good conscience, he could not accept information from Mr. Parmer.

Commissioner Dixon made a **MOTION THAT UNLESS MR. PARMER RESIGNS, THE BOARD TERMINATE HIS CONTRACT IMMEDIATELY, REPLACE HIM WITH SOMEONE IN THE INTERIM.** Commissioner McGill **SECONDED** the motion.

Discussion:

Commissioner Davis asked where the money would come from to pay the six months salary.

Commissioner Dixon stated that upon approval of the board, they appoint an interim and possibly not replace him until the new fiscal year.

Commissioner Peacock remarked that he felt the Board was making a mistake. He did not condone some of the things Mr. Parmer has done, but at the same time the person who replaces him will not be perfect either. He reviewed the services rendered by Mr. Parmer to be good. He did not support the motion.

Commissioner Davis commented that Mr. Parmer did not act alone in the HealthMark negotiations.

Commissioner Dixon reminded Commissioner Davis that no one of those other committee members had furnished him with the information that Mr. Parmer did when the board was faced with making the decision on the HealthMark contract. He stated that HealthMark was not the only issue. He again reminded the Commissioners that he had a difficult time dealing with persons who are not honest and above board when conducting business.

Commissioner McGill concluded that even though he had seconded the motion, that perhaps the board should have called Mr. Parmer in for a consultation and discussed the problems. Due process should have prevailed and misinformation should have been addressed with

him in another setting.

MOTION CARRIED 3 - 2. COMMISSIONERS DIXON, MCGILL AND POWELL VOTING FOR THE TERMINATION OF MR. PARMER. COMMISSIONERS DAVIS AND PEACOCK VOTING AGAINST THE MOTION.

Commissioner Dixon made a **MOTION TO APPOINT MR. ED BUTLER AS INTERIM COUNTY MANAGER UNTIL FURTHER NOTICE.** Commissioner Peacock **SECONDED THE MOTION. MOTION CARRIED 5-0.**

Commissioner Peacock made a **MOTION TO ADJOURN.**

Commissioner McGill **SECONDED** the motion to adjourn.

MOTION CARRIED 5-0.

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

Mr. Parmer reported that Douglas Smith of Tallahassee for a Building Contractor's License. It was signed off by Lamar Kent.

Randy Brown also of Tallahassee has applied for a Roofing Contractors License. Lamar Kent has signed off on his as well.

Commissioner Dixon made a **MOTION TO APPROVE THEIR APPLICATIONS FOR BUSINESS LICENSE.** Motion was **SECONDED** by Commissioner Peacock.

Upon **MOTION** of Commissioner Peacock and **SECOND** by Commissioner Dixon the **MEETING WAS ADJOURNED.**

Anthony Powell, Chairman

ATTEST:

Gadsden County Board of County Commissioners
April 6, 1993 Regular Meeting

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON APRIL 20, 1993, THE
FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Clerk Thomas led in Pledge of Allegiance and Acting County Manager Ed Butler led in Prayer.

APPROVAL OF MINUTES - APRIL 6, 1993 - REGULAR MEETING

MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK TO APPROVE THE MINUTES OF THE APRIL 6, 1993 REGULAR MEETING. MOTION WAS SECONDED BY COMMISSIONER PEACOCK. MOTION CARRIED 5 - 0.

Commissioner Peacock suggested to the board concerning its voting procedures. He recommended that the chairman call for each commissioner individually for his vote. According to Robert's Rules for Order, the chairman can control the meeting in whatever fashion he chooses.

In addition, Commissioner McGill recommended that as a matter of routine business, the agenda should be adopted at each meeting to make it an official work order.

COUNTY ATTORNEY

Attorney Hal Richmond called for a hearing on the closing of part of Mickle Street in Havana, FL. The hearing was advertised in the Gadsden County Times. Mr. James Toole was present to address the board. Chairman Powell called for public input. No one was present to oppose the road closing. (Resolution and Notice of Intent attached.)

MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON THAT PART OF MICKLE ROAD AND THE ADJACENT ALLEY AS DESCRIBED IN

HE ADVERTISEMENT BE CLOSED. MOTION CARRIED 5 - 0.

Mr. Richmond called attention to the proposed written policy concerning travel expenses incurred by county personnel. Discussion tabled until later meeting.

Mr. Richmond informed the board of a letter he received from Attorney Kevin Carroll who is representing Southeast Community Health Services. The letter requested that HealthMark release \$146,000 which constitutes Medicare and Medicaid proceeds which are payable to Southeast. The money has been held in a trust account by HealthMark's attorneys since the county froze all accounts when problems with HealthMark arose. Mr. Richmond asked the board to implement an agreement to authorize HealthMark to release the money to Southeast. (Agreement attached.)

MOTION BY COMMISSIONER DAVIS AND SECONDED BY COMMISSIONER DIXON TO AUTHORIZE CHAIRMAN POWELL TO SIGN THE AGREEMENT TO RELEASE THE MONEY TO MEDICARE/MEDICAID. MOTION CARRIES 5 - 0.

Mr. Richmond asked Mr. Jim Richmond to inform the board of the upcoming renegotiations of the cable franchises in Havana and Gretna. He explained that only Havana is due for renewal of contract, but cable company wishes to renew both of them under the same contract. He asked for authorization to publish a notice for a public hearing to discuss the proposal for renewal of the franchise contract.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON THE BOARD VOTED 5 - 0 TO AUTHORIZE MR. RICHMOND TO ADVERTISE A NOTICE OF PUBLIC HEARING FOR MAY 18, 1993 FOR CONSIDERATION OF RENEWAL OF FRANCHISE CONTRACT SERVICES. MOTION CARRIED.

Attorney Richmond told the commissioners that the circuit judges had asked him to inquire as to the status of discussions concerning the Justice/Center proposal of the meeting of April 6, 1993.

Discussion ensued. The board was not prepared to make a decision until further study can be made. Chairman Powell asked Mr. Richmond to inform the judges that the commissioners were still working on it.

DEPARTMENT OF TRANSPORTATION REPORT:

Mr. W. E. Waddell, district secretary for District 3, Florida Department of Transportation (DOT) introduced himself stating his purpose for attending the meeting was to open communication with

Gadsden County Commission and inform them of projects the state is implementing within the county. They are as follows:

All road-side mowing is being done with outside contractors. The contract has been modified to include trim work.

Highway 267 (from Highway 90 to I-10) project is in the last stages of acquiring right-of-ways and should be completed by end of this summer.

Waste Program -going to contract in the year 1996-97.

State Road 267 (from Quincy city limits to Georgia line) is strictly a resurfacing project. It goes to contract in 1993-94. The resurfacing will include four feet of paved shoulders.

US 27 going into Havana (emergency project) contract to be let the end of April. It should be completed by mid-June.

Another project will follow in year 1996-97 that will widen the Ochlockonee Bridge and pave the shoulders. That will raise it up to standard. The project will cost approximately \$9,000,000.

The design for the railroad overpass in Chattahoochee is almost complete. Purchase of right-of-ways will begin in 1994-95, construction to begin in 1996-97.

The old Victory Bridge near Chattahoochee will be contracted in 1993-94 to widen the bridge.

Mr. Waddell thanked the board for their cooperation on the Shepherd's Mill project. Allowing the state to close State Road 12 and use the county road as a detour. It saved the tax payers money.

Commissioner Davis questioned Mr. Waddell about mowing of the road sides before the clover blooms. Mr. Waddell explained that in the past the first blooming of clover had been allowed to seed out and then mow. Research has proven that if it is mowed before the first seeding-out, it will eliminate weeds. The second blooming of the clover will be allowed to seed-out.

Commissioner McGill asked Mr. Waddell if a stop light could be placed at the intersection of State Road 12 and County Road 157. Mr. Waddell explained that traffic probably does not meet the needs

to justify a traffic light. He went on to say he would study the problem and report his findings to the board at a later date.

As to reclassification, Mr. Waddell stated that the state had employed an outside agency to do a study. The study is behind and the Department of Transportation is not pushing it. It will be up to the Legislature to change the reclassification.

Commissioner McGill asked Mr. Waddell if the state does not spend all the federal funds on repairing certain roads and bridges, could that excess money be given to the county to pave some unpaved roads. Mr. Waddell replied saying they do not have excess funds, but if they did, it could not be spent for paving unpaved roads.

Commissioner Dixon posed the possibility of interfacing with the state while they are working within the vicinity of I-10 and 267, to accomplish some paving for the county. Mr. Waddell suggested that if the county project could be ready and let them at the same time the state work is being done, it is possible to get a better bid. The contractor that will already be there doing state work, and could submit a better bid for that reason.

In response to Commissioner Davis question concerning the schedule for repaving Highway 65, Mr. Waddell replied, the state monitors the road every three years. It will be scheduled for resurfacing after the next monitoring proves justification.

Mr. Waddell explained that Legislature had passed a five cent local option gas tax.

Mrs. Opal Holley voiced concern about the number of trucks traveling to and from the temporary asphalt plant on State Road 267 south. She reported that the sides of the road were deteriorating.

Mr. Waddell explained to Mrs. Holley that if the local zoning commission permits the facility, the only thing DOT can control is the weight of the trucks but not the amount of traffic. He will investigate the condition of the road and report back to the Board of County Commissioners.

ECONOMIC DEVELOPMENT ACTIVITIES UPDATE

Rick McCaskill spoke to the board concerning the possibility of developing an industrial park in the Quincy area. Havana is also looking at a possible site for an industrial park.

A photographer has visited Gadsden County and done a three-day photo-shoot for use in advertisement and news items. They should be available to the board for review within a month.

The new recruitment package has been completed. It is scheduled for the printer in three weeks.

A new county map and municipal maps are being prepared.

The Chamber of Commerce has had discussion with the following industries concerning the possible relocation of new industry:

- furniture manufacturer
- wholesale bakery
- manufacturer of steel joists and wall units
- manufacturer of solar panels
- construction of Holiday Inn Express to begin soon

Mr. McCaskill also noted the chrysler dealership has been lost.

PLANNING AND ZONING RECOMMENDATIONS:

Mr. Mike Sherman presented four development proposals for approval.

Project #93PZ-8-204-3-4 Ruby's Beauty Shop. P & Z recommended approval. **MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON TO APPROVE THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION SUBJECT TO THE SPECIAL CONDITIONS LISTED IN THE ATTACHED SHEET. MOTION CARRIED 5 - 0.**

Project #93PZ-9-201-2-4 Time Created Heirlooms. P & Z recommended approval. **MOTION BY COMMISSIONER DAVIS SECOND BY COMMISSIONER PEACOCK TO APPROVE THE PROPOSAL FOR TIME CREATED HEIRLOOMS SUBJECT THE CONDITIONS AS LISTED BY THE PLANNING AND ZONING COMMISSION. MOTION CARRIED 5 - 0.**

Project # 93PZ-10-203-4-4 Watford's General Store expansion. P & Z recommended approval. **MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK TO APPROVE THE PROPOSAL SUBJECT TO THE CONDITIONS LISTED BY PLANNING AND ZONING COMMISSION. MOTION CARRIED 5 - 0.**

Project #93PZ-11-201-2-4 Bread of Life Bakery P & Z recommended approval. **MOTION BY PEACOCK SECOND BY DIXON TO APPROVE THE PROPOSAL BY BREAD OF LIFE SUBJECT TO CONDITIONS LISTED BY P & Z. MOTION CARRIED 5 - 0.**

ACTING COUNTY MANAGER

Mr. Ed Butler presented an invoice from William M. Bishop requesting approval for payment. It was for work performed at the hospital and boiler replacement in amount of \$6,877.43.

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK TO APPROVE THE INVOICE FOR PAYMENT. MOTION CARRIED 5 - 0.

Rescinding approval to re-bid Pest Control Bid

Mr. Butler recommended that the board rescind the motion to re-bid the pest control services and accept the low bid from Paul's Pest Control who was the lowest bidder. Paul's Pest Control must present documentation of required insurance. **COMMISSIONER MCGILL MADE A MOTION AND SECOND BY PEACOCK TO RESCIND THE MOTION TO RE-BID THE PEST CONTROL SERVICES AND ACCEPT THE LOW BID FROM PAUL'S PEST CONTROL. MOTION CARRIED 5 - 0.**

Mr. Butler requested leave on Thursday, April 21. **MOTION MADE BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THAT THE ACTING COUNTY MANAGER, ED BUTLER, BE GRANTED LEAVE ON THURSDAY, APRIL 21, 1993. MOTION CARRIED 5 - 0.**

As a point of fact, Commissioner Dixon stated that board approval was not necessary for the county manager to take leave.

Mr. Butler informed the board of the following:

Fuel tanks from the sheriff's garage have been removed. There was liquid in tanks and the liquid had to be pumped out before the extraction could begin. Some minor soil contamination was found. The kerosene tank at the old jail will be removed. Additional costs were incurred because of these problems.

Request for assistance from the board in soliciting people to serve on the Housing Authority Board. He reported that he had some response on the plan submitted.

Request for approval from the board for the chairman and clerk to sign the Proposal to the Farmers Home Administration for a housing preservation grant. **MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK TO APPROVE THE CHAIRMAN AND CLERK TO SIGN THE PROPOSAL TO FARMER'S HOME ADMINISTRATION FOR A HOUSING PRESERVATION GRANT. Discussion followed. MOTION CARRIED 5 - 0.**

CONSENT AGENDA

MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON TO APPROVE THE CONSENT AGENDA. MOTION CARRIED 5 - 0.

Consent agenda attached.

CLERK OF COURT

Clerk Thomas called attention to the financial information packet he had provided for the board prior to the meeting. The summary of all expenditures was prepared for information purposes only. He called attention to one item of real concern. He reminded them of the memo he had written to them on March 11, 1993 regarding the Medicare/Medicaid Budget at which time he advised them that he anticipated the need to increase that amount by \$80,000. After further study, the problem proved to be even more severe. At the present time, it appears that the budget may need to be increased by more than \$200,000. Clerk Thomas explained that Medicare/Medicaid is a statutory expense which cannot be controlled and is difficult to anticipate. He pointed out to the board information in the packet regarding the formula used to determine the amount the county must pay.

Clerk Thomas reviewed the revenue summary with the commissioners. Again he pointed out the main concern being the medicare/medicaid which will require a budget amendment. Other than the fire assessment and the medicare/medicaid, the county is in good shape.

Cash balance report given by the clerk. (Attached)

MOTION BY COMMISSIONER MCGILL, SECOND BY COMMISSIONER PEACOCK TO APPROVE THE BUDGET AMENDMENTS. MOTION CARRIED 5 - 0.

MOTION BY COMMISSIONER DIXON, SECOND BY COMMISSIONER PEACOCK TO PAY THE BILLS. MOTION CARRIED 5 -0.

Mrs. Opal Holley questioned Clerk Thomas as to the payment of the fire assessments to municipalities. She asked if the volunteer departments will be included. Clerk Thomas replied affirmatively.

DISTRICT I REPORT

Commissioner McGill reported that he had met with the REDI group and had received some information from Senator Bob Graham. He was not prepared to present his findings to the board at the present.

DISTRICT 2 REPORT

Commissioner Powell asked Mr. Butler if the radio had been installed in the book-mobile. Mr. Butler replied that he would look into the matter.

Commissioner Powell suggested that the board upgrade Mr. Butler's salary since he is acting county manager. Clerk Thomas informed the board that it would require an additional \$13,000 that can be taken from contingency funds. He suggested that if the board takes this amount from contingency funds that they not spend any more money from that fund. **MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON TO APPROVE THE ADDITION OF \$13,000 TO BRING THE SALARY UP TO WHAT THE FORMER COUNTY MANAGER WAS MAKING. MOTION CARRIED 5 - 0.**

DISTRICT 3 REPORT

Commissioner Peacock reported everything was running smoothly in District 3.

DISTRICT 4 REPORT

Commissioner Davis conveyed complaints from people in his district about the old Greensboro garbage dump. It was reported to Commissioner Davis that garbage was being dumped there again. Mr. Butler was instructed to look into it and get it cleaned up and perhaps place a fence around it to prevent people from dumping.

DISTRICT 5 REPORT

Commissioner Dixon reported he had received a letter from Leon County in reference to the commissioner liaison program. They have responded positively and will cooperate with Gadsden and other surrounding areas to establish such a program. He stated that he had met once with their liaison, Gary Yorden. Such things as fleet maintenance and employee training seminars could be made available to Gadsden County at little to no cost. Leon has requested a dinner meeting. Commissioner Dixon agreed to set up the meeting with Leon County.

As chairman of the county's transportation committee, he went with Mr. Baker of EMS to the office of the coordinator of Big Bend Transit to arrange for them to transport non emergency patients rather than using the ambulance for such transports. In arranging this service, EMS could reduce their budget by as much as 20%

Hopkins Landing Road is needing repair badly. A rough estimate of \$10,000 to \$12,000 has been secured from Mr. Roberts who is doing the resurfacing of highway 267. Discussion followed.

MOTION BY COMMISSIONER PEACOCK TO ADJOURN. SECOND BY COMMISSIONER PEACOCK. MOTION CARRIED 5 - 0.

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

Master plumber license application was made by Raymond Burch.
**MOTION BY COMMISSIONER DIXON, SECOND BY COMMISSIONER MCGILL TO
APPROVE THE APPLICATION FOR MASTER PLUMBER'S LICENSE FOR RAYMOND
BURCH. MOTION CARRIED 5 - 0.**

Meeting adjourned.

Anthony A. Powell, Chairman

Attest:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON MAY 4, 1993 THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL McGILL
JIM RICHMOND, REPRESENTING COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner Davis led in Pledge of Allegiance and Commissioner Peacock led in Prayer.

ADOPTION OF THE AGENDA

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS TO ADOPT THE AGENDA. MOTION CARRIED 5 - 0

APPROVAL OF MINUTES - APRIL 20, 1993 - REGULAR MEETING

MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS TO APPROVE THE MINUTES OF THE APRIL 20, 1993 MINUTES. MOTION CARRIED 5 - 0.

Chairman Powell announced that Commissioner Dixon was in Federal Court in Tallahassee and would be arriving late.

COUNTY ATTORNEY

Amendment to future land use map

Attorney Jim Richmond was present in the absence of Hal Richmond to address the amendment to future land use affecting Bear Creek Nature Park. Mr. Danny Grizzard, Executive Director of Panama City Marine Institute was present and addressed the Board to formally withdraw the petition for the amendment. He explained they are considering another site in the area and do not intend to pursue the Bear Creek area any longer.

Administrative Order from Circuit Judges

Mr. Richmond called attention to the Administrative order from

Chief Circuit Judge William Gary. (Attached)

Commissioner Peacock made several comments on the order:

He admitted that not much progress had been made in alleviating the cramped courtroom facilities, but denied the statement in the order which said the commissioners have not worked diligently to solve the problem. At the end of each avenue pursued by the board thus far, the bottom line has been a lack of money. He reminded those present that the commissioners had moved out of the board room in the basement in order to make use of the room as a small courtroom to appease the judges. He went on to say he would like for the county attorney to investigate the possibility of appealing this order to a higher court.

Mr. Jim Richmond responded to Commissioner Peacock's remarks by saying he had already begun an investigation to locate case law which might relate to such an order as this one. Thus far, he has been unable to find case law regarding what authority a chief judge might impose in regulating the use of court rooms. Circuit courts do have inherent power to enact administrative orders in order to facilitate the efficient rendering of justice. An investigation is now underway to determine if the present arrangement of use of court rooms in Gadsden County has caused justice in the county to become unduly inefficient. He related to the commissioners that it is possible the judges have overstepped their boundaries of authority in this matter. With regard to an appeal of the order, Mr. Richmond said that a writ of prohibition could be filed in the District Court of Appeal. Such a writ would deal primarily with the moving of cases from Gadsden County to other counties. He stated he believed this is the primary weakness in the order because cases filed in Gadsden County have a right to be heard here. Additionally, they have the authority to regulate the courtrooms only for the purpose of facilitating court functions.

Commissioner McGill made several remarks, one of which was, none of the circuit judges live in Gadsden County and do not have to meet the tax paying citizens as a result of imposing this order.

Mr. Jim Richmond reminded the commissioners the statutes do put the responsibility of providing courtroom facilities on the county and it is a valid enactment of law. He pointed out one other option in terms of pursuing an appeal. The chief judge has administrative powers over his circuit. The chief judge is directly responsible to the chief justice of the Supreme Court. The

county could write to the chief justice and request intervention from Justice Rosemary Barkett.

Commissioner McGill suggested that the county table any action until Judge Padovano takes over the responsibilities of chief circuit judge.

Clerk Thomas advised the board that waiting to take specific action would be inappropriate for a number of reasons.

The order goes into effect on June 1, 1993 and that nine of the circuit judges had signed the order, with only Judge Sauls abstaining.

Transferring cases out of Gadsden County could prove financially devastating this fiscal year. The county simply cannot afford it - the money is not there.

The Medicare/Medicaid budget could go as high as \$200,000 over budget and already has put the county in a severe strain.

The present conditions of the courtroom facilities are not ideal but the courts are functioning.

The order is a bit much to expect of Gadsden County at this time. He urged a compromise of some sort.

The judge's requirement of the commissioners to ask for permission to schedule the use of space poses serious problems.

Commissioner Dixon encouraged a compromise with the judges.

Commissioner Powell spoke in defense of Commissioner Peacock to the extent that the board should begin an appeal process.

Attorney Richmond indicated that the county could request an expedited decision from the District Court of Appeals. With respect to a deadline for filing an appeal of the order, Mr. Jim Richmond stated a minimum of 20 days should be allowed by law. He went on to say that it is an unordinary process to appeal an administrative order. With regard to filing a "writ or prohibition", it would need to be filed prior to the order taking effect.

Commissioner Davis stated his feelings on the matter was the county should try to get by with what we have at least for this year.

Chairman Powell asked for comments from spectators.

One spectator asked if a permanent soundproof wall could be installed.

Clerk Thomas stated that such a wall was being discussed with the Building Inspector Lamar Kent.

Commissioner Peacock suggested the board table further discussions and ask the attorney to negotiate with the judges.

County Commission Travel Policy

Attorney Jim Richmond called attention to the travel policy provided to the commissioners. The policies were submitted in draft form with expectations of change. Discussions ensued and further study was recommended. No action was taken.

Mr. Richmond informed the board of a proposed contract for free magazines offered to Gadsden Library. Mrs. Mock was present to explain the magazines would be provided to the library free of charge in exchange for advertisement that appears of the protective covers. Item was tabled for further investigation.

PLANNING AND ZONING

Mike Sherman reported that a number of requests for small scale amendments have been received in the office of planning and zoning. He requested direction from the board as how to proceed. His preference would be to deal with them at a regular plan amendment time. Three requests have been received but he has not taken money on two of them. He has not cashed the one check which was sent with the third request.

MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON TO PROCEED WITH THE THREE REQUESTS FOR AMENDMENTS ALREADY RECEIVED BUT RECEIVE NO MORE EXCEPT THROUGH THE USUAL PROCESS FOR AMENDMENTS. MOTION CARRIED 3 - 2 WITH COMMISSIONERS PEACOCK AND DAVIS OPPOSING. COMMISSIONERS MCGILL, DIXON AND POWELL VOTING YES.

ACTING COUNTY MANAGER

Acting County Manager Ed Butler requested commissioners to make a decision on the offer of the proposed justice center presented by Judge McClure at a previous board meeting.

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL TO REJECT THE OFFER MADE BY MR. DEHAVEN FOR PROPOSED JUSTICE CENTER

USING THE MASONIC TEMPLE. MOTION CARRIED 5 - 0.

A space survey for the county was discussed. Clerk Thomas noted that a space study was done in 1989 and would only need to be upgraded. He cautioned the commissioners not to obligate money during the present fiscal year for such a study. He advised that it could be budgeted for the next fiscal year.

Quincy Gadsden Airport Authority

The Airport Authority has one appointee whose term expires in June. They submitted by mail two names, Chuck Laslie and Charlie Harris, for the board's consideration as a replacement appointee. Both gentlemen have agreed to serve if appointed. Discussion ensued as to how the appointees are selected. Chairman Powell asked if any minorities were presently on the board. Commissioners agreed to table the discussion until the next meeting for further study.

Mr. Nolan Hancock asked to speak with regard to the Airport Authority. He suggested that all possible appointees interested in serving on the Airport Authority come before the board and let the commissioners choose rather than the authority to recommend the appointees.

Pay Raise for Extension Director

Mrs. Shirley Clark has received a promotion and raise from the state. Gadsden County's portion of that raise is \$840.00. This matter was tabled until May 18th meeting. In the meantime the County Manager and Clerk were instructed to check to see if the raise has been budgeted for this fiscal year.

Resolution for water and private wells regulation

Mr. Butler reported that the Public Service Commission has recommended adoption of Gadsden County's resolution to allow the Public Service Commission to regulate the fees charged for water supplied by private wells.

Consent agenda (attached)

**MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS
TO PASS THE CONSENT AGENDA. MOTION CARRIED 5 - 0.**

CLERK OF COURT

Budget Amendments

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK TO APPROVE THE BUDGET AMENDMENTS. (ATTACHED) MOTION CARRIED 5 - 0.

Clerk Thomas called attention to a separate budget amendment requested by the sheriff's office for \$61,299.00. The Gadsden County School Board paid the county a reimbursement of \$61,299.00 used to fund the schools' resource officers. The Sheriff has requested the commissioners return this money to his office so that he can increase his personnel services. The Clerk advised the board that the sheriff's budget was totally funded at the time the budget was prepared and included the salaries of the resource officers. This \$61,299.00 would be in addition to a fully funded sheriff's budget. Clerk Thomas informed the board the county was entitled to keep the money for that reason. Clerk Thomas stated the decision could be reversed if the sheriff can justify why he should receive it over and above his budget.

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL TO KEEP THE \$61,299.00 AND SEND NONE OF IT TO THE SHERIFF. MOTION CARRIED 5 - 0.

Cash balance report given by Clerk Thomas.

PAY BILLS

Clerk Thomas requested a motion to pay the bills. **MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON TO PAY THE BILLS. MOTION CARRIED 5 - 0.**

DISTRICT I REPORT

Commissioner McGill expressed his concern that the county should begin some form of policy development whereby the commissioners could guide and direct all subsequent departments. He would like to see the board make some mission statements with specific objectives and goals, then begin to fund those objectives - not just a department as a whole. In that regard, he stressed the need for defining some long range plans.

Commissioner McGill also stated he had received a request from some of his constituents, to name a road for a young man in his district who is critically ill. He was instructed to send the information to the planning and zoning department for consideration.

DISTRICT 2 REPORT

Chairman Powell reported to Clerk Thomas the fire agreement

from Coon Bottom has been received. In turn, the clerk informed the chairman a check would be cut on Friday and sent to Coon Bottom.

Road Paving Ordinance: Chairman Powell requested that the board rescind the requirement of 2/3 of the land owners of 2/3 of the land and drop it to 1/2 of the land owners. This will require a new public hearing and re-advertisement for the hearing. Attorney Jim Richmond requested permission to proceed.

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL TO AMEND THE ROAD ORDINANCE AND AUTHORIZE MR. RICHMOND TO PUBLISH THE PROPER NOTICES IN THE NEWSPAPER. MOTION CARRIED 5 - 0.

DISTRICT 3 REPORT

Commissioner Peacock spoke to the issue of the hiring of a new director for personnel/purchasing for the county. He stated, for the record, that he is opposed to the salary promised to the new director. He admitted the gentleman hired is well qualified and the need for such expertise does exist, but in view of the financial constraints the county is faced with this year, he feels the county cannot afford the added cost.

Mr. Butler justified the hiring of a professional personnel manager by stating the county's need for someone who can handle the problems facing the county in terms of personnel. The county is inundated with situations which have been side-lined for years and not dealt with timely. He has received numerous letters from employees concerning problems. He has been contacted by the union leaders trying to establish some communication with county management. He felt that there is a pressing need to hire a professional person who can be sensitive in dealing with the union and with the other employees of the county fairly. The personnel situations have become unbearable for many of the employees. Some people who have filed reasonable grievances have not been given due process. With a union in place in a collective bargaining posture, the county must deal with them effectively. He has asked them for a little time to make some strides toward correcting the inefficiencies and they have been cooperative. They have been put off too long and is past the time to address these matters.

Commissioner Dixon spoke in support of the hiring of a professional personnel director.

Chairman Powell reported that he sat in on the interview with Mr. Lawson and was impressed with the things Mr. Lawson can bring to the county such as additional training, upward mobility, wage salary surveys, upgrade a person's ability to operate equipment,

drug free work place, etc.

DISTRICT 4 REPORT

Commissioner Davis reported things running smoothly in District 4.

DISTRICT 5 REPORT

Commissioner Dixon reported that he had set up a dinner with the Leon County Commissioners for Wednesday, May 12, at 6 p.m.

Commissioner Dixon proposed to the board they instruct Mr. Butler and Mr. Richmond to examine the county's contracts and set up some method to stay abreast of the county's obligations etc.

The discussion concluded stressing the importance for all county agencies to communicate with each other with regard to the fulfillment of contracts.

AFFORDABLE HOUSING

Mr. Butler told the commissioners that the ordinance for affordable housing must be amended and must be advertised for public hearing for May 18, 1993.

Chairman Powell asked if the county was in contract with Billy Bishop. Discussions followed. Clerk Thomas stated there was not a contract as such, but that Mr. Bishop was the engineer of record for Gadsden County. Commissioner Peacock concurred.

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK TO ADJOURN. MOTION CARRIED 5 - 0.

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.
MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS TO LICENSE THOMAS E STAVLY AS A MASTER ELECTRICIAN. MOTION CARRIED 5 - 0.

MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON TO ADJOURN. MOTION CARRIED 5 - 0.

Meeting adjourned.

Gadsden County Board of County Commissioners
May 4, 1993 Regular Meeting

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON MAY 25, 1993,
THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT: BILL MCGILL (excused)

CALL TO ORDER

The meeting was called to order by Chairman Powell at the old Department of Corrections (DOC) Vocational School on South Adams Street. He stated the purpose of the meeting was to discuss the the needs and future plans for additional temporary courtroom facilities.

COUNTY ATTORNEY

County Attorney Hal Richmond briefed the commissioners on his meeting with Lamar Kent and with Judge Gary concerning the possibility of converting the old DOC Vocational School facility into a temporary courtroom and office space for the circuit felony judge. Mr. Richmond reported that Judge Gary would be willing to accept an arrangement until something more permanent could be arranged.

Mr. Kent was asked to state his opinion. He responded saying the job could be done but apparent renovation costs would be incurred. He noted there would be additional cost of utilities and air-conditioning repair. Also obvious, additional furnishings would be needed. None of these things are budgeted for this fiscal year. The level of renovation and relative costs will still be subject to the judges acceptance of the minimal renovation and comforts.

MOTION BY COMMISSIONER PEACOCK, SECOND BY COMMISSIONER DAVIS, TO PASS A RESOLUTION TO HAVE MR. KENT COMMUNICATE WITH THE JUDGES AS TO THEIR MINIMAL REQUIREMENTS FOR THE COURTROOM AND OFFICE SPACE, PREPARE AN ESTIMATE OF THOSE COSTS, STATE AN EXPECTED TIME FRAME FOR THE RENOVATIONS AND BRING THAT INFORMATION BACK TO THE BOARD FOR ACTION. MOTION CARRIED 4 - 0 .

MOTION BY COMMISSIONER PEACOCK TO ADJOURN, SECOND BY

COMMISSIONER DAVIS.

Meeting adjourned 5:45 p.m.

Anthony Powell, Chairman
Gadsden County Board of
Commissioners

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON JUNE 1, 1993, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
MURIEL WHITFIELD, DEPUTY CLERK

ABSENT: NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell at 6:00 p.m.. Commissioner Davis led in Pledge of Allegiance and Commissioner McGill led in Prayer.

ADOPTION OF THE AGENDA (Attached)

MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK TO ADOPT THE AMENDED AGENDA. MOTION CARRIED 5 - 0.

PUBLIC HEARING - SHIP ORDINANCE 93-001 AMENDMENT (attached)

Acting County Manager, Ed Butler, explained the plans for the State Housing Initiative Program (SHIP) was returned to Gadsden County for amendment. Due to legislative changes, day-care and transportation are no longer fundable under the new SHIP guidelines. The plan submitted by Gadsden County included these categories, making it necessary to amend the ordinance which created the SHIP trust fund. A public hearing was publicized and advertised for June 1, 1993 as required.

MOTION BY COMMISSIONER MCGILL, SECOND BY COMMISSIONER PEACOCK TO AMEND ORDINANCE 93-001 AS REQUIRED TO MEET THE SHIP GUIDELINES.

Chairman Powell called for public input. There was no response.

MOTION CARRIED 5 - 0.

APPROVAL OF MINUTES - MAY 18, 1993 - REGULAR MEETING

MOTION BY COMMISSIONER DAVIS, SECOND BY COMMISSIONER PEACOCK,

TO APPROVE THE MINUTES OF THE MAY 18, 1993 MEETING. MOTION CARRIED 5 - 0.

APPROVAL OF MINUTES OF - MAY 25, 1993 - SPECIAL MEETING

MOTION BY COMMISSIONER DIXON, SECOND BY COMMISSIONER PEACOCK, TO APPROVE THE MINUTES OF THE MAY 25, 1993 SPECIAL MEETING. MOTION CARRIED 5 - 0.

COUNTY ATTORNEY

Attorney Hal Richmond informed the board he could not be present for the June 15, 1993 meeting and requested to be excused. The advertised public hearing on the cablevision franchise is scheduled for that meeting so he asked for the board's approval to have Mr. Jim Richmond present at the hearing in his absence. He went on to say that Jim was familiar with all aspects of the franchise agreement. Chairman Powell excused the county attorney from the next meeting and gave approval for Mr. Jim Richmond to substitute for him at the public hearing scheduled for June 15, 1993.

Mr. Richmond had no further business.

COUNTY MANAGER

Request from City of Quincy for parking lot lease

County Manager Ed Butler called attention to the request from the city to use county property as a parking lot. (Letter attached) This matter was tabled at the last meeting. Discussion followed. The matter was tabled once again in order to gather more information.

Bid Committee Recommendations - Minutes of Bid Committee meeting attached

Collection services for EMS - No action taken.

Road paving for Hanna Mill Pond Road, Tillman Road, Atwater Road (including ditch paving), and resurfacing part of Hopkins Landing Road.

The low bidder was Peavy & Son. - The Bid Committee Recommended acceptance of the low bid and award it to Peavy and Son. (see Bid Committee Minutes attached)

MOTION BY COMMISSIONER PEACOCK, SECOND BY COMMISSIONER DAVIS TO ACCEPT THE LOW BID FROM PEAVY AND SON. MOTION CARRIED 5 - 0.

Right-of-way mowing

The low bidder was CMH Tractor Services. The Bid Committee recommended acceptance of the low bid, but not to award the bid until October of 1993.

MOTION BY COMMISSIONER DIXON, SECOND BY COMMISSIONER MCGILL, TO ACCEPT THE LOW BID FROM CMH TRACTOR SERVICES WITH THE SPECIAL CONDITIONS AS LISTED IN THE BID COMMITTEES RECOMMENDATIONS. MOTION CARRIED 5 - 0.

Mr. Butler relayed an invitation to the commissioners from Sunshine Pipeline Company to an Open House on June 14, 1993 at the Gadsden County Historical Building.

Mr. Butler noted, just as a matter of information, Byrd Landfill has been designated by the Department of Environmental Regulation (DER) as the landfill in Gadsden County to receive pollutants.

Mr. Butler informed the commissioners of a letter received from Mike Sherman, Director of Planning and Zoning, reminding the board that it will soon be time to appoint a new Planning and Zoning Commission. The commission is made up of two members from each district plus one member at large. Information will follow regarding the appointment process.

CONSENT AGENDA (Attached)

Request from fire departments for extension of deadline for submitting their budget requests. (July 6, 1993 date requested)

HRS Title IV-D Child Support Enforcement Contract

Gadsden County Industrial Development Authority audit report for FY 1991-92.

MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL TO APPROVE THE CONSENT AGENDA WITH THE UNDERSTANDING THEY ARE ONLY APPROVING THE REQUESTED ACTION OF EXTENDING THE DEADLINE FOR SUBMITTING BUDGET REQUESTS FROM THE FIRE DEPARTMENTS - NOT THEIR BUDGET REQUESTS. ALL OTHER CONSENT AGENDA ITEMS APPROVED AS REQUESTED. MOTION CARRIED 5 - 0.

CLERK'S AGENDA (Attached)

Audit Engagement Letter - No action taken in absence of the Clerk. This item was tabled for further discussion.

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL TO APPROVE THE REMAINDER OF THE CLERK'S AGENDA. (BUDGET AMENDMENTS, CASH BALANCE REPORT, AND REQUEST FOR PAYMENT OF THE BILLS.) MOTION CARRIED 5 - 0.

DISTRICT 1 REPORT

Travel policy

Commissioner McGill presented the travel policy (attached) for final consideration stating the two options to from which they could choose. Discussion followed.

MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK TO ACCEPT THE POLICY AS STATED FOR COUNTY STAFF AND THE PORTION OF THE POLICY FOR COMMISSIONERS IN SECTION B CHOOSING THE OPTION THAT FOLLOWS THE WORD "OR" WHICH ALLOWS FOR EACH INDIVIDUAL COMMISSIONER TO HAVE AN ESTABLISHED TRAVEL BUDGET. MOTION CARRIED 5 - 0.

DISTRICT 2 REPORT

Commissioner Powell questioned Mr. Butler as to the status of the paving of new roads, driveways, right-of-ways etc. Mr. Butler answered his questions stating the bids received were only for paving. The Road & Bridge Department are getting the roads ready for paving now. When the job is finished all the private driveways will be completed. The paving contract calls for job completion in 120 days.

DISTRICT 3 REPORT

Commissioner Davis informed the commissioners of a young man in his district who has attained the rank of Eagle Scout in Boy Scout Troop 201. He requested that the Board pass a resolution commending him for his achievements.

MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK TO PREPARE A RESOLUTION COMMENDING SAMUEL ROLAND HARRELL FOR HIS ACHIEVEMENTS IN BOY SCOUT TROOP 201 BY ATTAINING THE HONOR AND RANK OF EAGLE SCOUT. MOTION PASSED 5 - 0.

Chairman Powell instructed Mr. Richmond to prepare the resolution for the signatures of all commissioners and the clerk. He noted that the rank of Eagle Scout is the highest rank attainable in Boy Scouts and such an achievement is a rare accomplishment in Gadsden County. He expressed that it is a privilege for the Board of County Commissioners to pass such a

resolution.

DISTRICT 5 REPORT

Commissioner Dixon reported his dealings with Leon County Commissioners in an effort to establish specific services which their county can provide for Gadsden County. Leon could provide all engineering services that Gadsden County requires for considerably less than we are presently spending.

Chairman Powell recognized and welcomed Rev. Charles Cloy who resides in Jacksonville but was present in the audience.

Chairman Powell recognized Mr. Lamar Kent. Mr. Kent told the board a permanent fire-protective wall could be constructed in the courtroom for \$5,000. This would eliminate sound problems in the courtroom and possibly would eliminate the need for a third courtroom.

Mr. Richmond remarked that he did not believe that such a wall would satisfy the judge's administrative order nor would it eliminate the need for the other off-site courtroom, noting the basement courtroom is not conducive to jury trials.

Mr. Kent stated the wall would also reduce the fire hazard that presently exists. The added fire protection is sufficient justification for the construction of a wall. It would limit the room capacity to 49 or less, which would fall within the fire code.

MOTION BY COMMISSIONER PEACOCK, SECOND BY COMMISSIONER DIXON TO ADJOURN. MOTION CARRIED 5 - 0.

MEETING ADJOURNED.

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

MOTION BY COMMISSIONER PEACOCK, SECOND BY COMMISSIONER DAVIS, TO APPROVE LICENSING OF JERONE JACKSON ELLIS AS A ROOFING CONTRACTOR. MOTION CARRIED 5 - 0.

MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS TO ADJOURN. MOTION CARRIED 5 - 0

Meeting adjourned 7:15 p.m.

Gadsden County Board of County Commissioners
June 1, 1993 Regular Meeting

Anthony Powell, Chairman A

ATTEST:

Nicholas, Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON JUNE
15,1993, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL McGILL
JIM RICHMOND FOR HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
LIZ GREEN, DEPUTY CLERK
ABSENT: NICHOLAS THOMAS, CLERK
HAL RICHMOND, COUNTY ATTORNEY

CALL TO ORDER

The meeting was called to order by Chairman Powell. He then led in the Pledge of Allegiance and in the Lord's Prayer.

ADOPTION OF THE AGENDA (attached)

Chairman Powell related to the board that Ms. Kimberly Pride had requested to be moved up on the agenda due to illness. He suggested that she be heard as soon as she arrived.

MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON TO ADOPT THE AGENDA WITH THE CHANGE MENTIONED ABOVE. MOTION CARRIED 5 - 0.

APPROVAL OF MINUTES - JUNE 1, 1993 - REGULAR MEETING

MOTION WAS MADE BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON TO APPROVE THE MINUTES OF THE JUNE 1, 1993 REGULAR MEETING. MOTION CARRIED 5 - 0.

COUNTY ATTORNEY

Jim Richmond, Attorney-at-law, was present on behalf of County Attorney Hal Richmond who was excused prior to this meeting.

Cable Franchise Renewal - Mr. Richmond announced a public hearing had been noticed for public input concerning the renewal, extension and modification of the franchise agreement with Multivision which delivers cable T. V. service to the unincorporated areas around Gretna, Greensboro, and Havana. He pointed out the contract called for fifteen (15) years. That

length of time was of some concern to himself. He noted that in the latest amended agreement, it included the right for either party to terminate the agreement after ten years, with notice no sooner than 36 months and no later than 32 months prior to the expiration date of the initial term. Ms. Tremaine of Multivision was present to answer questions.

Commissioner Davis asked how the county's agreement compared to area city agreements. Some of the language in the agreement was questionable and lacked a clear understanding of the verbiage.

The board proceeded with the public hearing allowing for comments from the audience. Priscilla Suber asked to be recognized for questions. Her questions did not pertain to the service presently being delivered. Ms. Tremaine explained that the advertised public hearing was only for the renewal of the contract to those areas already being served - not for any expanded areas. Ms. Tremaine then introduced Mr. Gary Vite, the local service technician.

A MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON TO TABLE MAKING ANY DECISION ON THE CABLEVISION FRANCHISE AND TO CONTINUE THE PUBLIC HEARING FOR THE NEXT MEETING ON JULY 7, 1993. MOTION CARRIED 5 - 0.

Courtroom facility update

Attorney Jim Richmond told the board he had been approached by Judge McClure concerning possible ways to fund the renovations of the South Adams Street DOC vocational building which is to be converted for use as an alternate courtroom and offices. Judge McClure suggested that the county impose a surcharge on the traffic tickets issued within the county.

Mr. Richmond recognized Judge Gary who was present in the audience to speak to this issue.

Judge Gary addressed the board stating that he did not agree with Judge McClure's suggestion. He does not believe the people of Gadsden County can afford any additional fines, given the number of drivers licenses already suspended for non-payment of fines.

Gretna Prison Facility

Mr. Richmond told the board that a law suit has been filed by Department of Corrections (DOC). It is a declaratory judgement action. In that action, DOC has filed against the State of Florida, Gadsden County and other parties. The purpose of the suit is to validate the issue for the bonds. A protest has been filed

by one of the bidders and there are some legitimate concerns regarding the bids themselves. An order signed by a judge declaring that all legal requirements have been met, prior to issuing the bonds, could prove beneficial. A hearing is set for early July before Judge Padovano. Mr. Richmond reported that he is in regular contact with DOC and is fully apprised of all proceedings. Mr. Richmond explained there is a significant advantage to a judgement ruling in a court of law as opposed to an administrative order issued by a judge.

Courtroom facility

Lamar Kent briefed the commission of the costs he expects to incur with the renovation of the old DOC vocational school. A complete justice/courtroom facility which includes holding cells, witness rooms, offices, clerk's staff, furniture, etc. will cost nearly \$60,000.00. Of this \$60,000, only \$25,000 is for repairs. In addition to those costs, utilities are expected to run approximately \$9,000 for 12 months; cleaning supplies - \$3,600; maintenance \$2,400; added bailiffs - \$63,000. The first year of operations will cost approximately \$147,300.00. The second year should be reduced to roughly \$78,300.

Kimberly N. Pride - Big Bend 4-C's and Childcare Resource and Referral

Ms. Pride was present to advise the board and citizens of their services and location of their agency.

PLANNING AND ZONING - Mr. Mike Sherman, Director

Public Hearing - Small Scale Map Amendment to Gadsden County's Comprehensive Plan - Petitioner Mr. D'Arsey Stewart for Stewart Subdivision (Proposed amendment attached) The P & Z staff recommended approval of the amendment. P & Z Commission also recommended approval of the amendment. (recommendations attached)

Chairman Powell asked for public input. There was none.

MOTION WAS MADE BY COMMISSIONER DIXON, SECOND BY COMMISSIONER DAVIS TO APPROVE THE AMENDMENT TO THE GADSDEN COUNTY COMPREHENSIVE PLAN AS DESCRIBED IN THE PROPOSED AMENDMENT ATTACHED. MOTION CARRIED 5 - 0.

Mr. Sherman told the commissioners that an ordinance dealing specifically with the change would be given to the attorney so that it can be advertised and ultimately filed with the State of Florida

Community Affairs Department.

Project #93-1-201-2-1 - Watershed Farms phase I (formerly Elizabeth Gregory Farms - conceptual plans approved January, 1993)

Applicant Ms. Jane Worley and developer Richard White are seeking preliminary and final approval for phase I of the development for five (5) lots for site-built homes. The P & Z Commission and staff recommended preliminary and final approval. (Recommendations attached)

Chairman Powell asked for public input. There was none.

MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS TO APPROVE THE PRELIMINARY AND FINAL PLANS FOR PHASE I DEVELOPMENT OF WATERSHED FARMS. MOTION CARRIED 5 - 0.

Project #91PZ-17-201-1-3 - Quail Rise - Subdivision for mobile homes

Owner Charles B. Harvey and developer agent Richard White requested final approval for phase I of the development.

P & Z Commission and staff recommended approval subject to conditions. (Recommendations attached)

MOTION WAS MADE BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON TO ADOPT THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION AND STAFF TO APPROVE PHASE I OF QUAIL RISE SUBDIVISION SUBJECT TO THE CONDITIONS AS LISTED BY PLANNING AND ZONING STAFF. MOTION CARRIED 5 - 0.

Project #93PZ-14-204-3-6 - Baxter's Asphalt & Concrete, Inc.

Applicant and property owner Don Baxter requested approval and special exception to establish a temporary portable asphalt plant and surface mining operation on the west side old CR 269 just north of I-10. P & Z Commission and staff recommended approval pursuant to special conditions listed in the memo to the county commissioners. (Recommendation attached)

MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON TO APPROVE THE TEMPORARY PORTABLE ASPHALT PLANT AND SURFACE MINING SUBJECT TO SPECIAL CONDITIONS OF THE PLANNING AND ZONING DEPARTMENT. MOTION CARRIED 5 - 0.

Acting County Manager Ed Butler advised the board that Mr. Don Baxter had made an inquiry about possibly purchasing the

abandoned borrow pit, Walker Pit, located at 269 and I-10 which joins his property.

Mr. Baxter was present and stated his reasons for wishing to purchase the property.

Discussion followed.

MOTION BY COMMISSONER PEACOCK AND SECOND BY COMMISSIONER DAVIS TO GO OUT FOR BIDS FOR THE SALE OF THE BORROW PIT ON I-10 ADJACENT TO DON BAXTER'S PROPERTY. DISCUSSION FOLLOWED. QUESTION CALLED BY COMMISSIONER PEACOCK. MOTION CARRIED 5 - 0.

Pease Adult Congregate Living Facility

Mike Sherman of the Planning and Zoning Department gave an overview of the history of the Pease Adult Congregate Living Facility (ACLF). Mr. Willie Pease filed a petition to expand the facility. Initially, Mr. Pease requested a small scale map amendment. The board discussed it informally in past meetings. P & Z staff recommended denial of the land use change because it was inconsistent with the comprehensive plan. Mr. Pease then requested the County Commission to make a determination as to whether he has a vested right to expand his facility. The Planning and Zoning Commission recommended by a vote of 5 - 0 that he was vested subject to the existing development order. This issue evolved into a legal issue rather than a land use issue. Mr. Sherman made the following observations:

1. Chapter 163.3167 sub 8 "nothing in this act (growth management act) shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380 or who has been issued a final local development order and development has commenced in good faith."
2. The county did issue a development order to Mr. Pease to construct an Adult Congregate Living Facility (ACLF). That development order listed no conditions relating to the number of clients that could be located at the facility even though at a number of meetings, the number 7 was discussed. Limitation of the number of residents was not a part of the stated motion, in the development order, nor was it included in the letter sent to Mr. Pease informing him of the County Commission action.
3. Chapter 163 says "nothing shall limit the right to

complete a project or to stop a person who has continued a project in good faith." Mr. Pease was issued a certificate of occupancy by the county which means his development has followed a development order and was completed. Any further expansion would need a new development order. The original conditions in his development order did not limit the number of clients that could be served but did state the number of square feet that was authorized in the development order - 2,155 feet.

Mr. Sherman concluded by saying the Planning and Zoning Commission interpreted him to be vested, but the P & Z Staff does not view him as being vested. Any change would require a new amendment to the comprehensive plan, therefore recommended denial of a small-scale map amendment.

Questions from the commissioners followed.

Mr. Stewart Parsons spoke to the board representing Mr. Pease. He disagreed with Mr. Sherman's interpretation. There was no suggestion that the authority for the Comprehensive Plan contained in Chapter 163 limits this facility nor vests this project. He stated that Mr. Pease was claiming a vested right based on the provision of the adopted Gadsden County Comprehensive Plan. It makes no mention of continuation or completion of a project.

Special condition #5 of the development order did not say that the project was limited to 2,155 square feet. It merely related the number of parking spaces required based on the square feet of the building.

This is not a use that is not prohibited in a rural residential zone. Congregate living facilities are permitted in a rural residential land use area under the existing comprehensive plan. Mr. Pease owns 3.71 acres in a rural area. Under the existing adopted comprehensive plan, he could put 2 units per acre allowing for 6 residential units on that 3.71 acres. With eight residents per unit, 48 residents could reside on that site without any violation under the existing plan. Its use would not be inconsistent with the existing comp plan.

The questionable issue appeared to be: "Does the limitation (eight people per unit) contained in the comprehensive plan adopted in November of 1991, apply retroactively to Mr. Pease's project which was approved in July of 1991 - four months prior to the adoption of the new comprehensive plan?"

Attorney Parsons took the position that Mr. Pease was already vested before the new comp plan went into effect for the following reason:

Mr. Pease applied under county ordinance 90-003 for a residential commercial use of that land. (Congregate living facilities are considered to be residential-commercial use of the property.) He was approved for residential-commercial use of the entire 3.71 acres in July of 1991. Mr. Cooper's motion clearly did not provide for any special condition limiting the number of residents that could be housed there.

The Planning and Zoning Commission unanimously agreed that he had a vested right to do what he wants to do with the property. They recommended approval of the project and Attorney Parsons appealed to the board to follow the recommendation of the Planning and Zoning Department and also approve the project.

Attorney Suzanne Hood spoke to the commissions in opposition to vested right of the land. She presented the clerk materials that relate to the project and asked that her arguments opposing the vestiture of Mr. Pease's property be made a part of the official minutes of this meeting.

In addition to the evidence in the printed material, she presented the following argument:

Mr. Pease has not abided by the original development order. Special condition # 8 requires him to comply with the County's solid waste ordinance. He has not done this as evidenced by a judgement against him held by the county. She does not believe he has a vested right when he is in violation of a special condition which was a part of the development order when it was originally approved.

The project is not vested under the original development order. The board's intent is specifically set forth in the tapes of the meetings July 2, 1991 and July 18, 1991. The facility was limited to eight beds - seven residents with one staff person. It was clearly determined in those meetings that no expansion would be allowed without another review before the Board of County Commissioners. Once the development order was released, many of the things discussed at the meeting were not in the order. Attempts were made to have the commissioners clarify the order because it did not specifically address the expansion of the project. A letter was sent to Mr. Hinson from the County Commissioner's office stating that no expansion would be allowed without county approval. Based on that letter, efforts to correct

the development order ceased.

The expansion of the project is not vested under Ordinance 90-003. It specifically states there are only two kinds of land use: "right use" or "conditional use". A use-by-right defined in that ordinance does not require review from the county, but, it must meet all other local, state and federal requirements. Use expansion of this project cannot be vested because it does have to meet the requirements of statute and local approval of the board and the statutes for approval of its expansion.

Only two of the five categories of use-by-right are applicable to this project.

- A. "New-but-identical" use provided that no structural changes are made. HRS has determined that the existing facility is limited to only six residents. Documentation explaining that even though Mr. Pease applied for more beds, the number was reduced to six because of the existing limitations of the structure. It cannot be vested under the new but identical use because it will require structural changes.
- B. "Continued-but-identical" use. Mr. Pease may have a vested right to continue operation of the existing facility under the present license he now holds, but an indefinite and unlimited increase in the number of residents requiring structural changes which creates a change in density of the area population is not a vested right under the "continued-but-identical" right.
- C. The expansion of the facility is not vested in view of the Comprehensive Plan and chapter 163. The P & Z staff project analysis presented some of the inconsistencies between the proposed project and the new plan. Specifically, policy no. 3.4.2 states the county shall avoid over-concentration of group homes to maintain the residential integrity of an area. Section 419.001 (3)(c)(3) Florida Statutes states "the county may deny the placement of a community home for 7 - 14 residents where it would result in a substantial alteration in the nature and character of the area." Finding the project to be vested would violate chapter 163 which provides during the interim time before new regulations are implemented to go along with the new comp plan, any inconsistencies are to be governed under the plan. The plan governs any action in regard to a development order. An indefinite expansion of this project will definitely be a new development.

After concluding her arguments, Ms. Hood asked that if the commissioners should dispose of this matter at this meeting in such a way that would allow vesting, they do the following:

1. make specific findings of fact and conclusions of law
2. explain the reasons for doing so
3. explain reasons for going against the recommendations of the professional staff.

Mr. Ted Moore, an audience member, stated he had asked permission to make an extension to a building in his business and was denied and was told that his request might not even be considered for up to two years. He asked for an explanation.

Mr. Roger Hinson, an audience member, spoke in opposition to vesting the Pease project restating much of what Attorney Hood had already presented. He voiced disappointment in the board's operation of county government and stated he could have no confidence in the votes taken for fear it might get changed out of the public's view.

Mr. Parsons presented a petition with 1,080 signatures in support of the project. He asked to respond to some of Mr. Hinson's remarks by saying Chapter 400.445 has nothing to do with the purpose of this meeting. That statute has to do with HRS and their procedures for licensing.

He went on to remind the commissioners that in July of 1991, there was no county zoning in Gadsden County so there was nothing to comply with at that time. The vesting provision policy 1.5.2 of the comprehensive plan says the future land use map shall provide for vesting, grandfathering of projects where a development order was issued prior to November 1, 1991. This is a vested right and it complies with local zoning ordinances. Mr. Pease clearly understands that any expansion requires approval of HRS and he intends to comply with their rules.

Mr. Hinson again addressed the board with a petition opposing the expansion the Pease facility.

Discussion by commissioners followed.

MOTION WAS MADE BY COMMISSIONER MCGILL TO APPROVE THE PLANNING AND ZONING RECOMMENDATIONS AND TO APPROVE THE EXPANSION OF THE PEASE ADULT CONGREGATE LIVING FACILITY, FINDING THAT MR. PEASE IS VESTED.

Commissioner Dixon stated that he had read all of the

materials provided by Ms. Hood. He remarked that one thing he had learned about government is, if you want something to happen, it needs to be in the development order or in the approved minutes. Without one of those two things, there is no enforcement authority. According the minutes in the package presented by Ms. Hood, it appeared that Mr. Pease would have to come before the board, regardless of changes he wished to make. Mr. Pease's property is zoned for this type facility. The development order should have spelled out all the intents but it did not. In his opinion, Mr. Pease is vested and it was for those reasons that he would second the motion.

Commissioner Davis spoke up to say he was on the board that approved the facility originally. Recalling that action, Commissioner Davis said it was the intention of the board to limit the facility to only eight residents.

Commissioner Peacock stated that he also was on the board that approved the original facility. He recollected the board had intended that Mr. Pease must come before the board for approval for any changes. He said he believed that it was the intent of the board not to exceed a total of eight residents and he is still of the opinion that the facility should be limited to eight residents.

Commissioner McGill stated he had reviewed all the government orders revelent to this request. In examining them, he made a couple of observations.

1. Mr. Pease has come before the commission just as the order required.
2. Mr. Pease did make a application to planning and zoning.

Commissioner McGill turned to the other commissioners to inquire if there were specific reasons from the former board for limiting the facility to only six residents.

Commissioner Peacock responded by saying that, at the time, HRS would only allow six to eight residents.

Commissioner asked if that decision was based on the size of the facility at that time or was it based on the 3.71 acres?

It was determined that the HRS requirement was imposed based on the square footage of the facility.

COMMISSIONER MCGILL DEFENDED HIS MOTION AND ADDED THE CRITICAL SPECIAL CONDITION THAT NO MENTALLY ILL PATIENTS COULD BE HOUSED AT

THIS FACILITY. HE ALSO ADDED THAT A BUFFER SHOULD BE CONSTRUCTED.

Commissioner Peacock asked the other commissioners to clarify the intention of the actions taken at this meeting. Is it to vest him so that he can do this again without going through this same approval procedure before the board? He went on to say if the board chooses to vest him at this time, it will set a precedent for other people for whom it did not vest in the past. Law suits are certain to follow.

Mike Sherman, P & Z Director, informed the board that Mr. Pease had been before the Planning and Zoning Commission and asked them to make a determination of his vestiture. The Planning and Zoning Commission did determine that he was vested.

Commissioner Dixon called the questions.

Chairman Powell recognized an audience member. He asked who was in charge of the minutes.

Chairman Powell responded that the clerk is in charge of the minutes.

The gentleman then asked who would interpret the minutes and decide what goes into the official record as the board's correct action. He went on to say that the motion in the minutes of the meetings in question (when the Pease facility was approved originally) did not reflect the intent of the motion.

Chairman Powell again explained that clerk's office is responsible for the minutes.

Commissioner Dixon tried to explain that the minutes were a summary of the proceedings, not a verbatim record. He added that the minutes in question do accurately reflect the motion as it was stated.

Mr. Ted Moore spoke again to the commissioners asking if the action taken in this meeting would allow him to again apply to the Planning and Zoning Commission and request permission to come before the county commission to get approval for an expansion to his day-care business. Chairman Powell told him he could if he proceeded through the proper channels as Mr. Pease did. Commissioner Dixon added that he could if it does not qualify as a small scale map amendment.

Mr. Sherman was asked to respond to Mr. Moore. He stated that Mr. Pease requested vestiture and he was declared vested by the

Planning and Zoning Commission.

Commissioner Peacock remarked that the county needs to be prepared for similar requests from other residents because of the commission's decision to allow him vestiture.

Questions called.

For the record, Chairman Powell again asked Mr. Sherman if Mr. Pease had followed through all the proper channels. Mr. Sherman replied "Yes, he came through all the proper channels. That is correct."

MOTION BY COMMISSIONER MCGILL, SECOND BY COMMISSIONER DIXON, TO APPROVE THE PLANNING AND ZONING RECOMMENDATIONS AND TO APPROVE THE EXPANSION OF THE PEASE ADULT CONGREGATE LIVING FACILITY, FINDING THAT MR. PEASE IS VESTED. ADDED TO THAT MOTION WAS ALSO THE CONDITION THAT NO CRITICAL MENTALLY ILL PATIENTS COULD NOT BE HOUSED THERE AND THAT MR. PEASE MUST PLACE A BUFFER AROUND THE PROPERTY. (The motion has been restated here in the minutes for clarity of the record. It was not restated in the meeting.) MOTION CARRIED 3 - 2 WITH COMMISSIONERS MCGILL, DIXON AND POWELL VOTING IN SUPPORT OF THE MOTION, COMMISSIONERS PEACOCK AND DAVIS OPPOSING.

Mr. Sherman appealed to the commissioners for directions in responding to Mr. Pease.

Mr. Richmond stated he understood the motion to vest Mr. Pease was based on the findings of the Planning and Zoning Commission. In that case, there is no indication of increased traffic. There is adequate site accessibility and things of that nature. Those things have been an important emphasis in this particular review. In other businesses, an expansion could possibly alter the amount of traffic and indicate a substantial change in the use of the land and be viewed differently by the commission.

Commissioner Dixon stated that if the increase land use results with increased population, the special conditions could be adjusted accordingly.

Mr. Sherman reminded the commissioners that they just voted to vest Mr. Pease and vesting of his land allows Mr. Pease to construct buildings on up to 75% of the 3.71 acres. He would be able to sell the property to a developer and that developer, in turn, could put as many people as he chooses to on that property as long as he can handle the storm water and provide required parking spaces. This County Commission can not limit him once the land is

vested.

BID COMMITTEE RECOMMENDATIONS

Chairman Powell recognized Mr. Bill Adams to present the bids for replacing the roof on the courthouse. Mr. Adams the low bid was received from Wind and Energy Control Company (WENCO). The bid was broken into small pieces. The low base bid of \$13,500 replaces the asphalt shingles on the courthouse with standing seam metal. The first alternate bid for \$1,800 is for possible needed replacement of the metal directly over the columns over the north and south entrances. WENCO voluntarily offered the alternate bid for replacing the metal. The total was \$15,300. Since there is only \$14,402 in the budget, it puts the bid \$898 over the budget with the voluntary alternate bid. If the board can provide the \$898, the metal can be replaced more easily and cost effectively now as the roof is being repaired.

Mr. Lamar Kent recommended to the commissioners that they accept the bid of \$13,500 for the standing seam metal roof, the lining of the parapet roof for \$3,000, the replacement of counter flashing, and also \$2,200 for a 10 year warranty - all totaling \$20,937. That figure does not include the engineering fees that must also be paid. He spoke with the clerk in regard to using contingency funds for the amount over the budget which amounts to \$7,725.00. The clerk verbally approved via Connie McLendon, the request for the contingency funds. With the board's approval, the bids can be awarded on June 16, 1993 and repairs could begin the following day.

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK TO ACCEPT THE BID AS MR. KENT PRESENTED IT. TO ACCEPT WENCO'S BASE BID AND ALTERNATES A (WITH THEIR VOLUNTARY ALTERNATE), B, C AND D ALTERNATES FOR A TOTAL OF \$20,937.00. MOTION CARRIED 4-0 WITH COMMISSIONER DAVIS NOT PRESENT TO VOTE.

MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL TO TRANSFER \$7,725.00 FROM CONTINGENCY TO COVER THE COST OF THE COURTHOUSE REPAIR. MOTION CARRIED 4 - 0 WITH COMMISSIONER DAVIS NOT PRESENT TO VOTE.

CONSENT AGENDA - ATTACHED

MOTION BY COMMISSIONER PEACOCK, SECOND BY COMMISSIONER MCGILL TO APPROVE THE CONSENT AGENDA. MOTION CARRIED 4 - 0 WITH COMMISSIONER DAVIS NOT PRESENT.

CLERKS AGENDA

Audit Engagement Letter from Purvis & Gray

Commissioner Dixon spoke in opposition of signing another engagement letter with this firm stating that he would prefer to go out for bids.

MOTION BY COMMISSIONER PEACOCK, SECOND BY COMMISSIONER MCGILL TO APPROVE THE ONE YEAR AUDIT ENGAGEMENT LETTER WITH PURVIS AND GRAY, INC. FOR AUDITING SERVICES. MOTION CARRIED 3 - 1 WITH COMMISSIONERS PEACOCK, MCGILL AND POWELL VOTING YES AND COMMISSIONER DIXON VOTING NO. COMMISSIONER DAVIS WAS NOT PRESENT FOR THE VOTE.

Budget amendments

MOTION BY COMMISSIONER DIXON, SECOND BY COMMISSIONER PEACOCK TO APPROVE THE BUDGET AMENDMENTS. MOTION CARRIED 4 - 0 WITH COMMISSIONER MCGILL STIPULATING THAT HE WAS VOTING YES ONLY IF THE AMENDMENTS WERE FOR "HOUSE-KEEPING" PURPOSES ONLY. COMMISSIONER DAVIS NOT PRESENT FOR THE VOTE.

Payment of bills

MOTION BY COMMISSIONER DIXON, SECOND BY COMMISSIONER PEACOCK TO PAY THE COUNTY BILLS. MOTION CARRIED 4 - 0 WITH COMMISSIONER DAVIS NOT PRESENT FOR THE VOTE.

DISTRICT 1

Commissioner McGill had nothing to report from District 1.

DISTRICT 2

Commissioner Powell had nothing to report from District 2.

DISTRICT 3

Commissioner Peacock stated everything was running smoothly in District 3.

DISTRICT 4

Commissioner Davis was not present at this time. He was excused early from the meeting.

DISTRICT 5

Commissioner Dixon reported that he did attend the Florida Association of Counties. He was appointed to be a co-chairman for the Rural Affairs Committee. He was also appointed to the Board of Directors for the Florida Association of Counties. He was also appointed as a member of the Ad Hoc Committee for justice reform. The primary objective this committee remove the responsibility for the justice system from the county. Other topics of discussion were:

1. increase on race track funds
2. public defender costs (Article V)
3. agency rules - new law which basically says "each agency prior to adoption, amendment or repeal of a rule, shall consider the impact of the rule on counties with population of 50,000 people or less." The bill also requires, whenever practical, that agencies tier its rules to reduce disproportionate impacts on small counties to what regulating counties, which do not contribute significantly to the problem the rule is designed to regulate. According to the latest statistics, Gadsden County has the highest percentage of disproportionate share of financial assistance programs for areas that have an abnormally high indigent care costs. In terms of population, Gadsden County has the highest rate in the state. It appears that Gadsden County could possibly receive \$300,000. There are no restrictions on the money. How that money will come in or to whom has not been determined. Rules are still being written.
4. Solid waste - Recycling grants will generate an additional \$25,000 this year for Gadsden County.
5. Library - Gadsden County should receive a total \$235,400 in grants for libraries up from \$196,900.
6. New law provides for the county commissioners to meet privately with their lawyers behind closed doors, but such meetings are limited to settlement negotiations and strategy sessions related to litigation expenditures.
7. A one to five-cent local option gas tax was passed to help with the growth management act.

MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON TO ADJOURN.

MEETING ADJOURNED BY CHAIRMAN POWELL.

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

MOTION BY COMMISSIONER PEACOCK, SECOND BY COMMISSIONER MCGILL TO LICENSE LARRY LAKE CROUCH AS A MASTER ELECTRICIAN. MOTION CARRIED 4 - 0. COMMISSIONER DAVIS WAS NOT PRESENT FOR THE VOTE.

Acting County Manager Ed Butler submitted the name of Roy David Harvell who has applied for a building contractor's license. He has paid all fees and met all other requirements of the county. Mr. Kent has recommended approval of his license.

MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL TO APPROVE THE LICENSE OF ROY DAVID HARVELL FOR BUILDING CONTRACTOR'S LICENSE. MOTION CARRIED 4 - 0. (COMMISSIONER DAVIS WAS NOT PRESENT FOR THE VOTE.)

MOTION BY COMMISSIONER PEACOCK TO ADJOURN.

MEETING ADJOURNED BY CHAIRMAN POWELL.

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON JULY 6, 1993, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT: JAMES PEACOCK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner Davis led in Pledge of Allegiance and Commissioner McGill led in Prayer.

ADOPTION OF THE AGENDA (Attached)

MOTION WAS MADE BY COMMISSIONER DAVIS, SECONDED BY COMMISSIONER MCGILL TO ADOPT THE AGENDA AS PRINTED. MOTION CARRIED 3 - 0. Commissioner Dixon had not arrived in time for this vote. Commissioner Peacock was excused from this meeting.

APPROVAL OF MINUTES - June 15, 1993 - REGULAR MEETING

MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DAVIS TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JUNE 15, 1993. MOTION CARRIED 3 - 0. Commissioners Dixon and Peacock were not present for this vote.

COUNTY ATTORNEY

U. S. Cable Franchise Ordinance

The public hearing on the Cable Franchise Ordinance was continued from June 15, 1993 meeting. Copies of the proposed agreement were furnished to each commissioner prior to the meeting. Attorney Richmond noted one amendment to the agreement - either party may terminate the agreement for just cause.

Chairman Powell asked for public input on the proposed franchise. No one spoke for or against the franchise agreement.

MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DAVIS TO ACCEPT AND APPROVE THE FRANCHISE ORDINANCE AS AMENDED. (Amended ordinance attached.) MOTION CARRIED 4-0. (Commissioner Dixon arrived in time to vote on this ordinance.)

Reimbursement Agreement with Property Appraiser and Tax Collector

Attorney Richmond gave a brief history of how the reimbursement agreement with the property appraiser and tax collector came into being. The agreement includes the language requested by the tax appraiser and tax collector which specifically states the county will reimburse the tax appraiser and tax collector for any costs for amendments and errors that might take place with the non-ad valorem assessments which result in preparation of the tax roll. The statutes already provide for all reimbursement of costs. The agreement is not really necessary, but Mr. Richmond recommended that the board adopt it anyway. The agreement serves as a mechanism to remove those constitutional officers from any political responsibility for the process of the assessment. There is no net affect to the county as a result of the agreement.

MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO APPROVE THE REIMBURSEMENT AGREEMENT WITH THE PROPERTY APPRAISER AND TAX COLLECTOR. MOTION CARRIED 4-0.

CHAMBER OF COMMERCE REPORT (Memo attached)

Mr. Rick McCaskill was not present at the meeting. The memo to the Board of County Commissioners is made a part of these minutes for information purposes.

PLANNING AND ZONING DEPARTMENT (Memo reporting P & Z Commission and Staff recommendations attached.)

Mike Sherman, Director of P & Z Department presented to the Commissioners the following for approval:

Road Naming of an unnamed dirt road situated 1/4 mile east of US 27 on the south side of 12-B - A petition was received to call the road described above "Fountain Road." Research revealed this name would not be a duplication.

MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DIXON TO NAME THE ROAD DESCRIBED "FOUNTAIN ROAD." MOTION CARRIED 4 - 0.

Commissioner McGill asked that the road signs be erected as quickly as possible. Mr. Sherman stated he would notify the Road and Bridge Department immediately to have the signs ordered and erected.

Florida Gas Transmission Company - Project #93PZ-15-208-4-6

The Florida Gas Transmission Co. proposes to expand its existing natural gas pipeline system and associated facilities with the installation of an additional line in southern Gadsden County. The new 36-inch pipeline will run parallel to the existing line which extends from Juniper to Midway.

P & Z Commission and Staff recommended approval subject to federal and state permits.

**MOTION WAS MADE BY COMMISSIONER DAVIS AND SECONDED BY COMMISSIONER DIXON TO APPROVE THE PROPOSED PIPELINE AS REQUESTED BY FLORIDA GAS TRANSMISSION COMPANY, SUBJECT TO ALL SPECIAL CONDITIONS LISTED BY THE P & Z DEPARTMENT. MOTION CARRIED
4 - 0.**

Pease Adult Congregate Living Facility (ACLF) Vesting - Project 91PZ-29-201-1-6

Mr. Sherman asked the board to clarify the number of residents and/or square footage that has been vested at the Pease ACLF as a result of the action taken on June 15, 1993 when the facility was declared vested.

Discussion followed.

MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER DIXON TO REIMPOSE THE SAME RESTRICTIONS THAT WERE STATED IN THE ORIGINAL DEVELOPMENT ORDER, WHICH ARE STILL IN EFFECT, BUT WITH THE ADDITIONAL CONDITION THAT THEY CAN NOT ENLARGE THE FACILITY BEYOND THE LIMITATIONS THAT THE STATUTES ALLOW.

The Chairman recognized the following people for public input and questions: Roger Hinson, Terry Hinson, Lars Hinson and Attorney Suzanne Hood.

Attorney Hood asked Chairman Powell what he remembers the intentions of the previous board to be with regard to the expansion of the Pease facility. She then asked the board how they felt about their decision to impose restrictions on the Whip-Poor-Will project (which has been vested since the 1940's) while not imposing

any restrictions on expansion privileges on the Pease facility.

Attorney Richmond interjected a response to Ms. Hood's first question by reminding her and the board that the record speaks for itself. He cautioned the board not to respond to the second question for fear this matter may result in litigation. Mr. Richmond suggested that such questions could be addressed in another forum but it would be inappropriate to continue that line of discussion at this meeting.

Chairman Powell called for the vote.

THE MOTION CARRIED 3 - 1, WITH COMMISSIONERS MCGILL, DIXON AND POWELL VOTING YES, COMMISSIONER DAVIS VOTING NO.

Mr. Sherman asked the commissioners to make their appointments to the Planning and Zoning Commission. Commissioner McGill asked to delay making his appointment until the next meeting on July 20, 1993. Commissioner Davis appointed Bob Lee and Terry Kever from District 4. Commissioner Dixon appointed Darrell Notage and Michael Jackson from District 5. Commissioner Powell re-appointed John Newman and Branch Mahaffey from District 2. County Manager Butler relayed Commissioner Peacock's re-appointment of D'Alemberte and Bonnie Holt from District 3.

Commissioner McGill said he was confused about when it was proper to make these appointments. Attorney Richmond agreed to research the ordinance and its amending resolution to clarify the time frame before the next board meeting.

CAROLYN FORD - APPLICATION FOR CONSTRUCTION FUNDING

Mrs. Ford appeared before the board representing North Florida Educational Development Corporation. She requested that the commission do the following:

- 1) provide oversight responsibilities which includes appointing at least three members to the Board of Directors and making policies and procedures which include: type of service, financing and the operating budget.
- 2) be a co-applicant for the Economic Development Administration grant submitted by North Florida Educational Development Corporation.

Attorney Richmond asked for enough time to review the application with Clerk Thomas before the board takes action on this matter.

It was the consensus of the board to table this matter for two weeks.

COUNTY MANAGER

Acting County Manager, Ed Butler, apprised the commissioners of the presence of contaminated soil where old oil tanks were removed at the Road & Bridge Department and at the Sheriff's Garage. The cost of cleanup is expected to be up to \$12,000. He reported that Department of Environmental Regulation (DER) is aware of the contamination and is pressing him to take action immediately. Mr. Butler told the commissioners that the county is subject to be fined at any time.

Chairman Powell asked the clerk for some financial direction. The clerk emphasized to the board the county's real financial strain at this point in the budget year. At the same time, he recognized that fines and penalties would make the strain even worse. He suggested to the board that Mr. Butler get with him, and together, they can find a way to pay for the immediate cleanup and avoid any fines.

MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO HAVE THE CLERK AND COUNTY MANAGER TO FIND A WAY TO DEAL WITH THE WELL CONTAMINATION AND COST OF THE CLEANUP IMMEDIATELY. MOTION CARRIED 4 - 0.

Mr. Butler informed the board of a meeting with Sara Bleakley in reference to possible continued consultant services relating to the fire assessment certification. It is still necessary for Gadsden County to have this service. The costs will be paid from the fire assessment funds received. He requested permission from the board to negotiate a contract with Ms. Bleakley to provide the necessary consultant services.

A MOTION WAS MADE BY COMMISSIONER DIXON, SECONDED BY COMMISSIONER MCGILL TO GIVE MR. BUTLER AUTHORITY TO PROCEED WITH CONTRACT NEGOTIATIONS FOR CONSULTANT SERVICES RELATING TO THE FIRE ASSESSMENT. MOTION CARRIED 4 - 0.

Mr. Butler reminded the commissioners of the financial responsibility requirement of the Environmental Protective Agency (EPA) for all underground tank owners and operators to have third party liability insurance coverage on underground tanks by December 31 of this year. (It is a form of pollution protection.) This requirement was imposed several years ago and 1993 is the deadline year for owners and operators to be in full compliance. The State of Florida and EPA put together a program called Florida Insurance Providers for Petroleum Administrators (FLIPPA) which is really the only outlet which offers this type of coverage. To be in strict

compliance, the county must be in some kind of contract negotiations for insurance coverage by September 1, 1993. Mr. Butler asked for the board's authority to engage in negotiations to secure this liability coverage.

MOTION WAS MADE BY COMMISSIONER MCGILL, SECONDED BY COMMISSIONER DAVIS TO GIVE MR. BUTLER PERMISSION TO BEGIN NEGOTIATIONS FOR THE PURCHASE OF LIABILITY INSURANCE AS REQUIRED AND TO DEAL WITH THE FLORIDA INSURANCE PROVIDERS FOR PETROLEUM ADMINISTRATORS IN OBTAINING INFORMATION PURSUANT TO THAT PURCHASE. MOTION CARRIED 4 - 0.

Mr. Butler reported that the paving work has begun on the Atwater Road project.

CONSENT AGENDA (Attached)

Clerk Thomas requested that action on purchase of recycling equipment and purchase of a truck for the tire program be delayed until the finance department could determine the impact those purchases will have on the budget. Even though the purchases are to be paid for with fully funded grants, the county must front the money then wait for reimbursement.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL TO REMOVE THE PURCHASE OF RECYCLING EQUIPMENT AND A TRUCK FOR THE TIRE PROGRAM FROM THE CONSENT AGENDA UNTIL THE NEXT BOARD MEETING. MOTION CARRIED 4 - 0.

MOTION WAS MADE BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL TO APPROVE THE CONSENT AGENDA AS AMENDED.

MOTION CARRIED 4 - 0. To Wit: Fire service Contract with Mt. Pleasant, Fire Budget Recommendation, Special assessment Software Maintenance Agreement, Certificate of Need for Gadsden EMS, Credit and Collection Service, EMS Accounts, and a resolution for small county technical assistance service.

CLERK OF COURT

Clerk Thomas explained the budget amendments and cash balance report.

A MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER MCGILL APPROVE THE BUDGET AMENDMENTS. MOTION CARRIED 4 - 0.

Clerk Thomas asked for a motion to pay the county bills.

A MOTION WAS MADE BY COMMISSIONER DAVIS, SECOND BY COMMISSIONER DIXON TO PAY THE COUNTY BILLS. MOTION CARRIED 4 - 0.

CITIZENS REQUESTING TO BE HEARD

Mr. Bill Hoatson, representing the Sycamore and Flat Creek residents, appeared before the board asking the commissioners to support their request to Sunshine Interstate Transmission Pipeline Project to re-route the proposed Flat Creek Pipeline corridor running through the Flat Creek - Sycamore area. He presented a petition with 140 signatures in opposition to the proposed pipeline corridor.

Attorney Richmond cautioned the commissioners that any resolution or action on the matter would be immature at this point. Chairman Powell assured Mr. Hoatson the board will support them at the appropriate time and he instructed Mike Sherman of the Planning and Zoning Department to be mindful of the concerns expressed by the citizens in this meeting.

DISTRICT 1

Commissioner McGill had nothing to report.

DISTRICT 2

Chairman Powell addressed his remarks to County Manager regarding the need for "Children at play" signs in his district, especially the St. Hebron Area. Other commissioners joined him in requesting such signs to be posted throughout the county.

DISTRICT 4

Commissioner Davis reported nothing.

DISTRICT 5

Commissioner Dixon reported that he would be leaving for Tampa to attend a meeting of the Florida Association of Counties (FAC) Board of Directors and its Rural Affairs Committee. They will be developing the agenda for the fall legislative session. He added that he would be traveling at his own expense.

MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON TO ADJOURN. MOTION CARRIED 4 - 0.

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

**MOTION BY COMMISSIONER DIXON, SECONDED BY COMMISSIONER MCGILL
TO APPROVE LICENSING OF JOSEPH B.L. DEVEER, JR. AS A POOL
CONTRACTOR AND MARTIN ROBERT BUTLER AS A BUILDING CONTRACTOR.
MOTION CARRIED 4 - 0.**

**MOTION BY COMMISSIONER DIXON, SECOND BY COMMISSIONER MCGILL TO
ADJOURN.**

Meeting adjourned by Chairman Powell.

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON JULY 20, 1993, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner Dixon led in Pledge of Allegiance and Commissioner Peacock led in Prayer.

ADOPTION OF THE AGENDA

Chairman Powell made a change to the agenda. He requested the board to hear Mr. Doyle Hines (number 8 on the agenda) to be heard immediately after the adoption of the agenda.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES - JULY 6, 1993 - REGULAR MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE MINUTES OF THE JULY 6, 1993 MEETING WERE APPROVED UNANIMOUSLY.

Acting County Manager Ed Butler called attention to a letter received from the City of Chattahoochee requesting that Gadsden County enter into an interlocal agreement with the City of Chattahoochee to perform all their city's inspections effective October 1, 1993. (letter attached)

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD INSTRUCTED MR. LAMAR KENT TO WORK WITH THE CITY OF CHATTAHOOCHEE AND THE COUNTY ATTORNEY TO COMPOSE AN INTERLOCAL AGREEMENT WHICH INCLUDES THE VERBIAGE AGREEABLE WITH THAT CITY AND PRESENT IT TO THE BOARD OF COMMISSIONERS FOR FINAL APPROVAL AT NEXT MEETING. MOTION CARRIED 5 - 0.

BRUCE ALLAIRE - HUNT INSURANCE GROUP - FL SHERIFF ASSOCIATION

INSURANCE

Mr. Bruce Allaire presented to the board information which specifically dealt with the County's liability as the funding source for acts of the sheriff. He indicated that the county could be liable for the acts of the sheriff. In order to protect the county, a separate liability insurance in addition to the liability insurance the sheriff purchases on himself, could prove advantageous. He had prepared a specimen policy with varying deductibles.

County Attorney Richmond stated he would like to review the policy.

Chairman Powell asked Mr. Allaire to leave the information and the policy with Mr. Richmond.

COUNTY ATTORNEY

Walker Borrow Pit Sale

County Attorney Richmond informed the board of the proposal to sell Walker Borrow Pit. The value of the pit is less than \$5,000.

By statute, the property could be disposed of by private sale or by advertised sale. The appraised value is \$3,800. He noted there are parties interested in purchasing the property.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED UNANIMOUSLY TO MAIL LETTERS TO THE ADJOINING LAND OWNERS NOTIFYING THEM OF THE PENDING SALE OF THE BORROW PIT.

Hospital - jail inmate cases

Mr. Richmond told the commissioners there were pending suits against the county for hospital bills for jail inmates who were released from the hospital and subsequently hospitalized. He indicated that possible settlement offers would be appropriate and asked to discuss it with each of the commissioners individually. It is a matter that the commission should consider when adopting the budget for next year - especially with the contingency fund.

Lanier Road Easement

Years ago when right-of-ways were first secured for paving of Lanier Road, the first land owners deeded the county a total of 80 feet (40 feet on either side of the road.) Since that time, the right-of-way specifications have been changed to 60 feet (30 feet on either side of the road.) The individual land owners who deeded the 80 feet have requested the county to return the 20 feet to them

at no cost.

Mr. Richmond told the commissioners that the county could abandon the property. If this is done, the land owners would have to pay an application fee to Planning and Zoning to get it back. There is legal work involved in getting legal descriptions.

Mr. Jim Richmond informed the board that if the property is abandoned, the property owners would have to make application with Planning and Zoning and pay a \$350 application fee in order to have the 20 feet returned to them.

Mr. Rick Soskis was present to speak to the commissioners on behalf of the land owners who had given the 80 ft right-of-ways. He appealed to the commissioners to do whatever could be done to return the 20 feet to the owners at no expense to them.

Discussion followed among the commissioners. It was the consensus of the board to do whatever is most expedient to have the 20 feet of land returned to the property owners.

Attorney Richmond advised the board the most expedient method would be to advertise the intended abandonment of the 20 feet of each deed and deed it back to the present adjoining land owners.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED UNANIMOUSLY TO ALLOW THE EXCESS 20 FEET ON LANIER ROAD TO BE RETURNED TO THE PROPERTY OWNERS PROVIDED THAT ALL LEGAL REQUIREMENTS AND ADVERTISEMENTS FOR THIS ACCOMPLISHMENT ARE MET IN THE PROCESS.

Jim Richmond appeared before the board to advise them of an inquiry from an individual about the possible purchase of the old radio tower and land behind the state troopers office. The value of the land is under \$5,000 and no longer serves the county. He asked the board for direction in how to respond to the inquiry.

MOTION WAS MADE BY COMMISSIONER PEACOCK AND SECONDED BY COMMISSIONER DAVIS TO ADVERTISE THE RADIO TOWER AND 1.56 ACRES OF LAND IT SITS ON FOR SALE. Discussion followed. Commissioner Peacock withdrew his motion to advertise the land and tower for sale and instructed the county manager to get an aerial photo of the land before making any decision regarding a possible sale.

Mr. Richmond reminded the commissioners of the request of North Florida Educational Development Corporation for Gadsden County to be co-applicants for the purpose of pursuing a grant for the business incubator program. He had been in touch with Mr. Clarence Lewis and is prepared to meet with the county manager and

with Mr. Lewis within a few days. He should have something to report by next board meeting.

Gadsden County Chamber of Commerce

Rick McCaskill spoke to the board giving them a brief summary of the chamber's activities. (Attached) He noted that an article featuring Gadsden County would be in the August issue of Southern Living Magazine.

Mr. McCaskill emphasized the need for establishing a long range plan for Gadsden County.

PLANNING AND ZONING DEPARTMENT

Lee Variance - Project #93PZ-16-209-5-7

Mr. & Mrs. A. J. Lee proposed to construct a 2100 square foot home at the end of Lakeview Point Road. They requested set-back variance on the front and on the side. P & Z staff recommended approval. There was no recommendation from the P & Z Commission because there was no quorum at the last meeting.

Chairman Powell asked for public input. There was no opposition. Mrs. Lee was present with letters from her neighbors stating they had no objections.

MOTION WAS MADE BY COMMISSIONER DIXON AND SECONDED BY COMMISSIONER TO APPROVE THE VARIANCE SUBJECT TO THE SPECIAL CONDITIONS AND LISTED BY THE P & Z STAFF. MOTION CARRIED 5 - 0.

Cloud Variance - Project #93PZ-17-209-5-7

Mr. Flake Cloud requested a variance from the side building setbacks at his home on Talquin Av. between 8th Street and 9th Street. P & Z staff recommended approval. No recommendation from the P & Z Commission.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED UNANIMOUSLY TO APPROVE THE VARIANCE SUBJECT TO THE RECOMMENDATIONS OF THE P & Z STAFF.

Nature's Old Fashioned Meats and Beauty Salon - Project # 93PZ-18-201-1-7

Mr. James Brown, Jr. proposed to locate a small county store and beauty salon on the east side of US 27 and north of Yawn Lane.

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P & Z staff recommended approval. No recommendation available
from the P & Z Commission.

MOTION WAS MADE BY COMMISSIONER MCGILL AND SECONDED BY COMMISSIONER PEACOCK AND TO APPROVE THE PROPOSAL TO LOCATE A COUNTRY STORE AS DESCRIBED ABOVE SUBJECT TO THE CONDITIONS LISTED BY P & Z STAFF.

Pentecostal subdivision - Project # 93PZ-203-4-20-7

Pentecostal Subdivision is a proposed residential subdivision for 10 lots on nine acres. The site is located on the west side of SR 267 north of CR272. The property is being proposed to change from an Agricultural land use to a rural residential land use requiring a small-scale map amendment to the Future Land Use Map. Mr. Marionette Bryant is the owner and developer. P & Z Staff gave conditional approval if the subdivision contingent upon Department of Community Affairs approval of the land use change.

UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE SMALL SCALE MAP AMENDMENT CHANGING THE LAND USE FROM AGRICULTURAL 2 TO RURAL RESIDENTIAL LAND USE CATEGORY SUBJECT TO SPECIAL CONDITIONS LISTED BY THE P & Z STAFF.

Gadsden Station Buildout Extension

Ms. Nancy Linnan, attorney, has presented a request on behalf of Talquin Development Corporation to extend the time for the buildout of the Gadsden Station Development of Regional Impact from November 15, 1995 to November of 1997. P & Z staff recommended approval of the resolution extending the buildout date.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE RESOLUTION GRANTING THE EXTENSION OF TIME FOR THE BUILDOUT FOR GADSDEN STATION DEVELOPMENT FROM NOVEMBER 15, 1995 TO NOVEMBER 1997.

The title of the resolution was read into the record by Attorney Hal Richmond.

Gadsden Station Water Park - Project #93-PZ-19-206-1-7

The Asher Group of Tallahassee proposed to amend the land use category of a portion of the Gadsden Station Development of Regional Impact (DRI.) The propose to locate a water park and land use would need to be recreation use. The land is situated on the south side of I-10, the west side of US 90 and the north side of brickyard road. P & Z staff recommended approval of the amendment for the land use change pursuant to an amendment of the development order and additional special conditions. Mr. Sherman stated that special conditions # 5 has been amended to read "Central water will be provided to the site." Policy 4.11.1 (page 3 of the development

order) changed to read "locating the waste water treatment facility on the site" and "once the central waste water facility is available for hook-up at the site, the applicant will connect to the central sewer system."

Mr. Ephraim Asher was present and spoke to the audience and to the commissioners concerning the proposed development.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE RESOLUTION ADOPTING AN AMENDMENT TO THE DEVELOPMENT ORDER FOR GADSDEN STATION WHICH CHANGES THE LAND USE CATEGORY OF THIRTY-THREE ACRES FROM "GENERAL COMMERCIAL" TO "ATTRACTION/RECREATION."

The title of the resolution was read into the record.

County-wide House Addressing System

Mr. Sherman spoke to the board concerning his conversations with the Quincy Post Office, the Havana Post Office and the telephone company about street naming and house addressing system.

He emphasized that the post office wants a comprehensive system and he will seeking guidance from the board at the next meeting about how he should proceed.

County Manager

Mr. Butler, acting county manager, addressed the board concerning the following:

1. Remedial action on fuel tank contamination. The cost of the clean-up at the Road and Bridge Department is more than \$15,000. He asked for approval to go out for bids to have the clean-up done.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE COUNTY MANAGERS ACTION IN GETTING BIDS FOR THE CLEAN-UP OF CONTAMINATED FUEL TANK WELLS.

2. Naming of a committee to study and narrow the issues surrounding the need for more courtroom space. That committee would then present some options to the board for consideration. Prior to the formation of that committee, the commissioners should work up some kind of classification of those people who are to compose the committee. Discussion followed.

It was the consensus of the board to have Mr. Richmond to work up some kind of classification method by which to choose the committee members to study the courtroom dilemma.

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3. The Airport Authority has requested the board to be present for their public hearing for the new budget for 1993-94. They suggested August 5 at 5:30 p.m. if it is agreeable to the commissioners.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED UNANIMOUSLY TO APPROVE AUGUST 5, 1993 AS THE DATE FOR THE PUBLIC HEARING ON THE AIRPORT AUTHORITY'S BUDGET FOR NEXT YEAR.

Gadsden County's grant application to refurbish the three building fronts which face the courthouse square.

Mr. Butler requested the board's approval for the chairman's signature on the application for a grant and request for the first quarter payments from the Historical Preservation Society which will allow for refurbishing the store fronts on the county-owned buildings that face the Courthouse Square. He stated that all the letters of agreements have been signed. The grant is for \$67,500.00.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE GRANT APPLICATION AND REQUEST FOR FIRST QUARTER PAYMENTS FROM THE HISTORICAL PRESERVATION SOCIETY WHICH BE USED TO REFURBISH THE FRONTS OF THE COUNTY-OWNED BUILDINGS FACING THE COURTHOUSE SQUARE.

Coonbottom Fire Department Request for Resolution

The Coonbottom Volunteer Fire Department has made application for a radio frequency license from the FCC. FCC requires them to have a resolution from the Board of County Commissioners stating that their volunteer fire department performs fire protection services for Gadsden County and that the board grants them permission to get such a license.

Chairman Powell instructed Mr. Richmond to prepare a resolution for adoption at next meeting.

Howell Refrigeration Bill for Service Calls

Mr. Butler presented a bill to the commissioners from Howell Refrigeration for \$392.00 for service calls and repair at the ASCS office. ASCS has no money in the budget to pay for these repairs and neither does the Building Inspection budget. He requested board action to have the bill paid.

Clerk Thomas asked Mr. Butler to give him the bill and he would find a way to pay the bill.

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Florida Insurance Providers for Petroleum Administrators (FLIPPA)

Mr. Butler informed the board that negotiations are underway with Mr. Craig McMillan for this third party liability coverage that the statutes require by the end of this year.

Lease for the Courthouse Annex for the Property Appraiser and Tax Collector

Mr. Butler noted that Mr. Tracy Riddle is working on a new lease agreement.

Fire Assessment Attorney's Scope of Work

Mr. Butler asked the board to approve the scope of work proposed by Nabors, Giblin, and Nickerson Law Firm. (Attached)

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK THE BOARD VOTED UNANIMOUSLY TO APPROVE THE SCOPE OF WORK AS PRESENTED BY NABORS, GIBLIN & NICKERSON.

CONSENT AGENDA (ATTACHED)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE CONSENT AGENDA TO WIT: Bid Committee recommendations for general repairs at Gadsden Memorial Hospital; approval to advertise for bids for recycling equipment and approval to advertise for Tire Program Truck.

CLERK OF COURT

Clerk Thomas told the board the proposed budget will be distributed on Friday. He asked them to set a date to meet and approve the millage rate and conduct the first budget workshop and subsequent public hearing dates.

The board agreed to meet on Wednesday, July 28, 1993 at 6:00 p.m. for a budget workshop and to approve the millage rate.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED BY THE CLERK.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED UNANIMOUSLY TO HAVE THE CLERK PAY THE COUNTY BILLS.

CITIZENS TO BE HEARD

There were no citizens present who wished to speak to the

board.

District 1 Report

Commissioner McGill presented a Resolution and plaque to Mr. Bill Piotrowski for service he rendered to the Planning and Zoning Commission.

Mr. Piotrowski in turn made several remarks of appreciation to the Commissioners as well as an appeal to the board to continue to keep the county green and growing.

District 2 Report

Chairman Powell asked the commissioners to reimburse the churches throughout the county for the money they paid in fire assessments. Discussion followed.

Clerk Thomas spoke to the issue by stating that if any exemptions are granted, and refunds are made, by law, the amount refunded from the fire assessment fund is made up from the board's general fund. At this point in the budget year, the only source available for the refund is from the contingency fund.

County Manager, Ed Butler told the board that the Nabors Law Firm is willing to make a study of the possibilities of exemptions of non-profit organizations from the assessment roll for an additional \$5,000. If the board wishes for them to prepare this study, they need instructions and directions immediately in order have it ready for the next assessment roll.

This matter was tabled for further discussion.

District 3 Report

No report was given for District 3.

District 4 Report

No report was given for District 4.

District 5 Report

Commissioner Dixon reported on his meeting with the Florida Association of Counties. Two items discussed were the Medicaid Costs and judicial system funding.

Commissioner Dixon asked the Clerk to provide him a list of the money spent last fiscal year for Article 5 costs.

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UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER
PEACOCK, THE BOARD VOTED UNANIMOUSLY TO ADJOURN.

Anthony Powell, Chairman A

ATTEST:

Nicholas Thomas, Clerk

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED UNANIMOUSLY TO APPROVE THE LICENSING OF RONALD E. BONDS AS A MASTER ELECTRICIAN AND C. W. HARTSFIELD AS RESIDENTIAL CONTRACTOR.

COMMISSIONER PEACOCK MADE A MOTION TO ADJOURN.

Meeting adjourned.

Anthony Powell, Chairman A

ATTEST:

Nicholas Thomas, Clerk

Gadsden County Board of County Commissioners
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AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON JULY
28, 1993, THE FOLLOWING PROCEEDINGS
WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL McGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT: ANTHONY POWELL, CHAIRMAN

CALL TO ORDER

The meeting was called to order by Vice-chairman Peacock. He explained the purpose of the meeting was to be a budget workshop.

AIRPORT AUTHORITY BUDGET REQUESTS

Vice-chairman Peacock recognized Mr. John Clark who presented the board with the 93-94 budget for the Airport Authority. The authority requested \$10,000 from Gadsden County for the 93-94 fiscal year to be used for their operating expenses.

Included in the information presented to the commissioners was a copy of the Florida statute which established the airport authority. He gave a brief history of how it came into existence stating that it was established by the Legislature with the approval of the city and county commissions. In Chapter 88-439 the law states "The City Commission of the city of Quincy and the County Commission of Gadsden County shall each furnish 50% of the funds necessary to meet the expenses of the authority until such time as mutually agreed upon by the city commission and the county commission." The city and the county each paid \$10,000 in 1988. Since that year the county has paid less while the city has continued to fund the full \$10,000. Mr. Clark pointed out that insufficient funding makes it very difficult to operate, let alone make improvements which are mandated in the bill that established the authority.

The Quincy-Gadsden Airport is the only public airport between Tallahassee and Marianna. To lose the airport would have a serious impact on this county and the surrounding counties as well.

The state approved the master plan prepared in 1989 and the authority has followed it with regard to improvements and expansion. The book value of the airport has increased from \$650,000 in 1988 to \$911,000. It is growing in value and in

usefulness. The money requested from the city and county is needed to operate and to pay a small percentage of grants and federal money that would enable the authority to make expansions and improvements. Without the requested amount of money from the city and county for the next few years, the type of improvements that would allow the authority to become self-supporting can not be made and the airport is doomed to be closed. The hanger still has a \$42,000 mortgage which will be paid off in two and one-half years. Until that mortgage is paid off, the authority desperately needs the help of the city and county.

Vice-chairman Peacock thanked Mr. Clark for coming and told him the board would consider his requests.

CLERK

Vice-chairman turned the meeting over to Clerk Thomas.

Clerk Thomas reviewed the 1993-94 Ad valorem time table (attached) explaining that it complies with the statutes. He asked the board to approve the tentative millage rate for the Board of County Commissioners at 10 mills and the millage rate for the hospital at 1.7 mills. He also asked the board to set a time and place for the tentative and final budget hearing on the proposed budget. He explained the necessity of expediency of acting on those matters so that the property appraiser could get out the TRIM notices. The property appraiser intends to send out those notices by August 18, 1993. The TRIM notice will notify everyone of the tentative budget hearing September 8, 1993, the final budget hearing set for September 20, 1993 and the Property Appraisal Adjustment Board which is set for September 30, 1993 at 2:00 p.m. The Property Appraisal Adjustment Board is to be comprised of three members of the county commission and two members from the school board.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO SET THE TENTATIVE MILLAGE RATE AT 10 MILLS FOR THE BOARD AND SET THE FIRST BUDGET HEARING FOR SEPTEMBER 8, 1993 AT 6:00 P.M.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO SET THE TENTATIVE HOSPITAL MILLAGE AT 1.7 MILLS AND SET THE FIRST TENTATIVE BUDGET HEARING FOR SEPTEMBER 8, 1993 AT 6:00 P.M.

Clerk Thomas discussed briefly a major problem dealing with the current year's budget which will adversely impact next year's budget as well. FL Statute 309.915 requires the county to pay 35% of the state's cost for medical aid for the poor. Gadsden County is the highest per capita user of medicaid in the state. Last

fiscal year, 91-92, \$330,000 was budgeted for medicaid spending. By the end of the year, \$408,000 had been spent and an advertised budget change had to be done to cover the excessive costs. This year again, \$330,000 was budgeted. At the end of the first six months, we have already paid over \$300,00. The exorbitant Medicaid spending has gone over budget and could go as high as \$600,00. No bills have been paid this quarter because there is no money to take from the budget by means of inter-fund transfers. We must re-advertise the budget to reflect additional and unexpected revenue to cover the shortfall in the medicaid allocation.

We have already been notified by the state that medicaid spending on hospital care for next year is expected to increase by 22% and nursing home care by 14%. This dramatic increase will have a profound impact on the budget expenditures for 1993-94 fiscal year.

Vice-chairman Peacock interrupted the clerk to ask if the press had been notified of this meeting. County Manager, Ed Butler assured him that the press was aware of the workshop.

Clerk Thomas continued by recognizing some positive highlights of the 93-94 proposed budget:

1. There is \$767,000 available for road paving and resurfacing;
2. the note on the motor-graders at the Road and Bridge Dept. will be paid off in February which could allow for purchase of additional equipment if the board chooses to do so. (That is a revenue source of \$133,000 that could be used for such.)
3. The level of service and number of employees in the Road and Bridge Department could be maintained.
4. The proposed budget maintains the integrity of the county.

On the negative side:

1. the proposed budget calls deletion of one position in the probation department.
2. the property appraiser's budget gains one employee which has been approved and justified by the Department of Revenue.
3. The budget does not reflect any employee raises.

4. It does not provide for the position of County Manager.
5. It does not provide for renovation of the abandoned DOC building for a courtroom.

The clerk recalled that October of 1990 was the last time that the board appropriated money for county employee raises. There have been some raises given since then which were authorized either by the county manager or the various constitutional officers, but the board has not appropriated any additional money for raises since 1990. He went on to point out that the year 1994-95 looks very promising for employee raises due, in part, to the fact that the final settlement payment to Waste Management will be made in the 93-94 budget year. With careful contingency spending during the upcoming budget year, raises could be easily be factored-in the 94-95 budget.

Vice-chairman Peacock remarked that he was disturbed that raises for county employees were not factored into the proposed budget for the 1993-94 year, especially in view of the fact that family insurance coverage has increased by nine percent. What it amounts to is a decrease in take home pay for the average worker with a family. Noting that the cost of living has risen by 13% since 1990, he appealed to the other commission members to take charge of the budget at this point and go back through it and find some way to provide for raises.

Clerk Thomas stated that he would like to go through the budget and explain what he had done to get the proposed budget balanced. He would then leave it with the board to make changes and move funds according to their dictates. When he finished explaining the revenue and expenditures he reminded the commissioners that the responsibility of the budget was theirs and any of the expenditures could be changed and moved around as long as they keep it balanced. With that comment, Clerk Thomas excused himself from the meeting to allow the commissioners complete freedom for discussion.

Commissioner Davis recalled with the other commissioners that a commitment had already been made to renovate the old DOC cooking school. Commissioner Peacock remembered postponing the renovation until the new budget was prepared to avoid spending contingency money. That renovation cost must be added to this budget.

Commissioner Peacock restated the purpose of this meeting was to discuss such matters that pertain to the budget preparation and the process with which to accomplish funding for those things the board deems necessary to operate county government. He again mentioned his concern for employee raises. He went on to suggest that the board get its own finance director to go through the

budget and rework it to their liking.

Commissioner Dixon suggested the board give the budget to County Manager, Ed Butler, with some directions to accomplish a budget more to their liking. He stated that he had serious problems with the budget as it was presented.

Commissioner Peacock concurred with Commissioner Dixon adding that no one on the board of county commissioners had been approached by anyone with a suggestion that the county manager's position be eliminated.

Commissioner McGill suggested that the board hire its own finance director who would be accountable to the board and not to the clerk. He said he would like to see a detailed budget submitted by each of the constitutional officers which would show line by line what they were requesting and how it would be spent.

Commissioner Peacock said that he understood the detailed line-item budget requests had been submitted to the clerk. County Manager Butler corrected that remark by saying that detailed line-item budget requests were not submitted by any of the constitutional officers or department heads.

Commissioner Peacock said he would like to see what work the clerk is performing that generates and justifies the fees he is charging the board. He stated he had never seen anything relating to that at all. Commissioner McGill suggested that they have Mr. Butler ask the clerk for that information.

Mr. Butler explained it would improper for him to ask the clerk for that information and added the clerk would not give such information to him because it is not be the proper way to get it.

More discussion followed concerning the need for more detailed information from all the constitutional officers in order to determine how to budget the county's funds fairly for next year.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO HAVE THE COUNTY MANAGER TO REQUEST DETAILED LINE ITEM BUDGETS FROM EACH CONSTITUTIONAL OFFICER AND EACH DEPARTMENT HEAD WITH AS MUCH DETAIL AS HE DESIRES; TO SUBMIT THEIR BUDGETS BY WHATEVER DATE IS DETERMINED BY MR. BUTLER; TO GIVE MR. BUTLER THE AUTHORITY TO DO WHATEVER IT TAKES AND WHOEVER IT TAKES TO DELIVER A PROPOSED BUDGET WITH THE PRIORITIES AS SET FORTH BY THE BOARD OF COMMISSIONERS.

PLANNING AND ZONING

Mike Sherman of the Planning and Zoning Department asked to speak to the board about matters relating to the budget. Mr.

Sherman appealed to the board to coordinate the capital improvement of the county with the growth management plan. Gadsden County has been found in non-compliance of its growth management plan. The interveners who have found that we are not in compliance cited the fact that Rich Bay Road was not included for paving in the capital improvements.

The state is asking the county in its 93-94 fiscal year, to come up with a paving priority based on some rationale and then rank them accordingly. The P & Z department has developed a system to prioritize the paving of roads according to need using several variables determining the need for paving: average daily trips, population on the road, population per mile of road, accident frequency, maintenance frequency, available right-of-way, classification of the road, etc.

The roads listed in the budget requests for 1993-94 have been identified by Bishop Engineering as well as the roads which were included in the previous years capital improvement element. Rich Bay Road and Dupont road are not included in the existing capital improvement element.

Mr. Sherman added that would like to do no small scale amendments in the future and he would like to include all amendments in the two windows-per-year regular amendment time frame.

As to the P & Z Department budget, Mr. Sherman requested \$842 for education and be allowed to use the money to pay for classes directly related to county work. He asked the commissioners to create an "R & R" line item so that he can roll over any unused money from one year to the next so that the money could accumulate from one year to the next. This could facilitate the purchase of more costly equipment such as a mapping program which he needs.

DAN WINCHESTER - RICH BAY PROPERTY

Mr. Dan Winchester addressed the board representing the Rich Bay Property Owners Association. He appealed to the board to be fair in the method they choose for scheduling the paving of roads.

Commissioner McGill asked Mr. Winchester to meet with him and discuss some alternatives in getting Rich Bay Road paved.

MOTION TO ADJOURN BY COMMISSIONER DIXON. MEETING ADJOURNED BY VICE-CHAIRMAN PEACOCK.

Anthony Powell, Chairman

Gadsden County Board of County Commissioners
July 28, 1993 Special Meeting

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
AUGUST 3, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

ABSENT: ANTHONY POWELL, CHAIRMAN

CALL TO ORDER

The meeting was called to order by Vice-chairman Peacock. Commissioner Dixon led in Pledge of Allegiance and County Manager Butler led in Prayer.

Commissioner Peacock explained that Chairman Powell had been excused from this meeting as he is on vacation.

ADOPTION OF THE AGENDA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA AS IT APPEARED.

APPROVAL OF MINUTES - JULY 20, 1993 - REGULAR MEETING

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE JULY 20, 1993 MEETING.

COUNTY ATTORNEY

Sale of Radio Tower Property - Site Overview

County Attorney Hal Richmond told the commissioners he has received the map of the radio tower and property located on U. S. 90 West near the Florida Highway Patrol station. He apologized for not having it with him but told them he would provide a copy to each of them before next meeting.

Commissioner Davis suggested the Farmer's Market should be contacted before a sale to someone else is considered. Mr. Richmond agreed to notify them of the possible sale before the next

meeting.

Florida County Contingent Law Enforcement Liability Update

Mr. Richmond explained the purpose of insurance of this type is to cover the independent liability of the county as it relates to acts of the sheriff that result in court cases. The premium at this time is near \$6,000 per year. Ultimately, the county has the financial responsibility for what the sheriff's insurance policy does not pay. The coverage has some questionable value. Because Mr. Craig McMillian would not endorse this type coverage 100%, Mr. Richmond said he would prepare a private memoranda informing them of the pros and cons of the policy. This matter can be placed on the agenda for later consideration.

NFEDC - Incubation Project in Gretna

Mr. Richmond reported he had been in touch with the lawyer for EDA regional council in Atlanta. That attorney suggested that the board write a letter stating its conceptual approval of the NFEDC incubation project but explain that because the county will not be a co-owner of the building, it does not wish to assume any financial responsibility for the project.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO HAVE MR. RICHMOND PREPARE A LETTER STATING THE BOARD'S CONCEPTUAL APPROVAL OF THE NFEDC INCUBATION PROJECT BUT ALSO STATE THAT THE BOARD WILL HAVE NO FINANCIAL RESPONSIBILITY FOR IT.

COUNTY MANAGER

Parking problem at courthouse annex.

County Manager Butler informed the board of a request from the property appraiser and tax collector for board intervention to resolve a parking problem at the courthouse annex. The employees of the Coca-Cola plant and the Chevron service station are using the spaces for daytime parking leaving inadequate parking for county employees and the public who come there to conduct business.

The property appraiser and the tax collector are asking the board to erect "no parking" signs on the property along with signs saying that "violators would be towed at the owner's expense". Mr. Butler said he had talked with Lamar Kent and was told there was no money in his budget for this.

Commissioner Dixon suggested that the Mr. Butler write letters to the business managers of the Coca-Cola plant and the Chevron station advising them of the problem at the annex and ask for their cooperation in resolving it. If letters do not alleviate the

problem, then the board can consider another form of action. It was the consensus of the board to have Mr. Butler write letters as described by Commissioner Dixon.

August 5, 1993 - Special Meeting - Fire Assessment Resolution

Mr. Butler called attention to a letter from Sarah Bleakley asking for a special called meeting of the Board of County Commission to adopt the initial assessment resolution for funding the fire protection program for fiscal year 1993-94. He also expects another meeting to be announced for September 2, 1993 at the Shanks High School.

Committee appointments

Mr. Butler encouraged the board members to make the necessary appointments to comprise the committee to study the feasibility of a new administration building so that work could begin.

Mr. Richmond told Mr. Butler he had several names submitted by the commissioners already and he is working on it but welcomed any input from the commissioners.

Request from Liberty County for resolution

Liberty County has asked Gadsden County for a letter or resolution stating that Gadsden County believes that a job corp center is a worthy endeavor for Liberty County. (Mr. Butler gave Mr. Richmond a copy of a similar resolution.) No action was taken.

Clarification for budget amendment approved by the board on July 6, 1993.

Mr. Butler asked the commissioners to clarify the budget amendment for the Planning and Zoning Department which created a training and education line item. This money is needed to provide the staff with training to better serve the public and implement the comp plan. \$1300 was placed in the line item. One of the staff members is now trying to use the money, but the board did not specifically state how that money can be used. He asked the board to clarify its intentions of how the money can be spent.

It was the consensus of the board that it was their intention for the Planning and Zoning Department staff to use this money for tuition, books, education and training at various levels that would enhance their ability to perform their jobs. The board concurred that there was no need for a separate motion to authorize for the money to be spent for the request that was submitted, but did acknowledge the need for some policy by which to follow in the

future.

Clerk Thomas interjected that the board needs to understand that by allowing this for Planning and Zoning, they are setting a precedent and must also allow it for other county employees.

The board asked Mr. Butler to confer with Mr. Lawson and Mr. Richmond and develop a policy relating to payments for education and training of county employees for the board to consider for adoption.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA (ATTACHED) TO WIT:

1. ROAD PAVING AGREEMENT OF ST ANDREWS STREET
2. LIST OF ERROR AND INSOLVENCIES REPORT FOR THE 1992 AD VALOREM TAX AND NON-AD VALOREM FIRE ASSESSMENT ROLLS
3. RESOLUTION FOR COONBOTTOM VOLUNTEER FIRE DEPARTMENT IN SUPPORT OF SEEKING RADIO FREQUENCY

CLERK'S AGENDA

Contingency request for the tax collector

Clerk Thomas called attention to the contingency request for the tax collector for fees and commissions for which he is allowed to collect. The amount he was entitled to receive was not fully funded in the budget for 92-93. He has requested the reimbursement at this time. The contingency request is for \$19,014.00.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE CONTINGENCY REQUEST OF \$19,014 TO THE TAX COLLECTOR FOR FEES AND COMMISSIONS TO WHICH HE IS ENTITLED.

Budget Amendments (attached)

Clerk Thomas presented the other budget amendments stating they were reviewed and approved by his office.

1. Contingency request for tax collector as described above.
2. Library fund - Friends of the Library Revenue to be spent for books.
3. Mosquito Control/Landfill/State I - line item changes
4. Library - adding money for equipment, moving it from contractual services and supplies.
5. Grants/Special Projects - line item changes from HRS/JJDP

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO APPROVE THE AMENDMENTS AS PRESENTED BY THE CLERK.

Cash Balance Report (attached)

Clerk Thomas presented the cash balance report stating there was \$ 2,000,000 in the general operating account.

Miscellaneous

Clerk Thomas spoke to the board telling them that he is available to them if they should want or need his assistance in their budget process. Realizing there were a number of concerns with the budget, he offered again to work with them in resolving them.

Payment of Bills

Clerk Thomas asked for a motion to pay the county's bills.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE PAYMENT OF THE BILLS.

CITIZENS REQUEST TO BE HEARD

There were no requests.

DISTRICT 1 REPORT

Commissioner McGill reported that several citizens in his district in the area of Seventeenth Ave have made several complaints:

1. Garbage and debris in ditches.
2. Neighborhood shootings.
3. "Stop" signs and "Children-at-play" signs are not observed.

He asked the other commissioners to join him in making an appeal in the form of a resolution or some kind of notice that pertains to the complaints which would state the consequences and penalties for these offenses. He also asked for some research to be done to see what other penalties might also be imposed other than a "slap on the wrist." If the board agrees, he would like for the county attorney to draft a letter addressing these issues to

be sent to all the residents in that area where the complaints have been made.

Mr. Richmond replied he would be happy to write a letter to those people and also to the State Attorney's office advising them of the situation and also the Sheriff's office requesting they increase the patrol in the area. The board asked Commissioner McGill to report those matters to the sheriff once again.

DISTRICT 3 REPORT

Vice-chairman Peacock referenced a letter written by himself requesting information to Clerk Thomas. He asked the clerk if he had any comments to the letter or if the information he asked for would be forthcoming.

Clerk Thomas responded by saying that if he understood the request correctly, Commissioner Peacock was asking how the fee system (implemented in 1990) of the clerk's office works. He called attention to an opinion rendered by the Attorney General which spelled out how the fee system works. (The clerk had provided copies of the opinion to all commissioners before the meeting began.) All information relating to fees collected since 1990 are in the audit report which has already been furnished to the commissioners. As to his request for information concerning the payroll and increases in salaries made to the clerk's staff since 1990, Clerk Thomas told Commissioner Peacock that the information is available to him. He could not offer him a single report which listed the requested information specifically. He invited the commissioner to come to his office go through any and all files in his office to attain the information.

Commissioner Peacock asked him at what date he could have a written report ready for him listing specifically the requested information.

Clerk Thomas responded by saying that he would like for the commissioner to come to his office and look through the files himself. He added that he hoped he would do the same for all the constitutional officers. The clerk continued by saying he perceived an attitude that the board was attempting to say the clerk had done something the other constitutional officers have not done. He reiterated that everything they wished to know is public record and they could see it at any time. Again, he invited all of them to come to his office and review the files personally.

Commissioner Dixon explained that the board, as a whole, has come to realize they need more information in order to do a comprehensive evaluation of the requests from all departments and

constitutional officers. He acknowledged they did feel there were some inadequacies that should be researched. While it was not the intention to put anyone on the defense, the board did feel it was justified informational gathering and declared that the board has a right to know.

Clerk Thomas told the board he had no problem with it and did not believe there would be a problem with the other officers. But he stressed to the commissioners that they must come to terms with the serious financial problems the county is experiencing right now. Once again, he brought their attention to the Medicaid crisis. He appealed to them to take these major issues into consideration as they do their informational gathering. The budget which was presented to them at the workshop was only a proposal and he expected them to make major changes because the board is responsible and all decisions are ultimately in the hands of the commissioners. Any balanced budget always requires questionable and difficult decisions. Gadsden County is in a bad situation which makes it even more difficult.

The clerk pointed out some of the problems of this particular budget: 1) Over \$90,000 must go to Tallahassee to Waste Management. People of the county probably think the county is finished with Waste Management, when in fact, it is not. 2) Another troublesome decision which has created a problem in this budget is this board's recent action to pay a private company to do the roadside mowing. If that contract is granted in October as scheduled, some people at Road and Bridge are going to lose their jobs. Granted, those people do nothing but mow grass for 4 - 5 months out of the year, but the other 6 - 7 months they are doing other things for the same amount of money that it will take to pay the mowing contract for the mowing season only.

The clerk wondered aloud if the board was of the opinion they could fund all the things they deemed necessary by taking enough money from the constitutional officers.

Commissioner Dixon assured the clerk that his interpretation was incorrect. He remarked that the budget is a policy maker in and of itself and the board retains the authority to make the policy decisions. The fate of any position is an intense decision which the board intends to make.

Clerk Thomas acknowledged those decisions should remain with the board. He recalled during the budget process last year, the former county manager and himself worked on the budget until they reached a point when they needed direction from the board so they scheduled a workshop with the commissioners. Once they got to the table for discussion, the board instructed them to go back and get

the budget balanced, then bring it back to them for decision making. From that experience, he made the assumption that the board wished to begin their budget preparations from a balanced point.

Clerk Thomas pointed out that the proposed budget had only one regular position lost. But, at the same time, one position is created in the property appraiser's office. The number of personnel remains the same except for the position of the county manager which was not eliminated - it was simply not funded in the budget. Once again, the clerk appealed to them realize the situation the county is in and restated that the board's decisions are going to be difficult at best.

Commissioner Dixon responded to the clerk's remarks by saying that he had helped them to realize the implications this budget can have. He acknowledged the board had given no leadership or direction to the beginning of the budget's preparation, but added the board will accept the responsibility for it at this point. It is their intention to analyze it and make recommendations for change as the board deems necessary so that it reflects the policy of this board.

Clerk Thomas replied he felt the board's initiative is appropriate but voiced one concern about one earlier action of the board. He told the commissioners that he felt that bringing in an outside finance person to help them with this budget is a bad decision and he did not feel that the county could afford it.

Commissioner McGill reiterated the position that Commissioner Dixon stated previously. He assured the clerk they were not looking at the clerk's budget specifically. He recalled having suggested three months ago, to ask for detailed budgets from all departments and constitutional officers prior to entertaining the budget requests for next year. He could not surmise how the money would be spent from examining the budget as it was presented.

Clerk Thomas reminded the board that last year, he suggested on numerous occasions, that the board ask for the same detailed information that Commissioner McGill just described. The board took no action and did not support him in requesting that information. Because of the posture the board took in previous years, he did not pursue more detailed requests this year.

Again, Commissioner McGill suggested that the board adopt a fiscal policy that would require these departments and officers to provide that information by a set date before the end of the current year.

Clerk Thomas cautioned the commissioners of the time constraints for meeting the TRIM compliance dates. He also discouraged them from artificially balancing the budget in order to fund the things they want to include in it.

DISTRICT 4 REPORT

Commissioner Davis reported things were running smoothly in District 4.

DISTRICT 5 REPORT

There was no report from District 5.

Gadsden County Board of County Commissioners
August 3, 1993 Regular Meeting

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER
DAVIS, THE BOARD VOTED 4 - 0 TO ADJOURN.

MEETING ADJOURNED.

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Vice-chairman Peacock.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO APPROVE THE LICENSING OF PERRY A WOOTEN AS A POOL CONTRACTOR.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE MEETING WAS ADJOURNED BY THE VICE-CHAIRMAN.

Anthony Powell, Chairman A

ATTEST:

Nicholas Thomas, Clerk

A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
AUGUST 05, 1993 THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: BILL MCGILL
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. He explained the purpose of the meeting was to adopt the initial resolution for the 1993-94 assessment roll. The chairman then recognized Ms. Sarah Bleakley and turned the meeting over to her.

Ms. Sarah Bleakley

Ms. Bleakley spoke briefly explaining that the resolution directs the preparation of public notice of the public hearing and establishes the date and time of that public hearing. The resolution recommends that the hearing be held on September 2, 1993 at Shanks High School gym at 6:00 p.m. The assessment methodology proposed is to be included in the notices which are mailed. Notices will be mailed to those who did not receive a bill for the fire assessment last year. The notice will also be advertised in the newspaper.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO ADOPT THE INITIAL RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES AND FACILITIES; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION COSTS AGAINST PROPERTY WITHIN THE UNINCORPORATED AREA OF GADSDEN COUNTY; DIRECTING THE PREPARATION OF A FIRE PROTECTION ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Gadsden County Board of County Commissioners
August 5, 1993 Special Meeting

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY CHAIRMAN
POWELL, THE MEETING WAS ADJOURNED.**

Anthony Powell, Chairman A

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON AUGUST 17, 1993, THE
FOLLOWING PROCEEDINGS WERE HAD,
VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Clerk Thomas led in Pledge of Allegiance and County Manager Butler led in Prayer.

ADOPTION OF THE AGENDA

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE AGENDA WAS ADOPTED AS PRINTED BY A VOTE OF 5 - 0.

APPROVAL OF MINUTES -JULY 28, 1993 - SPECIAL MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JULY 28, 1993.

APPROVAL OF MINUTES - AUGUST 3, 1993 - REGULAR MEETING

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 3, 1993.

APPROVAL OF MINUTES - AUGUST 5, 1993 - SPECIAL MEETING

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 5, 1993.

COUNTY ATTORNEY

County Attorney, Hal Richmond, explained the ordinance for the city of Chattahoochee building inspections was placed in the board packets is for information purposes only.

Radio tower land

Aerial maps and photographs were provided to the commissioners by the county attorney prior to this meeting. He explained the appraised value of the property is less than \$5,000 so the land can be sold either by advertisement or by notifying the adjacent property owners of the intention to sell. He asked for directions from the board.

UPON A MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO HAVE THE ATTORNEY ADVERTISE THE LAND FOR SALE.

Request to apply for land change usage

Mr. Richmond reported this request has been withdrawn by the petitioner.

PLANNING AND ZONING RECOMMENDATIONS (Attached)

Tobacco Road - Project #89PZ-21-201-2-6

Tobacco Road is a mobile home subdivision that is seeking final plat approval for Phase II of the development. The property owners are Mr. Lex Thompson and Mr. Shuford Davis of Tallahassee. The P & Z staff and commission recommended approval of the project subject to the conditions listed in the attached report.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND OF COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE TOBACCO ROAD FINAL PLAT SUBJECT TO THE SPECIAL CONDITIONS.

D & P's CV REBUILDERS - 93PZ-22-201-1-8

D & P's CV Rebuilders is a proposed wholesale auto repair shop. The P & Z staff and commission recommended approval of the project subject to special conditions listed in the attached report.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT SUBJECT TO THE SPECIAL CONDITIONS.

Schweizer/Roth Project # 93PZ-23-207-5-8

Schweizer/Roth Partnership is proposing to locate a state administrative office (Department of Corrections) in an existing building on the east side of SR 267 and south side of Dade Street. The applicant is the Schweizer/Roth Partnership of Fort Walton

Beach, FL. The property owner is the Gadsden County Industrial Development Authority. P & Z staff and commission recommended approval.

Discussion followed. Commissioner Dixon stated he did not have sufficient information before him to discern what kind of activity would be taking place at this facility and would like more information before voting on it especially since it was in his district. A representative of Schweizer/Roth offered to explain the type of activity and answer Commissioner Dixon's questions.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO TABLE THE DISCUSSION UNTIL LATER IN THE MEETING SO THAT COMMISSIONER DIXON COULD ASK SPECIFIC QUESTIONS OF THE PETITIONER TO HELP HIM UNDERSTAND WHAT KIND OF FACILITY THIS WOULD BE AND WHAT ACTIVITY WOULD BE GOING ON AT THE BUILDING.

Concrete Services of Quincy, Inc. Project #93PZ-21-207-4-8

Concrete Services of Quincy, Inc. is proposing to locate a construction office and supply operation on the east side of Bostick Road .2 miles off US 90. The property owner is Mr. Bill McMillan. P & Z staff and commission recommended approval subject to the special conditions of the P & Z staff.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PROJECT SUBJECT TO THE SPECIAL CONDITIONS.

The Family Center ACLF, Inc. - Project #90PZ-1-201-2-1

The Family Center is proposing to add an additional unit (16 residents) to expand an existing ACLF (currently 16 residents). The applicant is seeking a vesting determination for the project. The applicant and property owner is Ms. Earnestine Platt. The P & Z staff recommended denial. The P & Z Commission determined the project does not require a plan amendment and approved the vesting of the five acre site by a 6 - 0 vote without any limitations on the square footage or number of residents, except those imposed by HRS, and the special conditions listed.

Commissioner Dixon voiced displeasure with the way the recommendation was written. At first glance, it appeared as though both the commission and the staff had recommended denial.

Discussion followed.

Attorney Stu Parsons was present in the audience and spoke to the board on behalf of Mrs. Platt.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2 TO ACCEPT THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION WHICH DETERMINED THE PROJECT DOES NOT REQUIRE A PLAN AMENDMENT AND APPROVED THE VESTING OF THE FIVE ACRE SITE WITHOUT ANY LIMITATIONS ON SQUARE FOOTAGE OR NUMBER OF RESIDENTS EXCEPT THOSE IMPOSED BY HRS AND THE SPECIAL CONDITIONS LISTED IN THE ATTACHED REPORT. COMMISSIONERS MCGILL, DIXON AND POWELL VOTING YES AND COMMISSIONERS DAVIS AND PEACOCK VOTING NO.

Chairman Powell recognized Roger Hinson from the audience who suggested that the commission contact the Department of Community Affairs about these type vesting uses. He stated he did not believe that the action of the board is not in compliance with Chapter 163.

Geographic Information System Request

The P & Z Staff requested authority from the board to advertise for bids on hardware and software for a computer mapping system. The total amount of money needed to purchase the equipment is just under \$8,000. Mr. Sherman told the board that money was in the budget to pay for this equipment in the 92-93 budget by transferring money to the computer line item. (There is some money left over in salaries and other funds in the P & Z budget which are undepleted this year. He would do a budget amendment to transfer that money.)

After discussion between Mr. Sherman and the board, the consensus of the board was to hold off on advertising for bid on the computer and mapping system. That would leave money in the P & Z budget to be returned to the general fund. The board assured Mr. Sherman that they would reconsider the mapping system again in the next budget year but felt they should not move in haste with making a decision simply to avoid having to return the unspent money at the end of the year. The board asked Mr. Sherman to prepare a cost analysis and present to them at a later date.

Apalachee Center for Mental Health Services

A few months prior to this meeting the Board was petitioned by Apalachee Center for Mental Health Services to construct a building at the end of the LaSalle Court. The way the site plan was drawn, the drive-way ends in a portion of the county's right-of-way. Apalachee is requesting that portion of the right-of-way which dead ends adjacent to their property be vacated by the county. Apalachee is the property owner on all sides. The policy of the board has been that no private improvements will be constructed in a county right-of-way. Apalachee is petitioning the county to vacate its interest in that right-of-way. The first step in

vacating the right-of-way is advertisement. Mr. Sherman asked for permission to advertise for public hearing the abandonment of the right of way so that it would go back to the adjacent land owners.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO ADVERTISE FOR A PUBLIC HEARING THE COUNTY'S INTENTION TO ABANDON THE RIGHT OF WAY AT THE END OF LASALLE COURT. COMMISSIONER DAVIS ABSTAINED FROM VOTING AS HE IS A BOARD MEMBER FOR APALACHEE MENTAL HEALTH.

Growth Management Plan Report

Mr. Sherman reported that he has negotiated with the various interveners and with the Department of Community Affairs and have resolved many of the items that were originally found in non-compliance with the exception of a couple of issues.

The language proposed by DCA provided that attapulgitte mining be allowed to continue as "mining-land-use" category as they are designated in the land use map. When a mining company asks for an amendment to the land use map in order for them to mine in all other areas of the county where there are sloped forests, the county will designate those sloped forests as conservation and allow no development. In another place, the language reads that "when a land use change is done, an analysis must be done to show the net impact in sloped forest communities and if disturbed, to what degree does it affect all sloped forests in the county." The language is not clear. He will ask for greater clarification from DCA on their intentions. He suggested other wording the language so as to put the burden of the proof on the mining companies when they petition for land-use category changes.

Silviculture is the second problem with the growth management plan. DCA is concerned with the areas of sloped forests. They want to have those areas (sloped forests) designated "conservation" and prohibit silviculture uses from them. The Division of Forestry passed the "best management practices for silviculture" in 1993 for the state of Florida. The DCA has said that those proposed practices do not protect sloped forests. Mr. Sherman is of the opinion that timbering should be done according the "best management practices" as set forth by the Forestry Division. DCA does not agree. Mr. Sherman asked the board for their wishes for the growth management plan language. Should the county stay with the "best management practices" as they voted to adopt when the comp plan was originated and proceed to administrative hearings on the issue.

It was the general consensus of the board to stay with the "best management practices" but to try to negotiate with DCA to

avoid going to hearings. Mr. Sherman was asked by the board to talk with DCA once more and report back to the board after that meeting.

Land Development Code

Mr. Sherman called attention to the drafted Land Development code document he had provided to the commissioners at an earlier time. He explained that this document is part II of the Growth Management Act - the implementing mechanism of the county's comprehensive plan. He encouraged them to study it and offer any suggestions for change or additions. He added he would like to schedule some workshops with them.

Schweizer/Roth - Project #93PZ-23-207-5-8

Mr. Sherman asked to address the DOC Administrative office building again. Chairman Powell noticed that Commissioner Dixon had stepped out of the meeting briefly. Chairman Powell declared a recess for five minutes after which he called the meeting back to order.

Commissioner Dixon told the chairman after speaking momentarily with the petitioner, he had sufficient understanding of the type of activity that would be taking place at the building and was prepared to resolve the matter.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION RECOMMENDATIONS FOR THE SCHWEIZER/ROTH PROJECT (DOC ADMINISTRATIVE OFFICES) ON SR 267 SOUTH OF DADE STREET. (COMMISSIONER PEACOCK WAS NOT PRESENT AT THE TIME OF THIS VOTE.)

Lawrence Hutcherson - Panhandle Human Development Corporation

The program Mr. Hutcherson was proposing for Gadsden County was one of affordable housing under the community contributions incentive program. The program is one phase of some of the family preservation issues to be implemented in the area. The program will use state and federal funds to bring to bear some of the concerns of family preservation issues. One of the programs is called "Fathers Come Home". It is designed to get absent fathers to interact with their children with or without materials means.

Mr. Hutcherson explained that he would like approval from the county to seek contributions under the CCTIP. No commitment other than the county's blessings would be needed. He asked for a resolution of support for the program.

An application for the 5013-C status has been filed but has not been received. This is a new organization and Mr. Hutcherson explained that one does not have to be 5013-C to qualify for the CCTIP contributions.

There will be two staff positions in this area who will be trained in the issues of the program. The guidelines under the affordable housing act are flexible enough to implement the programs with funds described by Mr. Hutcherson. It should have no impact at all on the SHIP program.

County Attorney Hal Richmond asked Mr. Hutcherson and the board for some time to study the statutes and the sample resolution before the board votes for approval of this program.

Commissioner McGill spoke of his concern of the board of directors. He would like to see a broad representation of the people the program is intended to help as members of the board. Mr. Hutcherson absolutely concurred that a membership drive would be held and proper representation would be obtained as the board of directors.

Mr. Hutcherson was instructed to see the county manager to set up a time to have the item placed on the agenda again.

COUNTY MANAGER

Mr. Ed Butler reported on the bid opening for optical scanning equipment for the supervisor of elections office. Two bids were received. The bid by Global Elections Systems, Inc. did not meet the bid specifications. The bid by American Information Systems was for \$51,473.50. They offered a lease purchase agreement for 5 years with an annual payment of \$13,405.56. If the contract is not signed by August 31, 1993, there will be a \$1,500.00 additional charge and \$1,000 delivery charge.

Discussion followed relating to the commissioners concern that approval to sign this contract would be inappropriate before the new budget is adopted allowing for this purchase.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE AWARDDING OF THIS CONTRACT TO AMERICAN INFORMATION SYSTEMS CONTINGENT UPON THE APPROVAL OF THE BUDGET WHICH WILL INCLUDE ALLOCATION FOR THIS PURCHASE. THE MOTION DOES NOT APPROVE SIGNING OF THE CONTRACT WITHOUT BUDGET APPROVAL.

Recycling Program Truck

The bid committee recommended awarding of the bid for a new

truck for the recycling program to North Florida International (Bid No. 93-20) for \$38,201.00.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE AWARDED OF THE BID TO NORTH FLORIDA INTERNATIONAL OF TALLAHASSEE FOR THE PURCHASE OF A TRUCK FOR THE RECYCLING PROGRAM. (BID NO. 93-20).

The bid committee recommended awarding of the bid for a recycling container (Bid No. 93-22) to Thomas Engineering Inc. of Ashville, N. C. for \$4,325 per container which includes the cost of freight reserving the right to negotiate the cost of freight if the county purchases more than one container.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD UNANIMOUSLY APPROVED AWARDED THE BID FOR THE RECYCLING CONTAINER AT A COST OF \$4,325 TO THOMAS ENGINEERING INC.

Linen Supply for EMS

Mr. Butler told the commissioners of a request by Gadsden Memorial Hospital for Gadsden EMS to secure a contract for linen service separate of the hospital. In the past, EMS has paid the hospital for costs plus 25% for the use of hospital linen. The hospital is now asking to eliminate that service to EMS. This service is only for linens used in the ambulance. It should prove a savings to the EMS.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED UNANIMOUSLY TO APPROVE EMS TO ENTER INTO A CONTRACT WITH NATIONAL LINEN SERVICE FOR LINENS USED IN THE AMBULANCES.

Borrow Pit located on highway 269

Letters were mailed to adjacent property owners of the borrow pit located on highway 269. Baxter Asphalt Concrete Company is the only adjacent property owner interested in purchasing the borrow pit. He asked for authority to inform Baxter that the property is for sale at the appraised value.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO HAVE MR. BUTLER OR ATTORNEY RICHMOND TO SEND A LETTER TO MR. BAXTER APPRISING HIM THE BORROW PIT IS AVAILABLE FOR SALE AT THE APPRAISED VALUE OF THE PROPERTY.

Mr. Butler informed the board of the results of the requests

for proposals on the construction of new facade on the county owned store fronts facing US 90. He asked for authority to negotiate with the architects to design the new store fronts.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED UNANIMOUSLY TO AUTHORIZE THE COUNTY MANAGER TO NEGOTIATE WITH THE ARCHITECTS ON THE NEW DESIGNS FOR THE COUNTY OWNED STORE FRONTS FACING US 90.

Budget Preparation

County Manager Butler introduced Reginald Ofuani to the commissioners. Mr. Ofuani is employed by Leon County Office of Risk Management. He was present at the request of Mr. Butler to present his credentials to the board as a possible consultant for helping the board prepare a balanced budget for fiscal year 93-94 which is more acceptable than the one the clerk had presented at a previous meeting.

Questions and discussion followed as to the costs and the feasibility of hiring outside consultants.

Clerk Thomas cautioned the commissioners about dates for compliance and against artificially balancing a budget with inflated revenue projections. He reminded them of the three critical items facing them: pay raises, renovation of the DOC vocational facility, and a county manager.

The board took no action other than setting a date for another budget workshop for Monday, August 23, 1993 at 5:30.

CLERK OF COURTS

Primary Health Care Note Payment

Clerk Thomas called attention to the balloon payment of \$145,000 due in January, 1994 on the Primary Health Care Center. He gave a brief history of the past financial arrangements for the building. (Memo attached.) He told the board of his conversation with bank officials and the possibility of extension of the note. He asked for direction from the board in pursuing this matter further.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO HAVE THE CLERK TO CONTINUE NEGOTIATIONS FOR EXTENSION OF THE NOTE ON THE PRIMARY HEALTH CARE CENTER FOR THREE YEARS AND TO BE REPAID IN THREE EQUAL INSTALLMENTS.

The board asked Mr. Thomas and Mr. Richmond to look into

possibly increasing the rent on the building.

Personnel action forms from purchasing and personnel department

Out of concern for the impact that recent personnel actions might have on the next years fiscal budget, Clerk Thomas brought to the board's attention, three personnel action forms submitted for upgrading classifications and pay increases.

County Manager Butler assured Clerk Thomas that all proper considerations had been made.

Commissioner Peacock stated he would have preferred these personnel actions to take place at the same time other employees were given pay raises.

Mr. Butler explained that the new job responsibilities had already increased and he felt it appropriate they should be compensated at the present.

Mr. Dixon stated that he was disturbed that such a matter was before the board. He was of the opinion that this was a responsibility of the county manager and not the clerk.

Commissioner McGill spoke to the issue by saying that the commissioners are struggling with the task of trying to find money for pay raises and at the same time, he is now informed that salary increases have already been made.

Mr. Lawson of the personnel department explained to the board that he has done a number of reclassifications which were justified according to a person's performance of duties. The personnel policy specifically states that reclassifications are recommended by department heads and approved by the county manager, provided the county manager is assured there are adequate funds to compensate for the reclassification.

Clerk Thomas stated he had brought it to the attention of the board because of the amount of money involved. While there is money available through the end of this year because of a loss of personnel in the waste services department, next years budget is not yet set, and these increases will have significant impact on the 93-94 budget. He assured them his only interest in bringing the matter up was for clarification of the commissioners intent.

Appointees to the Value Adjustment Board

The Clerk advised the commissioners they needed to appoint three members from among themselves to serve with two members of

the school board as the Value Adjustment Board. The Chairman of the County Commissioners must serve. Commissioners Dixon and McGill agreed to serve with the Chairman as Value Adjustment Board members for the County Commissioners.

Budget Amendments

Clerk Thomas requested a motion to approve the budget amendments as presented to wit: General Grants, County Transportation #1 - line item changes only; General Fund - line item changes in the agriculture department; Library fund - line items changes. (attached)

UPON MOTION OF COMMISSIONER DIXON AND SECOND OF COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED. (Commissioner McGill was not in the room at the time of this vote.)

Misc.

The clerk called attention to a memo and other pertinent information concerning the increases in Medicaid he had provided for them in their board packets. (Attached)

County Bills

The clerk asked for a motion to pay the county bills.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO PAY THE COUNTY'S BILLS.

District 1 Report

No report was given.

District 3 Report

No report was given.

District 4 Report

No report was given

District 5 Report

Commissioner Dixon asked Mr. Butler to look into the status of the mowing in District 5.

District 2 Report

Chairman Powell told the board that Acting County Manager Ed Butler had informed him that he could not continue performing the responsibilities of the County Manager as of October 1, 1993. He also noted that Mr. Butler intends to retire as Grants Administrator in 1994 as well. He expressed the board's gratitude to Mr. Butler for a job well done.

The matter of filling the vacancy of the county manager position was discussed briefly but no action taken.

Economic Development Activities Report

Rick McCaskill briefed the commissioners of activities going on within the county. (Report attached.)

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, CHAIRMAN POWELL ADJOURNED THE MEETING.

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND OF COMMISSIONER PEACOCK, THE BOARD VOTED TO APPROVE THE LICENSING OF GEORGE LINK AS MASTER PLUMBER.

Chairman Powell adjourned the meeting.

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
AUGUST 23, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK
CONNIE MCCLENDON, FINANCE DIRECTOR
JIM CLEEK, CHIEF DEPUTY CLERK
HELENE MICHAELS, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. The chairman asked that the record show that Commissioner McGill would be arriving late due to the scheduling of another meeting. Clerk Thomas was absent due to illness.

Commissioner Peacock told the other commissioners he had met with Clerk Thomas and the clerk is agreeable to work with the board on the budget until it is acceptable. He pointed out the excessive amount of money budgeted for medicaid for next year. He questioned whether that was an accurate figure.

Attorney Hal Richmond told the commissioners that the current year's costs have already gone beyond what was budgeted and is expected to go as high as \$600,000. Information regarding an increase for 93-94 billing for medicaid has been received and was considered in formulating the proposed Medicaid budget.

Commissioner Peacock suggested that the commissioners reduce the amount budgeted for medicaid to the amount which was budgeted last year (\$330,000). That would allow ample funds with which to budget the county manager's position, give employee raises and remodel the DOC facility for courtroom space.

Mrs. McClendon cautioned the commissioners against inadequately funding medicaid and reminded them that the current year is presently in arrears in payments by approximately \$200,000. She warned that it would not be fiscally responsible to project less spending for next year.

Commissioner Dixon concurred with Mrs. McClendon. He followed up by saying there is some possible relief coming from the next legislative session which would place a 3% cap on the increase of

medicaid billed to the county. He does not expect that it will come in time to relieve Gadsden County in the current year or possibly in the 93-94 year. He suggested the medicaid costs remain as they are in the budget.

Turning to other matters in the budget, Commissioner Peacock looked at the Waste Management Grant and asked Herb Chancey if part of that grant money could be used in road and bridge department. Mr. Chancey responded that it would be possible.

Chairman Powell suggested the board borrow the money to fund the three items the commissioners are considering.

Other cost cutting measures were suggested:

- (1) implementing policy and procedures for qualifying individuals for indigent care treatment at surrounding hospitals
- (2) Hopkins Landing - possibly franchising the services at the park and contracting for maintenance

County Manager Ed Butler reported he had received the information from all county offices which he requested. He noted that he had not had time to compile the information but would like to see the information used.

Commissioner Peacock suggested that they begin cutting the budget beginning with the clerk's budget.

Questions from the commissioners were directed to Mrs. McLendon as it pertained to the budget and how it was calculated.

Commissioner Dixon made several remarks concerning the total budget and its apparent inequities in salaries paid to employees.

Mr. Ed Butler called attention to Probation & Parole budget, noting that one position has been deleted from their budget. There was some discussion between the commissioners and the county manager about the services rendered by the probation department and the effectiveness of that service.

Commissioner Peacock again suggested that the money needed should be taken from the medicaid budget. If problems arise later in the year with medicaid, it can be dealt with at the time it becomes a problem.

Commissioner Dixon again suggested that all constitutional officer's budget should be cut by two percent. He is unwilling to put the county's budget at risk for the safety of everyone else's budget.

Commissioner Davis asked how much of the budget was for charitable organizations. The reply was very little.

Commissioner Dixon voiced his opinion toward the Chamber of Commerce and the Airport Authority saying he was willing to cut them.

Commissioner Powell spoke in favor of a two per cent cut of all constitutional officers.

Commissioner Davis suggested that they be asked to voluntarily cut their budgets.

After the lengthy discussion, the board concluded it had two options.

- 1 - cut medicaid by \$250,000
- 2 - cut the constitutional officers and all departments by two per cent across the board

Chairman Powell asked for input from the audience.

The following people asked to speak:

Mrs. Celia Brown
Glendale Russ
Mr. Nolan Hancock
Mr. Rainey Parramore
Unidentified party

Attention was turned to the budget again.

County Manager Butler introduced Mr. John McCue of Tallahassee who is willing to serve as a budget consultant for a fee. Mr. McCue had been asked to be appear before the board with a proposal to accomplish the funding of the three priority projects identified by the commissioners.

Mr. McCue introduced two other consultants, Kenneth Barber and Reginald Ofuani. The three offered their services at three levels of involvement: Produce and publish the entire budget (cost to the county would could be as great as \$10,000 - \$12,000); publish the document using the data gathered by the clerk's office (cost, \$5,000); or use the consultants as advisors (cost - \$2,000).

After Mr. McCue finished his presentation, the clerk's finance director, Mrs. Connie McClendon indicated to the commissioners that her department was quite capable of producing the same information.

Commissioner Dixon said he would like to see an independent view of how the budget is being spent. He would like to see the budget identify projects so that the commissioners would know how

to plan for future spending. He wants to see the county develop a business plan for the future.

The commissioners asked for a breakdown of the fees being charged by the clerk and on a regular basis.

There was some public input opposing to the hiring of consultant.

Mrs. McClendon asked the commissioners to tell her what they would like to have included in the budget. They responded by saying: last year's cost, this fiscal year's cost (identified program by program - taken from the information which was submitted by department heads.)

Chairman Powell instructed the clerk's staff to resubmit this budget but to reflect a 2 per cent cut from all the constitutional officers and departments and include a 3 per cent raise for all county employees. It should be prepared in as much detail as the submitted information will allow.

Another workshop was scheduled for August 31, 1993 at 5:30 p.m.

Chairman Powell adjourned the meeting.

Anthony A. Powell, Chairman A

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON AUGUST 31, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK
CONNIE MCCLENDON, FINANCE DIRECTOR

CALL TO ORDER

The meeting was called to order by Chairman Powell announcing this would be a budget workshop.

Commissioner Peacock spoke first concerning the issue of the probation department's position. It was the general consensus of the commissioners that the position would be funded when additional revenue was received from the tax collectors excess fees at the end of this current fiscal year but no action was taken.

Commissioner Peacock asked that the clerk delete his allotted travel expense money from the budget. He stated that if he needed to travel, he would pay his own travel.

Commissioner Davis concurred with Commissioner Peacock and asked the clerk to delete his allotment of expense money as well.

Commissioner Davis asked the other commissioners to give top priority to the Industrial Development Authority and Apalachee to increase their budgets to the previous levels of funding if revenue becomes available during the year.

Commissioner Dixon questioned the purpose of the Industrial Development and the Chamber of Commerce.

Chairman Powell called attention to the last budget submitted by the clerk's staff. It included a county manager's position beginning in January of 1994, \$60,000 for renovation of the DOC facility to be used as alternate courtroom, and 3 % raises for the commissioners employees only.

The Clerk explained that if the county manager's position was left vacant until January, it would save \$20,000 in this budget. Thinking realistically, the advertisement and hiring process would

not allow a person to begin work much sooner than that date anyway.

Commissioner McGill wondered if we could do without one until January, would the public perceive that to mean that we didn't need one at all. He reasoned that the first three months of a fiscal year were probably the most critical and the need for a manager would be greater than at any other point in the year.

The clerk remarked that he had tried to fund some of everything they asked for. It was all but impossible to fund everything at the level that it really takes. Serious cuts were already made. He asked the board to tell him where to cut the additional \$24,000 if they insisted on funding that position beginning October 1.

Commissioner McGill raised the several issues of funding: Hopkins Landing, ASCS, Agriculture and Home Extension, Soil Conservation and other related programs.

Chairman Powell asked the Clerk to clarify where cuts had been made in the budget submitted at this meeting.

Clerk Thomas told the commissioners that small cuts were made to the Property Appraiser's budget and to the Supervisor of Elections budget. No other constitutional officers budgets were cut but in return, no money was given to any of those officers for raises. The only employees which were given raises were the employees of the County Commissioners.

Commissioner McGill continued to emphasize that in the absence of funding objectives and mission statements from each department he could not tell what this budget would accomplish. He said he needed to know what was going to be accomplished with the money funded to each department.

Chairman Powell restated his position that he wanted a County Manager in place on October 1.

Commissioner Peacock suggested that perhaps Mr. Lawson could fill in until January and save that \$20,000.

Commissioner Dixon asked the clerk why he had not cut the constitutional officers by the two per cent as the board had instructed. The clerk responded by saying that if he had cut everyone by two percent then went back and had given 3% raises to the employees, the figures still would not have added up. Rather than get into a big battle with all the constitutional officers, he found it most expedient to leave their budgets intact but withhold any raises. He reminded them again that all their initial budget requests had been cut considerably in the very beginning of the process. Only commission employees were given raises.

Commissioner Peacock made a motion to accept the budget as presented. It was seconded by Commissioner Davis. Commissioners Davis and Peacock voted yes and Commissioners McGill, Dixon and Powell voted no. The motion failed.

Commissioner McGill made a motion to vote on the budget line by line. The motion died for lack of a second.

Commissioner Dixon said he still did not have adequate information in this proposed budget for him to make an intelligent vote. He stated he was not impressed with the budget presented.

Attorney Richmond reminded the commissioners of the time constraints involved in this budget adoption process.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND OF COMMISSIONER MCGILL THE BOARD VOTED 4 - 1 TO AMEND THE PROPOSED BUDGET TO DECREASE THE MEDICAID BUDGET BY \$20,000 AND INCREASE THE COUNTY MANAGERS POSITION BY \$20,000 AND TO ADOPT THIS BUDGET AS THE TENTATIVE PROPOSED BUDGET TO PRESENT FOR THE PUBLIC HEARING SET FOR SEPTEMBER 8, 1993. COMMISSIONER DIXON CASTING THE LONE NO VOTE.

The meeting adjourned.

Anthony A. Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON SEPTEMBER 2, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
SARA BLEAKLEY, ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. He announced for the record that this is a public hearing held for the purpose of adopting the final resolution relating to the provision of fire protection services and facilities and imposing fire protection assessments against property.

Chairman Powell then introduced Ms. Bleakley who announced she was present to hear comments from the public on the assessment and to consider the adoption of the final assessment resolution which will impose the assessment and direct that it be collected on the ad valorem tax bills. She offered two separate options to the commissioners.

- 1 - Maintain the current rate structure. Due to an increase in the number of units on the tax roll, there will be an increase in the amount of revenue collected by the fire protection assessment. This is based on the noticed rate - the rate adopted by the board last year and it was included in the notices which were mailed this year.
- 2 - Reduce the rate of the assessment and the total collections will remain the same as last year.

Chairman Powell asked for comments from the public.

Speaking in opposition to the assessment were:

Manning Miller - speaking on behalf of St. Joe Land and Development Company

Mr. Miller stated that his company is the largest land owners in the county and have been greatly impacted by the fire assessment. He stated his opposition to the assessment on the St.

Joe property. In the past, St. Joe has had a lot of cooperation with the county dealing with road right-of-ways, fill materials donated to the county for road emergencies, power-line easements etc. They have requested very few services from the county in return. He went on to say that it has been their experience that when fire erupts on their property, it is usually deep into the woods where no road is in place. The volunteer fire departments cannot usually reach them and when they do, their equipment is so limited they are ineffective at extinguishing a forest fire. They do serve an important function in protection of structures near wood fires, but overall, the forestry division is more cost effective and efficient in controlling forest fires. St. Joe doesn't have a problem with helping to fund them. Currently they assess the county three cents per woodland acre per year. That is not total acres in the county - only woodland acres. They do, however, put out fires on rural or urban property - size and time of day is not significant to them.

Mr. Miller then noted for the commissioners some of the things which St. Joe provides for the forestry division. Free tower site locations and roads in Gadsden County. Training and equipping of their personnel to control fires and assist the division when fighting fires at no cost to them. Maintenance of direct radio access to the forestry division to help locate wild fires. When conditions warrant, they take preventive measures on their own property to prevent spread of fire. Grade their own dirt roads. St. Joe bears a lot of cost that perhaps the county was unaware of. He believes that St. Joe should be considered a special case with respect to the assessment.

In studying the proposed fire protection budget, he noticed that of \$600,000, only \$8,000 was set aside for the Division of Forestry. That is just over 1 per cent. Their continued presence is not a new benefit, as defined, to make the fire assessment legal. Since 99% of the budget funds the volunteer fire departments, city fire departments, etc. the land owners will fund fire protection for which they will receive little benefit.

He requested the board to make forest land owners exempt from the fire assessment.

Carl Owenby, Jr.

Mr. Owenby concurred with the arguments made by St. Joe Land Development and joined their request to make forest land exempt from the assessment.

Harvey Sweeney -

Nolen Hancock (speaking for the former Tax Watch - now Gadsden
Common Cents)

SPEAKING IN FAVOR OF THE ASSESSMENT WAS Richard
Feezel. (speaking on behalf of the Reston Homeowners Association)

Mrs. Celia Brown asked the commissioner to exempt churches
from the assessment.

Reverend Gus Sauls spoke to the commissioners and implored
them to talk to the people at large. He told them that the
citizens are confused about the transactions taking place with the
county government. He reminded them that the county belongs to the
majority - not the commissioners and he encouraged them to let the
citizens do some of the thinking.

The Board went into discussion.

**UPON MOTION OF COMMISSIONER PEACOCK SECOND BY COMMISSIONER
DIXON THE BOARD VOTED 4 - 1 TO ACCEPT THE RESOLUTION WHICH
ALLOWS THE RATE TO REMAIN AT LAST YEARS NOTICED RATE.
COMMISSIONER DAVIS CASTING THE LONE NO VOTE.**

Chairman Powell read the rates as advertised for this year to
be: Dwelling - \$38.00 per dwelling; parcel of land - \$28.00 per
parcel; for non residential square feet - 0.06; agriculture acres -
0.20.

**UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER
DIXON, THE CHAIRMAN ADJOURNED THE MEETING.**

Anthony A. Powell, Chairman ^A

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY, FLORIDA, ON
SEPTEMBER 7, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
BILL MCGILL
JIM RICHMOND, ATTORNEY
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS

ABSENT: EDWARD DIXON

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner Davis led in Pledge of Allegiance and Commissioner Peacock led in Prayer.

ADOPTION OF THE AGENDA

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER, THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA AS WRITTEN.

Chairman Powell noted for the record that Commissioner Dixon had been excused from this meeting due to an auto accident earlier in the day.

APPROVAL OF MINUTES - AUGUST 17, 1993 - REGULAR MEETING

Acting County Manager, Ed Butler called attention to page 7 of the minutes of August 17, 1993, where the minutes read that Mr. Lawrence Hutcherson should contact the County Manager to set up a time to be placed on the agenda again. Mr. Butler stated he did not believe it was necessary for this item to appear on the agenda.

He pointed out that Mr. Hutcherson was in the audience expecting action to be taken on his request from the last meeting for a resolution of support for the Panhandle Human Development Corporation.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE AUGUST 17, 1993 MEETING.

COUNTY ATTORNEY

Mr. Jim Richmond addressed the board on behalf of Hal Richmond who would be late to the meeting.

The first item on the agenda for the county attorney was for ordinances for the comprehensive plan amendments. He called for public input.

Marionette Bryant property - lands for Pentecostal Subdivision

The ordinance was read in title only by Mr. Richmond.
(Attached)

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO ADOPT THE ORDINANCE AMENDING THE COMPREHENSIVE PLAN TO CHANGE THE LAND USE CATEGORY FROM THE AGRICULTURAL 2 LAND USE CATEGORY TO THE RURAL RESIDENTIAL LAND USE CATEGORY.

Dorsey Stewart - McNeil's Little River Subdivision

The second ordinance provides for the amendment of the future land use map by changing the land use category on a portion of Lot 25 of Mcneils's Little River subdivision from the agricultural 2 land use category to the rural residential land use category. Mr. Richmond read the title of the ordinance into the record.

Mr. Richmond called for public input.

There were no comments or questions from the commissioners nor from the public.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE AMENDMENT CHANGING THE LAND USE CATEGORY OF THE DESCRIBED PROPERTY FROM AGRICULTURAL 2 TO RURAL RESIDENTIAL LAND USE.

Courtroom facilities update-

Mr. Jim Richmond asked to defer any remarks concerning the courtroom facilities to Mr. Hal Richmond later in the meeting.

Miscellaneous

Mr. Jim Richmond told the board of his conversations with Mr. Bill Adams concerning the right-of-ways on Lanier Road. At a previous meeting, the board voted to abandon 20 feet (10 feet on each side of the road) of the land on Lanier Road which had been deeded to the county as right-of-way so that property owners could

reclaim the property. It was reported by the engineers at the time the vote was taken that 60 feet of right-of-way would be ample room to build the road. Since that time, however, Mr. Adams has reported some concerns in reducing the right-of-way back to 60 feet. In particular places in the road, the full 80 feet would be needed to stabilize the shoulders.

Mr. Rick Soskis and Ms. Heidi Chestnut were present to speak to the board concerning the paving of Lanier road. They asked for some indication from the board to what extent they would be willing to support the efforts to pave the road, before they continue their campaign to get the right-of-ways. There are some residents who have definitely said they would not give right-of-ways. They now need to develop a plan to secure the deeds from those who are not willing to give it voluntarily.

Discussions followed but no action was taken.

Mr. McGill asked Mr. Soskis to meet with him to discuss the matter in more depth before coming before the board again with the engineer.

Bids for abandoned borrow pit

Mr. Richmond reported there was only one bid received.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO ACCEPT THE BID FROM BAXTER ASPHALT AND CONCRETE FOR \$1500 FOR THE SALE OF THE BORROW PIT.

Lawrence Hutcherson

Mr. Hal Richmond reported that he had researched the Panhandle Human Development Corporation and could see no problem with passing the resolution of support as requested by Mr. Hutcherson.

UPON MOTION BY COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO PASS THE RESOLUTION OF SUPPORT AS REQUESTED BY PANHANDLE HUMAN DEVELOPMENT CORPORATION BUT TO AMEND IT TO INCLUDE LANGUAGE THAT LOCAL COMMUNITY REPRESENTATION WOULD BE INCLUDED ON THE BOARD OF DIRECTORS FOR THE CORPORATION.

Courtroom facilities update

Mr. Jim Richmond reported that there are seven members proposed for the board. Three names have been received from the commissioners in addition to those who have already been decided on. He asked the commissioners again if there were others they

wish to include on the board. Commissioner Powell submitted the name of Helen Woodward. Commissioner Peacock told Mr. Richmond he would advise him later of names he would consider.

PLANNING AND ZONING

Mr. Mike Sherman, Director of Planning and Zoning Department addressed the board. He called attention to a memo he had written to them concerning 2 planning grants from the Department of Community Affairs (DCA). He explained that he was not qualified to write the stormwater management policy and procedures manual. Because of that, he requested permission from the board to advertise a notice for request for proposals for a consultant to write the manual for the county using the grant money from DCA.

The grant will expire when funds are used up.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO ALLOW MR. SHERMAN TO ADVERTISE FOR REQUEST FOR PROPOSALS TO GET A CONSULTANT TO WRITE THE STORMWATER MANAGEMENT POLICY AND PROCEDURES MANUAL.

The board gave Mr. Sherman directions to interview firms and then make his recommendation to the board for approval.

Sunshine Pipeline

Mr. Sherman informed the board that Sunshine Pipe Line has requested permission to conduct information type public hearings in Gadsden County. The Department of Environmental Regulations has recommended the dates between October 26 and November 19. He asked the board for a recommendation of a date on which to hold the public hearing. The meeting is expected to last a couple of hours and it would not be advisable to hold it along with the regular board meetings.

After some discussion, the board agreed to hold the meeting on October 26, 1993 at 6 p.m.

COUNTY MANAGER

Mr. Ed Butler, Acting County Manager, told the board that the Wetumpka Volunteer Fire Dept. has plans to construct a new building to house one of their vehicles. They have written a letter to the commissioners requesting waiver of the building permits normally required for the project.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO WAIVE THE BUILDING PERMIT

**FEES FOR THE WETUMPKA VOLUNTEER FIRE DEPARTMENT TO CONSTRUCT
AN ADDITIONAL BUILDING.**

Senior Citizens Project, Inc.

The Senior Citizens Center has requested that the county pay Big Bend Transit the \$5,000 it has budgeted for Senior Citizens Center in the 93-94 Budget. The purpose of this is to secure year-long ridership services that will benefit Gadsden Senior Citizens.

Discussion followed. Mr. Butler was asked to talk again with the Senior Citizens Center concerning this matter. A lump sum payment of \$5,000 could be made to the center allowing them to deal directly with Big Bend Transit on a contract if that is agreeable with both parties.

Emergency Management Grant

The Emergency Management Assistance (EMA) Grant for FY 92-93 requires a 50% match in funds from the county. The grant amount for this year is \$14,655. In October of 1992, the board allocated \$11,500 which is only 80% of the required match. Mr. Herb Chancey has requested the balance of \$3,155 to meet the program requirements.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO TAKE THE \$3,155 FROM THE CONTINGENCY BUDGET TO MEET THE BALANCE OF THE MATCH REQUIREMENTS FOR THE EMERGENCY MANAGEMENT ASSISTANCE GRANT.

Lease of the annex on Calhoun St.

Mr. Tracey Riddle, P.A. has written a letter to the board concerning the lease agreement on the annex on Calhoun St. Mrs. Annie Ruth Spears has offered another 10 year lease at \$1,000 per month.

Mr. Lamar Kent, Building Inspector, informed the board that, at that price, the board must pay for new asphalt for the parking lot, construct a fire hall way and install new air-conditioning. He projected the cost of the repairs to be \$70,000 immediately.

Commissioner Powell suggested that the board consider repairing the county owned building rather than spend that amount of money on a leased property.

Discussion followed.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO CONTINUE THE LEASE ON A MONTH BY MONTH BASIS WITH THE TERMS OUTLINED IN A LETTER FROM MR. RIDDLE (ATTACHED) BUT EXCLUDING THE PAVING REQUIREMENT OF THE LEASE TERMS.

Mr. Kent went on to discuss the air-conditioning problems at the annex explaining that the units have to be replaced. He suggested that Mr. Summerford, Tax Collector, be allowed to use some of his excess fees to purchase new air-conditioning units for the annex.

Mr. Summerford was present and spoke to the board suggesting that the board replace both units and duct work for the entire building. The units in place at the building now are not adequate, do not have a thermostat and are in constant disrepair.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL TO HAVE THE BUILDING INSPECTOR TO PURCHASE TWO NEW UNITS AND DUCT WORK FOR THE CALHOUN STREET ANNEX AND TO PAY FOR THEM OUT OF THE TAX COLLECTOR'S EXCESS FEES BEFORE THE END OF THIS FISCAL YEAR WITH THE UNDERSTANDING THAT THE UNITS CAN BE MOVED AT WHATEVER TIME THE OFFICES ARE RELOCATED.

**P & Z Reclassification/Upgrade Personnel Action Forms Returned
Denied by the Clerk's office**

Mr. Butler asked for clarification as to why two personnel action forms for Planning and Zoning Departments were denied and returned by the Clerk's office. The action requested was for reclassification and salary increases using grant money.

Clerk Thomas said he would look into it and let the board know.

The commissioners agreed among themselves that the raises and reclassifications should be retroactive to the time they were first submitted.

Consent Agenda (Attached)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA TO

WIT: MOSQUITO CONTROL ANNUAL CERTIFIED BUDGET, BID COMMITTEE RECOMMENDATION FOR CONTAMINATION ASSESSMENT, SMALL COUNTY SOLID WASTE GRANT, EMERGENCY MANAGEMENT PLAN UPDATE, EMS COUNTY AWARD GRANT RESOLUTION, INTERLOCAL AGREEMENT FOR AMBULANCE SERVICES (CHATTAHOOCHEE), CHANGE ORDER - HOPKINS LANDING ROAD PAVING, CHANGE ORDER - REPAIRS TO GADSDEN MEMORIAL HOSPITAL, ARCHITECTURAL AGREEMENT - QUINCY SQUARE RESTORATION PROJECT, AGREEMENT - GADSDEN COUNTY AND ROLAND AND JEFF DUBREE, RESOLUTION - LOCATION OF JOB CORPS CENTER IN LEON COUNTY.

CLERK OF COURT

Budget amendments (attached)

Clerk Thomas reviewed the budget amendments with the board.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE BUDGET AMENDMENTS TO WIT:

- Fine and Forfeiture Contingency
- General fund
- Library fund
- Library fund
- General fund
- EMS grant fund
- Emergency Medical Service
- EMS County Award Grant
- General Grant
- General Fund - commodity
- General Grant RE93-18
- Chattahoochee Ambulance Grant
- General fund
- General fund
- Library

Pay Bills

Clerk Thomas asked for a motion to pay the county's bills.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO PAY THE COUNTY'S BILLS.

DISTRICT 1 REPORT

There was no report.

DISTRICT 2 REPORT

Chairman Powell made note of the fact that in spite of the rains we were experiencing, the roads seem to be holding up well. He commended the Road and Bridge Department for good work.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

There was no report.

DISTRICT 5 REPORT

Commissioner Dixon was not present to report.

ADJOURNMENT

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO ADJOURN.

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas

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September 7, 1993 Meeting
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GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE LICENSING OF HENRY CHARLES THREATTS AS A MASTER PLUMBER.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE MEETING WAS ADJOURNED BY THE CHAIRMAN.

Anthony Powell, Chairman A

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON SEPTEMBER 8, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell who announced the purpose of the meeting was to ask for public input on the budget. He then recognized Rick McCaskill from the Chamber of Commerce.

Rick McCaskill - Chamber of Commerce

The proposed budget has the Chamber of Commerce reduced from \$30,000 it requested to \$20,000. He felt that reduction was based on some information which was incorrect. The misinformation dealt with three different areas. They were:

- 1 - How the chamber spends its economic development monies
- 2 - Funding of other county chambers
- 3 - the chamber and its relationship to the Industrial Development Authority

To correct statements made by others at the previous budget workshop, he introduced Bruce Thomas, Wilson Hinson and Carrie Durden to properly inform the commissioners. He went on to say that of the \$119,000 budget for the chamber, \$91,000 is spent for economic development. \$61,000 of that amount is from the membership dues. The other \$30,000 has been funded by the county in the past. The statement that was made at a previous meeting that the economic development money was spent for advertising is not true. He emphasized the chamber has never purchased advertising. Basically the chamber runs the industrial development for the county and that is why the county has helped fund it.

Bruce Thomas - Chamber of Commerce and businessman

Mr. Thomas pointed out that the bulk of the money spent by the chamber is for the county's economic development. He told the commissioners he had polled the neighboring counties to see what other counties, similar in size, did with relationship to their chambers. Jackson County contributes \$25,000 a year to their Chamber of Commerce, Leon County does not have a chamber but the county contributes \$20,000 to the city's chamber - but they handle their tourism through an entirely separate entity. Decatur County funds their Chamber with \$30,000 and provides a contract for service. The amount requested by the Gadsden Chamber of Commerce is not extravagant, it is in line with other counties. From a businessman's prospective, he advised against cutting the chamber's budget, stressing that the chamber is reaching out beyond the boundaries of the county and trying to bring business into the county. In time of tight money constraints, cutting back on public relations will allow the competition an advantage over Gadsden County.

Wilson Hinson - Industrial Development Authority

Mr. Hinson gave a brief history of the authority. It was enacted by the legislature in 1971 at the request of the Gadsden County Commissioners. He stated that he has served on the authority since 1971 and he presently is serving as its chairman. The authority receives no money from the budget. The members of the authority receive no compensation. The county commission gave the Chamber of Commerce the responsibility of doing the staff work for the authority. The chamber serves as the official secretary of the authority. The main reason the authority was established was to do the work required to enable the old and new industries in town to issue tax-free industrial revenue bonds. These bonds finance businesses that employ people from Gadsden County. Gadsden County through the authority has been able to issue 40 million dollars worth of industrial revenue bonds. Two of the companies that have used them are Quincy Farms and The Printing House. The authority at the present time is working to develop industrial parks to be used throughout the county. The quest of industrial development is shared by the county commissioner, the authority and the chamber.

Carrie Durden - Treasurer of the Chamber of Commerce

Ms. Durden commended the board for their work. She recognized that the county has more financial needs than its has means to meet those needs. The biggest hope for increasing revenues is to bring in additional tax paying residents and businesses. The only place in the county whose primary mission is to attract new people and to assist prospective business and residential clients is the Gadsden

Chamber of Commerce. There are only two paid staff people. The other work is done by volunteers to assist in making things happen for Gadsden County. In recognizing the role the chamber plays in the economic future for the county and its financial security, she suggested that the commissioners could not afford not to fund the chamber of commerce. The chamber can increase the revenue for the county. The commission can help by providing the funds needed to do that.

The consensus of the board was to increase the chambers's funding as soon as the board has some indication that the revenue will be available. A budget amendment will be done to inject the additional \$10,000 when the board has a reasonable assurance that the source of revenue will be there.

Attorney Richmond recommended that the board not take any formal action on this issue at the present time but to offer the chamber a good faith effort to amend the budget at the end of six months.

The board agreed to follow the attorney's advice.

Mr. McCaskill thanked the board for hearing him and told them of his tentative plans to approach the board in April for the additional \$10,000.

Chairman Powell asked for other public input.

Lamar Kent - Building Inspector

Lamar Kent commented that he thought it unfair that the county employees must take the cuts in order to accomplish the priority projects. He asked to go on record as saying that the budget cuts have created an extreme hardship for his department.

Kimsey Helms - Citizen

Mr. Helms introduced himself as a resident of four years. He had questions relating the budget. He asked why there was such a substantial jump in the clerk's fees. The board explained that the figure he questioned was a revenue increase to the county not an expenditure. His second question referenced item 099 - other human services - Stevens School. Mr. Butler explained that it was incorrectly titled. It should be called alternative courtroom renovation. It is for the renovation of the old DOC vocational school. His third question was for emergency rescue - he saw no reference to a 911 service. He asked if Gadsden County had the 911 service. The commissioners responded affirmatively. Then he asked if the service was enhanced. The answer was negative. The

enhancement is in the works between the P & Z staff, postal service and telephone company. There is no set time table in effect.

Board discussion of the budget

County Manager

Mr. Butler called attention to the Probation budget. He recalled that at the last workshop, there was no action taken on it. There was some discussion but no action was taken.

Commissioner McGill reminded the commissioners that at the regular meeting on September 7, 1993, Mr. Dale Summerford had informed the board that he would be returning \$40,000 + to the county. The board voted to allow him to use \$14,000 of that money to install new air-conditioners in the courthouse annex leaving \$26,000 to add to the revenue projections for next year. The \$20,000 needed for the probation position could come from those excess fees once they are returned and the revenue is amended. Of the remainder, \$4,700 could be placed in purchasing and personnel and the \$1,300 left should go to contingency.

Commissioner McGill remarked that he still did not believe the staff and employees were being treated fairly in this budget. He encouraged the board to move toward some point of equity with the budget. Other things that caused concern to him were:

- (1) \$51,000 cost for computer use. He would like to see that cost shared by all users.
- (2) \$162,000 in salaries for the clerk's office and those persons do not answer to the county commission and this is an issue to be addressed in the future. These positions are for people hired by the clerk and they answer to the clerk.

Commissioner Peacock had one concern to come to him since the last workshop. It had to do with salaries. He understood that the county commissioners are paying \$51,000 of the clerk's salary. His question was - if the clerk is on the fee system, why is the board paying his salary?

Attorney Richmond responded that it is a statutory responsibility.

Commissioner Peacock remarked that he was disappointed that the clerk was not present.

Commissioner McGill suggested that a time and motion study be done to determine how much time the clerk's staff spends working

for the county commission versus the clerk, then pay their salaries accordingly.

Commissioner Dixon proposed to go back to the budget and cut two per cent and redo it again. He was displeased with the disproportional cutting which has been done. The board employees do not make equitable pay with other constitutional officers salaries.

Attorney Richmond cautioned the board of the compliance dates that must be met. Tonight's meeting was to hold a hearing for public input based on the budget which was tentatively adopted at the last budget workshop. The board must make the decision, but there are significant time constraints in getting the budget adopted. If the board chooses to go back to a beginning point, he did not believe the compliance dates could be met. In addition to that, if the board cuts the constitutional officers now, they will ultimately be meeting before the cabinet to defend the cuts. The process could go on indefinitely.

Commissioner Peacock suggested that the board amend the tentative budget by cutting the clerk's budget by \$100,000 and go on with the adoption process.

Mr. Butler suggested that the board consider funding only partially the finance department positions.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS THE BOARD VOTED 4 -1 TO ADOPT THE TENTATIVE PROPOSED BUDGET. COMMISSIONER DIXON CASTING THE LONE DESCENDING VOTE.

Chairman Powell publicly announced the roll back rate is 3.125 percent and the adopted tentative millage rate is 10 mills.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO ADOPT THE MILLAGE RATE OF 10 MILLS.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO ADOPT THE HOSPITAL MILLAGE OF 1.7 MILLS.

Chairman Powell asked the clerk to relate the board's wishes to the clerk for the finance officer or himself to be at the board meetings in the future.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE CHAIRMAN ADJOURNED THE MEETING.

Gadsden County Board of County Commissioners
September 8, 1993 Special Meeting

Anthony A. Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON SEPTEMBER 20, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

ABSENT: EDWARD DIXON
BILL MCGILL

CALL TO ORDER

The meeting was called to order by Chairman Powell. He announced that this meeting is a public hearing for the purpose of adopting the proposed tentative budget for Gadsden County for the fiscal year 1993-94. He explained that Commissioner Dixon was in a meeting in the governor's office and would not be present. Commissioner McGill was out of town and unable to attend.

He called for questions from the public.

A spectator asked for clarification of the resolution for the hospital millage and for an explanation of how there came to be an increase in taxes when the millage remained the same. The commissioners explained that the 1.7 mills was for repayment of the hospital bonds and the increase in taxes over last year is a result of increase in appraised values on property in new properties on the tax roll.

Another spectator asked if she could get a break-down of the budget figures and how these figures were derived. The commissioners directed her to the clerk's office.

Attorney Hal Richmond read the resolution pertaining to the percentage increase in the millage over the roll back rate of 3.125. (Resolution attached)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 3 - 0 TO ADOPT THE RESOLUTION AS READ BY ATTORNEY RICHMOND.

Attorney Richmond then presented the summarization budget and the proposed budget for 1993-94. (Attached)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 3 - 0 TO ADOPT THE PROPOSED BUDGET TOTALING \$15,900,404.00 FOR THE FISCAL YEAR 1993-94 FOR GADSDEN COUNTY.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE CHAIRMAN ADJOURNED THE MEETING.

Anthony A. Powell, Chairman A

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON SEPTEMBER 21, 1993
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Chairman. Commissioner Davis led in the Pledge of Allegiance and Commissioner Dixon led in Prayer.

ADOPTION OF THE AGENDA

Commissioner Peacock asked that the Interlocal Agreement for inspection services with the City of Chattahoochee be removed from the consent agenda before the board voted to adopt the agenda.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA NOTING THAT THE INTERLOCAL AGREEMENT HAD BEEN REMOVED FROM THE CONSENT AGENDA.

APPROVAL OF MINUTES - SEPTEMBER 7, 1993 - REGULAR MEETING

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF THE SEPTEMBER 7, 1993 MEETING.

COUNTY ATTORNEY

Mr. Hal Richmond was present and told the board the only thing he needed to bring to their attention was the Lanier Road Right-of-ways. He had asked Mr. Bill Adams to be present at this meeting but he had not arrived. He asked the board to pass it until later in the meeting.

ECONOMIC DEVELOPMENT UPDATE

Mr. Rick McCaskill of the Chamber of Commerce gave a brief overview of the economic activities going on in the county. (Report attached.)

He invited the commissioners to attend the planning meeting at the National Guard Armory on Thursday at 6 p.m. He noted that the governor's REDI initiative will facilitate the meeting. There will be ten work groups meeting following a general session. The facilitator will be working with the various work groups helping Gadsden volunteers to determine what the more pressing problems are in the county. After the needs are identified, they will assist the county in finding grants to fund programs which will address the problems identified by these work groups.

PLANNING AND ZONING RECOMMENDATIONS

Mike Sherman, Director of the Planning and Zoning Department, told the commissioners that the items on the agenda for the evening were being presented without any recommendation from the Planning and Zoning Commission. There were not enough members present to form a quorum at the last commission meeting. He proceeded with the staff recommendations as follows:

Harvell Variance - Project 93PZ-22-209-5-9

Mr. Roy Harvell is proposing to construct a two-story house on the south side of Drake Acres Road adjacent to the lake on a .13 acre site, and is requesting a variance from the setback requirements on the front and on the sides. The applicant and property owner is Mr. Roy Harvell.

P & Z staff recommended approval subject to special conditions listed in the attached minutes.

Mrs. Margaret Clifford is an adjoining property owner who objects to granting of the variance but would consent if Mr. Harvell would agree to put up a 6 ft. chain link fence of 11 1/2 gauge fencing of heavier between the property lines.

Mr. Harvell was present and spoke to the board. He was not willing to agree to the requirements of Mrs. Clifford yet still requested the variance be granted.

Discussion followed. Commissioner Dixon made a motion to table the issue until Mr. Harvell and Mrs. Clifford had another opportunity to discuss alternatives. Other commissioners wished to resolve the issue at this meeting. Commissioner Dixon insisted that a motion to table did not require a second.

Attorney Richmond interjected saying that a motion to table a

discussion is a matter of personal privilege afforded to each commissioner. The issue can be tabled by the motion itself. It does not require a second. It was removed from discussion at that point.

Hideaway Club - Project 93PZ-23-201-2-9

The Hideaway Club is a proposed lounge that expects to locate on 1.3 acres in an existing building, approximately 300 feet east of CR 159 and .25 miles south of CR 159A in the Dogtown area. The applicant is Mr. Walter Sapp, 1536 Martin Luther King Dr., Bainbridge, Ga. 31717. The property owners are Ms. Corine and Cynthia Henry, 644 S. 11th St. , Quincy, FL 32351.

The site was approved for a lounge in 1987 but has been vacant for several years.

P & Z Staff recommended approval subject to special conditions listed in the attached minutes.

Mr. Sherman stated he had received one objection - from Sheriff Woodham. He has concerns about problems that could be associated with a lounge.

Mr. Sapp was present and answered questions from the board.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL THE BOARD VOTED 3 - 2 TO APPROVE THE HIDEAWAY CLUB. COMMISSIONERS DAVIS AND PEACOCK VOTING NO, COMMISSIONERS POWELL, DIXON AND MCGILL VOTING YES.

DOT Maintenance Facility - Project 93PZ-24-206-1-9

The Department of Transportation proposes to locate a maintenance facility on the east side of DuPont Road and the north side of US 90. The property consists of 19 acres. The applicant is DOT, P. O. Box 607, Chipley, FL 32428. The developer's architect and engineering firm is Bentley Architects & Engineers, Inc., Sanlando Center, 2180 W SR434, Suite 3150, Longwood, FL 32779. The property owner is the State of Florida, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000.

P & Z Staff recommended approval subject to conditions as stated in the minutes attached.

DOT and the Bentley engineers were present to answer questions from the board.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE DOT FACILITY

**SUBJECT TO THE SPECIAL CONDITIONS AS LISTED BY P & Z STAFF IN
MINUTES ATTACHED.**

Petition for Subdivision

Mr. Sherman told the board that he had received a petition for review from Mr. Richard Pelham requesting to develop a mobile home subdivision adjacent to Ocklochnee Estates Subdivision in Gadsden County. He explained that there are two ways it could be handled - either reviewed and processed as a park or as a subdivision. Mr. Pelham was present in the audience and stated he would like it to be reviewed as a subdivision.

**UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
DIXON, THE BOARD VOTED 5 - 0 TO REVIEW THE PETITION AS A
SUBDIVISION.**

Slopped Forrest Definition from DCA

Mr. Sherman informed the board he had received a letter from the Department of Community Affairs which included a definition of what they considered to be a slopped forrest (attached). The definition appears to be sufficient and he agrees with it.

P & Z Commission Meetings

Some discussion followed among the commissioners concerning the lack of a quorum for the Planning and Zoning Commission. Mr. Sherman asked each of the commissioners to speak to their appointees about absences.

Sunshine Pipeline

Mr. Sherman advised the commissioners that it would be wise for them to direct the county attorney to file a "Notice of Appearance" with the Division of Administrative Hearings and all affected parties concerning the Sunshine Pipeline Citing Act on behalf of Gadsden County. This would guarantee that any arguments would be heard at any proceedings held by the Division of Administrative Hearings.

**UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER
PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY
ATTORNEY TO FILE A NOTICE OF APPEARANCE WITH THE DIVISION OF
ADMINISTRATIVE HEARINGS REGARDING THE SUNSHINE PIPELINE CITING
ACT AND TO SEND TO ALL AFFECTED PARTIES A COPY OF THAT NOTICE.**

COUNTY MANAGER

Mr. Ed Butler, Acting County Manager, asked the commissioners

to address the DOT maintenance of Dupont Road while the DOT officials were still present. Mr. Butler pointed out the map (attached) which described the portion of Dupont Road (from U. S. 90 to the end of the DOT property) which DOT will pave and maintain after they are given title to the property. He asked the board to approve transfer of title of that portion of Dupont Road to DOT.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 5 - 0 TO APPROVE THE TRANSFER OF TITLE OF THAT PORTION OF DUPONT ROAD FROM US 90 TO THE END OF DOT PROPERTY TO THE DEPARTMENT OF TRANSPORTATION SO THAT THEY MAY PAVE AND MAINTAIN IT THUS GIVING THE COUNTY RELIEF OF ANY LIABILITIES RELATING TO THAT PORTION OF THE ROAD.

Paving of Hanna Mill Pond Road

There is .7 mile of the paved end of Hanna Mill Pond Road which is in bad need of resurfacing. It could be done while Peavy and Sons are already there doing other paving. He asked the board to consider having that damaged portion of the road resurfaced. The board asked Mr. Butler to get a price for the resurfacing and come back to the board.

Frank Smith's Fish Pond Road

Mr. Butler called attention to a letter he received from the Northwest Florida Water Management District. The district staff has inspected the road and found damage to the primary spillway inlet as well as damage to the dam itself. They have made recommendations for repairs needed to bring it up to safety standards.

Mr. Butler asked the board to determine if this matter is a county problem.

Discussion followed with the board concluding that the county has no interest in the pond since previous board action specifically exempted the county from this responsibility. The county does not claim the road.

State Aid to Libraries Grant Application - 1994

Mr. Butler requested the board chairman to sign the application for state aid for the library and also sign the certification that the county had spent \$217,263.62 in total local funds for the operation and maintenance of the library between October 1, 1991 and September 30, 1992. (The second previous year)

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTE 5 - 0 TO APPROVE THE SIGNATURE OF THE

**CHAIRMAN ON THE APPLICATION BY THE LIBRARY FOR STATE AID GRANT
AND CERTIFICATION OF THE LOCAL MONEY SPENT IN THE 91-92 FISCAL
YEAR.**

Notice of DOT Public Hearing

The state will be conducting a public hearing on October 15, 1993 at 9 a.m. at the DOT auditorium when they will announce the roads and bridges which the state will be returning to the individual counties. He encouraged all the commissioners to attend the meeting.

Commissioner Dixon said he understood from other sources that the state intends to return about 25 - 30 miles to Gadsden. This could impact greatly on the Road and Bridge department locally.

Mr. Butler was asked to provide copies of the meeting flyer to all the commissioners.

New appointment to Affordable Housing Incentive Committee

Mr. Steve Flournoy has informed Mr. Butler could not serve on the Gadsden County Affordable Housing Advisory Committee representing HRS Social Services because of conflict of interest. Mr. Butler asked to appoint Ms. Alice Kelly in his place. She is with HRS Aging and Adult Services.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER
DIXON, THE BOARD VOTE 5 - 0 TO APPROVE THE APPOINTMENT OF MS.
ALICE KELLY TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO
REPLACE MR. STEVE FLOURNOY.**

Advance Travel Request for Edward Butler and Chester Brown

Mr. Butler asked for approval for himself and Chester Brown to attend the Florida Department of Veterans Affairs Fall meeting in St. Petersburg on October 4, 5, 6, 1993. The cost will be \$342.00. The money is in the Veteran's Budget for October.

**UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER
MCGILL, THE BOARD VOTED TO APPROVE THE TRAVEL OF ED BUTLER AND
CHESTER BROWN TO ATTEND THE FLORIDA DEPT. OF VETERANS AFFAIRS
MEETING IN ST. PETERSBURG, FL. ON OCTOBER 4, 5, 6, 1993.**

Clarification on Planning and Zoning Education Fund

Mr. Butler told the board that the Finance Dept. had received several requests for reimbursements for tuition etc. from employees. He recalled for them their previous approval for

education costs up to the amount of money placed in the line item for the P & Z staff, but, provided that the department must benefit from the classes. He asked the board to clarify their intentions in approving those education costs - was the board establishing policy with that approval or was it a one time approval for those specific classes.

The commissioners restated their intention by saying it was to be a one-time approval for the P & Z staff up to the amount placed in that line item and only to the extent that the department would benefit from the courses. Additionally, they had instructed the personnel department to come up with some kind of policy statement that could possibly be adopted for future educational purposes.

Interdepartment Agreement between "SHIP" Program and County Extension

Mr. Butler pointed out the Interdepartmental Agreement between the County Extension Department and the SHIP Program (attached). He asked the board to approve it and have the chairman sign it.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE INTERDEPARTMENTAL AGREEMENT BETWEEN THE GADSDEN COUNTY EXTENSION OFFICE AND THE SHIP PROGRAM.

Invoice from Nabors, Giblin & Nickerson

Mr. Butler presented a bill from Nabors, Giblin & Nickerson Law Firm for \$933.60. This was for expenses incurred for court reporter's fees and copying costs in the law suit of Hancock vs. Gadsden County.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE BILL FOR \$933.60 TO NABORS, GIBLIN & NICKERSON.

Bid Recommendations for Pick-up truck for P & Z

Mr. Butler presented the low bid for a pick up truck for the Planning and Zoning Department. The low bid was for \$9,094.00 from Champion Chevrolet in Tallahassee. The bid committee requested the board to accept the low bid.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO ACCEPT THE LOW BID FROM CHAMPION CHEVROLET FOR \$9,094.00 FOR THE PICK UP TRUCK FOR PLANNING AND ZONING DEPARTMENT.

RESOLUTION OF COMMENDATION FOR MS. LOUVENIA SAILOR

Mr. Hal Richmond read aloud a resolution of commendation to be passed and presented to Ms. Louvenia Sailor upon being recognized as the State of Florida Department of Correction's Employee of the Year.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ACCEPT, APPROVE AND PASS THE RESOLUTION AS READ BY MR. RICHMOND IN SUPPORT AND COMMENDATION OF MS. LOUVENIA SAILOR FOR BEING ELECTED EMPLOYEE OF THE YEAR BY FLORIDA DEPARTMENT OF CORRECTIONS PROBATION AND PAROLE.

CONSENT AGENDA

UPON MOTION BY COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA AS AMENDED TO WIT: Quotes for pick-up truck for the recycling department; Waste Tire Solid Waste Grant; Recycling Grant for 1994; Lease agreement for Recycling Center; Fire truck and lease purchase bids; fire service agreements; Substance Abuse Treatment Program Grant; LSCA VI, Library Literacy Program Grant Award Notification, HRS Gadsden County Public Health Unit reports of Activities and Expenditures.

Interlocal Agreement with City of Chattahoochee

Commissioner Peacock asked the other board members to make a change in the Interlocal Agreement with the City of Chattahoochee pertaining to building inspections. Paragraph 4. "Competency Requirements, Proof of Insurance, and Exemption for Restricted License " section, the second paragraph presently reads "...and these persons shall not be required to obtain a competency card from the county." The sentence should read "...and these persons shall be required to obtain a competency card from the county." The word "not" should be deleted. With that change having been made, Commissioner Peacock asked the board to approve the interlocal agreement with the City of Chattahoochee pertaining to building inspections.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ACCEPT THE INTERLOCAL AGREEMENT WITH THE CITY OF CHATTAHOOCHEE AS AMENDED.

CLERK OF COURT

Acting County Manager, Ed Butler called attention to a memo to

the board from Clerk Thomas concerning the budget amendments. All amendments have been approved by the finance department.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5- 0 TO APPROVE ALL BUDGET AMENDMENTS AS PRESENTED IN THE MEMO BY THE CLERK. (ATTACHED)

Chairman Powell asked that the chief financial officer be asked to be present at the board meetings when the clerk would not be available in the future.

Mr. Butler then presented the cash balance memo written by the clerk showing the cash balance to be \$1,744,896.92 in the general fund.

Mr. Butler then asked for a motion to pay the county bills.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE PAYING OF THE COUNTY'S BILLS.

DISTRICT I REPORT

Commissioner McGill asked to address the contract agreement with the county managers position. He asked that the clause which allowed for six month severance pay for the county manager upon termination be deleted before a new county manager is hired. He asked the time for severance pay to be limited to two months and not to include any amenities other than the pay. (No insurance, no sick leave and no annual leave)

DISTRICT 3 REPORT

Commissioner Peacock reported everything was running smoothly in District III.

DISTRICT 4 REPORT

Commissioner Davis reported District IV had nothing to report.

DISTRICT 5 REPORT

Commissioner Dixon told the commissioners that one of the issues brought up at the State Growth Management meeting was the

individual counties's inability to deal with environmental issues such as mining. The state is now moving toward an integrated system approach where the state does not dictate to local government as to how the county should run it. It is to become a cooperative effort with the county.

He also reported having met with other counties in working on an agenda for small counties for the next legislative session. The next legislative planning meeting is in Key West on October 1.

He and other small counties have protested the meeting being held there because of the insensitivity to the smaller counties with respect to travel costs, etc. If he is unable to car pool, he may have to fly in order to make the meeting. Since the Medicaid issue will be a major discussion and Gadsden County is so greatly impacted by the increase in medicaid billing, he felt it imperative for the county to have a representative at this meeting. He asked for travel approval to Key West. The cost could amount to \$400.00.

Discussion followed.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 3 - 2 TO APPROVE THE TRAVEL - PROVIDED THAT THE MOST COST EFFECTIVE MODE OF TRAVEL WOULD BE USED - FOR COMMISSIONER DIXON TO ATTEND THE LEGISLATIVE PLANNING MEETING IN KEY WEST. COMMISSIONERS DIXON, POWELL, AND MCGILL VOTING YES. COMMISSIONERS DAVIS AND PEACOCK VOTING NO.

DISTRICT II REPORT

Chairman Powell instructed Mr. Butler to delete him (Powell) from the county's insurance program as he has other insurance and does not need it. It should mean a savings of more than \$1,700.00.

ADJOURNMENT

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADJOURN.

Anthony A. Powell, Chairman

A

ATTEST:

Gadsden County Board of County Commissioners
September 21, 1993 Regular Meeting

Nicholas Thomas, Clerk

GADSDEN COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD

The meeting was called to order by Chairman Powell.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE LICENSING OF ROY SHIELDS AS A MASTER ELECTRICIAN.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE CHAIRMAN ADJOURNED THE MEETING.

Anthony A. Powell, Chairman A

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY, FLORIDA, ON
OCTOBER 5, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. Commissioner Davis led in pledging allegiance to the U. S. Flag and Commissioner McGill led in a prayer.

Chairman Powell stated for the record that Commissioner Dixon was attending a meeting regarding county business and would not be present for this meeting. Also, Acting County Manager Ed Butler was out of town conducting county business, but Purchasing and Personnel Director Arthur Lawson would be substituting for him at this meeting.

ADOPTION OF THE AGENDA (Attached)

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA.

APPROVAL OF THE MINUTES

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF SEPTEMBER 21, 1993.

COUNTY ATTORNEY

Public Hearing concerning the right-of-way abandonment (Notice of Intent attached)

Attorney Richmond asked if there was anyone present to speak for or against the abandonment of the county right-of-way at the end of LaSalle court to benefit the Apalachee Center for Mental Health Services.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 3 - 0 TO APPROVE THE ABANDONMENT OF THE COUNTY RIGHT-OF-WAY AND THE END OF LASALLE COURT ADJACENT TO THE APALACHEE CENTER FOR MENTAL HEALTH SERVICES. COMMISSIONER DAVIS ABSTAINED FROM VOTING.

Local option sales tax

Mr. Richmond told the board of his progress with the formation of the committee to study the possibility and feasibility of continuing the local option sales tax imposed to pay for the construction of the jail. It was his intention to present a final list of committee members to them at this meeting. Because Commissioner Dixon had expressed a possible interest in serving on the committee but has not given him a definite answer to date, he was still unable to present that committee to the commission for approval. He asked to delay the announcement until Commissioner Dixon is present. Those names currently on the list of possibilities are: Eleanor Woodward, Ann Baggett, Richard Combs, Clay Vanlandingham and Louvenia Sailor. All have agreed to serve. In addition to these names, he would like to see a CPA serving on the committee. He asked the commissioners for other names to consider.

Commissioner McGill asked that Mr. Bill McLean be asked to serve on the committee.

Chattahoochee Land Fill Trust Fund

Jim Richmond, Attorney, told the commissioners that the Department of Environmental Protection issued a notice of intent to deny a permit to close the Chattahoochee landfill. Gadsden County has filed a petition for an administrative hearing on the issue.

There are two primary issues dealing with the Chattahoochee Land Fill.

- 1) Escrow account - It has been created by the board but has not been funded. Mr. Mike Murphy has advised the board to fund the account this year. \$6,000 will need to be placed into the account and each year thereafter until a closure is effected.
- 2) Ground Water Monitoring - Discussion as to what needs to be done has begun. Details are expected by the end of this month.

Chairman Powell asked Mr. Jim Richmond about the time table involved. He recalled having approved the account.

Mr. Richmond indicated that it should be done immediately, but most certainly before the administrative hearing.

PLANNING AND ZONING

Harvell Variance - Project #93PZ-22-209-5-9

Mr. Roy Harvell is proposing to construct a two-story house on the south side of Drake Acres Road adjacent to the lake and is requesting a variance from the setback requirements on the front and on the sides.

There was some opposition by the petitioner's neighbors. Mrs. Margaret Clifford was present and addressed the board stating her opposition. She was willing to agree to the variance if Mr. Harvell would construct a fence from the road to the water.

Attorney Richmond reminded the commissioners that the only determination they are required to make is a decision regarding the variance. Beyond that determination, the two parties involved must come to an agreement on their own.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO GRANT MR. HARVELL'S REQUEST FOR THE VARIANCE WITH THE STIPULATION THAT THE PARTIES NEGOTIATE TERMS FOR A FENCE BETWEEN THE PROPERTY LINES BEFORE CONSTRUCTION BEGINS.

MS. MARY LEE HILL - RED CROSS

Ms. Mary Lee Hill, who is the Red Cross disaster action chairman for Gadsden County, briefed the commissioners on some of its activities. She encouraged the commissioners to become involved in recruiting volunteers from the county to assist in the services rendered within the boundaries of the county. Training sessions can be arranged locally for interested parties. (Training for shelter managers in event of disasters, providing assistance to burn-out victims, administrative duties, referral procedures for health and mental services, etc.) She informed the commission that the Red Cross Chapter's Board of Directors have been asked to open an office in Quincy. The board members will be contacting the commissioners to inquire as to the level of interest in the county for opening a local office.

COUNTY MANAGER

Mr. Arthur Lawson, Purchasing and Personnel Director, was

present in the absence of the acting county manager.

Bid Committee Proposals for Stormwater Management Policy

The committee has no recommendation to present at this meeting. They are still considering the bids and will present a recommendation at the next board meeting on October 19, 1993.

Disposal of the Gadsden County Department of Housing and Community Development property in the Scottstown Community.

Mr. Lawson told the commissioners of an elderly handicapped lady, Mary Kathryn Dixon, in the Scottstown Community who is living in a dilapidated house with no means to repair it. The house is very unsafe and has a stream running underneath it. She applied for grant money to repair her home but did not receive any because her house was deemed unrepairable.

The Department of Housing and Community Development has in its possession a house and lot secured and rehabilitated with CDBG funds. The department is recommending a property swap with Mrs. Dixon which would afford her safe housing. Mrs. Dixon was chosen because she resides in the area where home rehabilitation was targeted by the Department in the past. She would deed her property to the county in return for the house.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE SWAP OF PROPERTY WITH MRS. MARY KATHRYN DIXON SUBJECT TO A LEGAL OPINION THAT THE SWAP DOES NOT REQUIRE ADVERTISEMENT.

Hanna Mill Pond Road Paving

The "old" paved end of Hanna Mill Pond Road is coming apart. James Parramore from the Road and Bridge Department told the board unless the road is recapped in the near future, it will be destroyed. Since Peavy and Sons is already in the area doing other paving, they submitted a proposal to the county to do the needed resurfacing for \$39,720.84.

Attorney Richmond advised the board that this probably should go out for bid.

Commissioner McGill requested the matter to be tabled for further review.

City of Gretna request for inspection services

Mr. Lawson told the board the City of Gretna has requested the

use of the County's Building Inspector to provide inspections for their city - building, plumbing, electrical and mechanical - on a temporary basis and offered to pay the county the \$300 per month they have budgeted for those services.

Commissioner Peacock questioned the feasibility and the amount of money offered. He also inquired as to the payments due on the road paving agreement with the City of Gretna. It is possible that they are in arrears with that existing agreement. He asked to table the inspection request until next meeting. In the meantime, he asked Mr. Parramore (Road & Bridge Department) to inform the board of the status the paving agreement.

Request for electrical work at jail

Mr. Butler has received a letter from the Sheriff's office advising him of repeated damage to the computers and communications equipment at the jail when we encounter electrical storms. Upon investigation by the telephone company, IBM and Tallahassee Communications, the problem appears to be the lack of an adequate ground system. They have recommended a "common ground" for all the electrical systems. McPherson Electrical Contractors has quoted a \$3,400 to perform the task outlined by Charles Finch (Gadsden County Jail) and Mike Thiel (Quincy Telephone Company.) The specifications were not those of an engineered design nor did McPherson guarantee the job against future lightening damage. The sheriff has requested guidance and assistance in resolving this problem.

Questions were raised as to possible insurance claims for the damages. The board instructed Attorney Richmond to contact the insurance company and report back to the board with his findings. Commissioner Peacock asked to table the matter until October 19, 1993.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE CONSENT AGENDA TO WIT: PURCHASE AGREEMENT FOR EQUIPMENT FOR SUPERVISOR OF ELECTIONS OFFICE AND FY 1993-94 HRS HEALTH DEPARTMETN CONTRACT.

RECESS

Chairman Powell declared a recess at 6:55 in order for the Value Adjustment Board to meet briefly.

RECONVENING

The Board of County Commissioners re-convened at 7:20 p.m.
CLERK OF COURT

Chairman Powell read the memo from the clerk requesting board action for: approval of the budget amendment requests, approval for the chairman's signature on the Certificate of Taxable Values, and the "TRIM" Compliance Certificate, as well as a motion to pay the county bills. He explained the clerk was absent.

Commissioner Davis questioned Mr. Parramore about the worker's compensation insurance that resulted in the need for an amendment. He was told by Mr. Parramore that incorrect data had been used when calculating the cost for the worker compensation for the 92-93 budget. Mr. Parramore also assured the commissioners that an adequate amount was budgeted for the new year.

Commissioner McGill asked for further explanation of fund balances in the transportation budget.

COMMISSIONER DAVIS MADE A MOTION TO APPROVE THE BUDGET AMENDMENTS ATTACHED. COMMISSIONER MCGILL SECONDED THE MOTION. DISCUSSION FOLLOWED.

Commissioner Peacock made note of the fact that the clerk has been absent from the last three meetings. He noted also that no finance officer has been present in his absence. He voiced concern over having to make financial decisions when there are so many questions among the commissioners in such matters as the amendments. He noted also that the board has requested him or his finance director to be present at the meetings. He asked the attorney what the board must do in order to get a finance person to be present to advise the board in such matters.

Mr. Richmond responded that is reasonable to expect a finance person to be present in view of the fact that the board is paying the salaries.

Commissioner Peacock asked the board to take appropriate action to put the finance office under the Board of County Commissioners in order to facilitate an informed board meeting. He restated the need to have the finance officer present at all meetings.

Commissioner McGill asked why the board members are approving the bills after they have already been paid. He remarked that he would prefer to approve them before they are paid, not afterward.

THE BOARD VOTED 4 - 0 TO APPROVE THE BUDGET AMENDMENTS.

COMMISSIONER PEACOCK MADE A MOTION TO MOVE THE FINANCE DEPARTMENT UNDER THE JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS. COMMISSIONER MCGILL SECONDED THE MOTION.

Discussion followed.

Commissioner Davis questioned the legality of such a motion since the clerk is the financial officer by state law and does not serve at the pleasure of the board.

Attorney Richmond interjected that the county can designate a finance officer but it has to be done by ordinance and in accordance with the Florida Statutes - Chapter 125. He told the board that he thought the ordinance which set up the position of the county manager did designate the county manager as the finance officer.

Commissioner Peacock withdrew his earlier motion.

It was the general consensus of the board to have a special meeting to address the issue of the finance officer and explore what options are available to the board. Mr. Richmond was instructed to prepare a written opinion for the board before the special meeting. A special meeting was set for Friday afternoon, October 8, at 5 p.m. The press was present and was advised.

Chairman Powell directed the recording clerk to inform the finance department and the clerk of the meeting.

Certification of Final Taxable Value

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE CERTIFICATION OF FINAL TAXABLE VALUES.

Certificate of Compliance

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO APPROVE THE CHAIRMAN'S SIGNATURE ON THE "TRIM" CERTIFICATE OF COMPLIANCE.

Pay County Bills

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO PAY THE COUNTY BILLS.

DISTRICT 1 REPORT

Commissioner McGill reported that he had attended the Appalachian Regional Planning Council Board meeting at the request of Commissioner Dixon. He discovered at that meeting that there were many small businesses getting low interest loans - but no one from Gadsden County was on the list of recipients of those loans. After some discussion with commissioners who were also present, he could find no one who knew of any Gadsden residents ever having received them. In connection with the Chamber of Commerce, he would like the board to encourage local small businesses secure the low interest loans that are available.

At the annual conference of the black elected officials throughout the State of Florida, there was a lot of concern expressed about juvenile crime. One of the measures proposed at the conference was the imposition of a curfew for those under 18 years old. He asked the board to begin considering the passing of a county ordinance calling for a juvenile curfew in Gadsden County.

DISTRICT 3 REPORT

Commissioner Peacock had no report.

DISTRICT 4 REPORT

Commissioner Davis had no report.

DISTRICT 5 REPORT

Commissioner Dixon was excused from this meeting.

DISTRICT 2 REPORT

Chairman Powell referred the board to a previous decision made by the board concerning "job-related" educational classes. He restated the position of the board for the finance department: The board approved the payment of expenses for educational classes (which benefit the county) for the employees of the Planning and Zoning Department. It is to be taken from the line item budgeted for education costs for that department. The finance department is to be instructed to honor the board's commitment to these employees. Duly noted also for the record was the fact that the board has not officially adopted a policy regarding education and this particular board action is a "one-time" only approval until a policy can be developed.

Turning to other matters, Chairman Powell asked the following instructions to the finance department be made a matter of record - the finance department should honor, without question, any requests for raises when it is sent to them with the county manager's signature and the department head signature, provided the funds are in the budget.

ADJOURNMENT

UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

Anthony A. Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND
FOR GADSDEN COUNTY, FLORIDA, ON
OCTOBER 8, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. He stated there were several pressing concerns for the board of county commissioners to address at this special meeting. He outlined them as follows:

1. Misunderstanding with the clerk's office
2. Set interview appointments for applicants being considered for the county manager's position
3. Budget amendment request from purchasing and personnel director

CLERK'S ABSENCE FROM COMMISSION MEETINGS

Commissioner Peacock stated his main concern was the absence of the clerk or a finance department person at the last three board meetings. He asked the clerk how much of the \$274,000 in the clerk's finance department budget was for salaries. The clerk responded that the majority of the money is allocated for salaries with the remainder being for operating expenses. Commissioner Peacock then turned his questions to the board, asking them if they thought the board was receiving adequate service, or was there a need to hire its own finance and budget director.

Commissioner Dixon reminded the other the commissioners that the clerk has the statutory responsibility of auditing. He stated that his problem was that the board is the sole provider of funds to the finance department but is not the sole user of the services.

The department spends much of its time working for all the constitutional officers but they do not share the expense. He would like to see the board only paying for its proportional use of

the services.

In answer to Commissioner Dixon's concerns, the clerk said he served as the finance officer to the entire county which encompasses all its agencies including the supervisor of elections, the state attorney and the public defender. He could see no problem with the way the budget is set up.

The clerk stated that he understood the purpose of the special meeting was to discuss the presence of a finance person at the board meetings. The clerk assured the commissioners that, in the future, either he or an employee of his finance department would be present at all meetings of the board of county commissioners.

Commissioner McGill remarked that in fairness to the board, the costs of the clerk's finance department should be spread among all the agencies that use the services of the department.

The clerk told the commissioners that the entire cost of the finance department is over \$330,000. The board is not funding it entirely - the remainder of the costs comes from his fees. The entire office of clerk cannot be operated under the fee system. (By law, the finance department and the county court operations cannot be operated under the fee system.) The majority of the work of the finance office is directly related to the board. Very little time is required for the clerk's financial record keeping. Other officers have no responsibility to fund the finance department. The board of county commissioners is the only office which bears financial responsibility to fund the clerk's finance office.

Commissioner Dixon remarked that this is not a single issue and will not be resolved at the end of the discussion. He encouraged the board to get a grip on the entire budget process.

Commissioner McGill again questioned the clerk with regard to his budget.

Clerk Thomas recognized Commissioner McGill's questions as deserving of greater attention and detail than he could provide in the setting of a public meeting, so he asked the commissioner to visit his office for an in-depth discussion.

Commissioner Powell asked what happened to the money collected by the building inspector and other offices. He was told by the clerk that it is receipted into the general fund.

CONTINGENCY REQUEST FOR GENERAL SERVICES

Chairman Powell related to the other commissioners a request from Mr. Lawson of the purchasing and personnel department for an

additional \$6,259 to adequately provide for the 3% increase in salaries for his department.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENT REQUEST FOR \$6,259 FOR SALARIES FOR PURCHASING AND PERSONNEL EMPLOYEES. THE MONEY IS TO BE TAKEN FROM THE CONTINGENCY FUND.

REQUEST FOR ASSIGNED SPACE BY COUNTY PROBATION

Commissioner Peacock told the board of a request he had received from the county probation department to move from the basement of the courthouse to the vacant offices on the third floor.

Mr. Butler noted there is no fire escape from those offices. He recommended that the board not allow the move, primarily because of the liability placed on the county in the event of injury or death resulting from a lack of an escape route. His only other concern was the requirements of the american disabilities act. That could be remedied by serving those people from the small office on the second floor when necessary.

No action was taken.

COMMUNICATION PROBLEMS BETWEEN DEPARTMENT HEADS AND FINANCE OFFICE

Chairman Powell spoke to the clerk regarding poor communication between department heads and the finance department.

Requests for personnel actions and requests for payments are not always honored or not timely processed. He asked the clerk to advise them about how to eliminate the delays which have been encountered recently.

Clerk Thomas responded by saying nothing is returned arbitrarily. The processing time of a request can be shortened by promptly resolving questions raised by the finance department when anything is returned, submitting accurate and completed requests with all the required documentation attached to the requests. Chairman Powell asked the clerk to coordinate these matters with the county manager so that the full board does not have to be involved.

APPLICANTS FOR COUNTY MANAGER'S POSITION

Chairman Powell named the four final applicants to be interviewed for the position of county manager. They were: James Carter, Bill Andrews, George Dunham and Michael Baum.

The general consensus of the board was to schedule the interviews for October 18, 1993 beginning at 2:00 p.m. in the board room. In the meantime, resumes of each applicant will be provided to the commissioners for them to review.

The chairman thanked Mr. Thomas for his presence and expressed the board's desire to work with him in harmony through better communication.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE MEETING WAS ADJOURNED BY THE CHAIRMAN.

Anthony A. Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, HELD IN AND FOR
GADSDEN COUNTY, FLORIDA, ON OCTOBER 25,
1993, THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL McGILL (arrived late)
ARTHUR LAWSON, PERSONNEL DIRECTOR
MURIEL STRAUGHN, DEPUTY CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. He stated the reason for the special meeting was to discuss the final applicants for the position of county manager.

Interviews of four final applicants were conducted by the full board on October 18, 1993. Since that time, the commissioners had studied the resumes and ranked each of them by a point system.

The chairman opened the floor for discussion.

Mr. Peacock asked Mr. Lawson if he had done background checks on each of the final applicants.

Mr. Lawson told the board he had done a background check on each of the finalists as well as reference checks with former employers. He reported there was "no criminal record - outstanding criminal record - on any of the four applicants." Mr. Lawson also stated that he had talked with at least one former employer of each final applicant. Three of the applicants have masters degrees. He could not verify a degree on Mr. Andrews, but he met the criteria of the position because he had the required years of experience. The advertisement read "degree and/or comparable training and experience."

Discussion followed as to what length of time should be required of the new county manager to move his residence to Gadsden County. The general consensus of the board was to allow him from six months to a year to make the move.

The chairman asked each commissioner to state his first two choices for the position. They were as follows:

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Commissioner Dixon:	Michael Baum and James Carter
Commissioner Peacock:	Bill Andrews and James Carter
Commissioner Davis:	Bill Andrews and James Carter
Commissioner Powell:	James Carter and Michael Baum
Commissioner McGill:	(not present at this time)

Commissioner Peacock's comments:

Mr. Baum was more qualified in the budget process type work than any candidate, but, he was perhaps lacking in knowledge of small county government.

On the other hand, Mr. Andrews had an "on-hands" approach to running county government, but, had less experience with budget work than Mr. Baum.

The two gentlemen were very close in his scoring but his first choice was Mr. Andrews.

Commissioner Davis's comments:

Mr. Andrews has extensive experience with grants and he has used a "common-sense" approach to government. He appeared to understand reality. His first choice was Mr. Andrews because of his practical experience.

His second choice was James Carter.

Commissioner Dixon's comments:

Michael Baum has an extensive financial background. His main concern with Mr. Baum was a result of his (Commissioner Dixon's) general experience with individuals with strong financial backgrounds. Their decisions are usually based upon "whether or not the dollars add up." They sometimes are lacking in vision. He was impressed with Mr. Baum generally, but, his answers to questions were theoretical and not practical.

Mr. Andrews was very general in his answers when he should have been specific. Having such a vast experience, he should have had enough first hand knowledge to give specific answers. His experience with grants was impressive, but, grants are almost a thing of the past.

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Commissioner Powell's comments:

Commissioner Powell was also impressed with Mr. Baum but felt he would work better in an accounting or finance position than in the position of a county manager.

Mr. Andrews had good past experience but it might not be the kind of experience that Gadsden County needs as we approach the year 2000. Mr. Andrews stated that he "would do whatever the board told him to do." Commissioner Powell felt as though the county needs someone with more vision than even the board. Planning for the future and budgeting will be strategic to the county's growth.

Commissioner Peacock's comments on James Carter:

Commissioner Peacock stated he had met Mr. Carter when he first came to Gretna. He remarked that Mr. Carter has done an outstanding job as city manager of Gretna. He has personally observed Mr. Carter's work and knows it to be reputable.

Commissioner Davis's comments on James Carter:

The strongest point in Mr. Carter's favor is that he has been here for two years and already knows what he will be facing in the county. He ranked Mr. Andrews above Mr. Carter only because of the difference in the years of experience.

Commissioner Dixon's comments on James Carter:

Mr. Carter was his first choice because:

- 1) he was highly motivated
- 2) he had good practical applications
- 3) he appeared to be progressive in his thinking
- 4) he has done a lot of visible things for Gretna
- 5) he showed initiative by questioning the board
- 6) he has a lot of experience with budgets and planning
- 7) he was well rounded.

Commissioner Powell's comments on James Carter:

Mr. Carter was his first choice because:

- 1) he already has a three year and five year plan concept for Gadsden County

- 2) he has funding possibilities in mind for capital improvements, bond issues, road paving and health care issues

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- 3) he is readily aware of the problems of Gadsden county
- 4) he appears to be a self starter

The chairman suggested a vote be taken.

Commissioner Peacock encouraged the board to take a recess until Commissioner McGill could be present to cast a vote. He felt that a full board decision would be most appropriate.

The chairman declared a recess until 1:00 p.m. Mr. Lawson was asked to make contact with Mr. McGill.

The meeting reconvened at 2:00 p.m.

Chairman Powell called the meeting back to order.

The chairman explained to Commissioner McGill how the meeting had been conducted. He informed him that "all the background checks have been checked out and they all stand pretty much the same level as background checks. They all said they would move to the county within six months to a year's time."

Chairman Powell then asked Mr. McGill for his top two applicants and to state his reasons for ranking them first and second.

Commissioner McGill's comments:

Commissioner McGill ranked Mr. Carter as his first choice because of his established reputation of good work in Gadsden County as city manager of Gretna. He is already familiar with the county.

His second choice was Mr. Dunham because he has the experience of working with a \$21 million budget and has had experience in directly supervising many employees.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO OFFER THE POSITION TO JAMES CARTER.

Mr. Lawson asked the board for some direction as to parameters of the contract that they would like to offer Mr. Carter - such as length of contract, salary, benefits, severance pay, etc.

Mr. Peacock suggested that the board call a special meeting with the attorney to discuss contract elements and negotiations.

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The following things were offered as suggestions to be included in the contract.

- 1) Severance pay should be no longer than 2 months
- 2) Regular annual performance evaluation
- 3) Length of contract - one year at a time - contingent upon a good evaluation
- 4) Salary and benefits - total package not to exceed \$58,000 - \$60,000

The consensus of the board was for Mr. Lawson, the chairman and the attorney to work together to compose a contract for the board to review.

Commissioner Peacock thanked the screening committee for their diligent work. The other commissioners concurred.

The chairman declared the meeting adjourned.

Anthony A. Powell, Chairperson A

Attest:

Nicholas Thomas, Clerk

AT A SPECIAL MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY, FLORIDA, ON
NOVEMBER 10, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell who stated the purpose of the meeting was to review the employment contract with the newly hired county manager, James Carter. He stated the board members had been in receipt of a draft copy of the contract since Tuesday, November 2, 1993. He opened the floor for discussion.

COMMISSIONER DAVIS MADE A MOTION TO RECONSIDER THE HIRING OF MR. CARTER AS COUNTY MANAGER. COMMISSIONER PEACOCK SECONDED THE MOTION.

Discussion followed.

Commissioner Peacock stated he had supported the motion because of the controversy surrounding the hiring. He remarked he had received a lot of telephone calls and many of his constituents are unhappy with the board's decision. He suggested they go back through the application process.

Commissioner Davis clarified that the motion was only to reconsider the hiring. Had he been provided the information surrounding the criminal background on Mr. Carter, he would never have voted to hire him.

Commissioner Dixon stated he believed the motion was out of order. If was to be made, it should have been made of Tuesday night.

Dr. Ted Goreau asked if the Chairman would allow for discussion from the audience.

Chairman Powell stated that the discussion would only be allowed by the board members.

The chairman called for a vote on the motion.

THE MOTION FAILED BY A VOTE OF 3 - 2. COMMISSIONERS DAVIS AND PEACOCK VOTED "YES", AND COMMISSIONERS DIXON, MCGILL AND POWELL VOTING NO.

The chairman called for discussion of the contract.

Duties

Commissioner Dixon asked that the time for the evaluation be changed to the beginning of the fiscal year rather than the anniversary date.

Compensation

Commissioner Peacock asked why the manager's salary was negotiated at the upward \$45,000 rather than the lower range of \$40,000.

Mr. Lawson stated the salary was the amount negotiated between himself, the chairman and Mr. Carter.

He asked Mr. Hal Richmond if he had reviewed the contract.

Mr. Richmond stated he had reviewed the draft and found it to be correct in form. He had no part of the negotiations with Mr. Carter.

Mr. Lawson stated his reasons for believing the \$45,000 was fair. 1) Mr. Carter asked for \$45,000 because he is not asking the county to purchase an annuity as it did for the prior county manager. 2) He is not asking the county to purchase life insurance. The county purchased \$140,000 life insurance on the prior county manager. Considering the compensation, he believed the entire package is a fair salary.

Commissioner Peacock then asked if during the negotiations, was Mr. Carter promised any increase in salary verbally or written or otherwise before his evaluation or other across the board increase for the county?

Mr. Lawson said the only mention of an increase was that it would be considered annually at the time of evaluation.

Commissioner McGill stated he would have preferred the

negotiations had been made for less money.

Change:

The last sentence of # 2 was changed to read: **"The employee shall be evaluated annually prior to any change in salary. "**

Automobile Use

Mr. Butler reminded the board that the vehicle being used belongs to the sheriff and not to the county even though it is covered by county insurance. The sheriff has sent word that he will ask for the return of the automobile.

Mr. Richmond advised them that if the sheriff should take the car back, the board is obligated to provide Mr. Carter with another car even at the extent of purchasing one.

The question arose as to how personal use would be monitored. Because it is a confiscated car, the vehicle has a regular license plate. Any personal use would go undetected unless it is changed to a county vehicle tag. Legally, it does not belong to the county and cannot bear a county tag.

Mr. Richmond suggested that appropriate language for protection of liability of the county in circumstances of personal use be implemented into the contract and guidelines be set up for this in the personnel and travel policy.

After discussion, it was the consensus of the board to change the wording as follows:

"County shall provide employee with use of an automobile. County shall be responsible for all costs relating to the operation of said automobile as it pertains to employment duties. Employee shall be obligated to reimburse the county for personal use of said automobile in accordance with the state/county travel allowances. Employee shall furnish and hold county harmless for any liability arising from personal use of the vehicle."

Insurance coverage

After discussion, the language was acceptable.

Annual, Sick and Personal Leave

Commissioner Peacock stated his opposition to immediate awarding of the sick leave and annual leave.

Mr. Lawson explained this arrangement is typical of senior management appointments throughout state government.

Mr. Richmond interjected that the board needs to clarify for the record whether or not the manager could collect these accrued hours upon termination and continue to accrue annual leave days until the end of the termination pay period.

Any annual leave must be approved by the board.

Business Expenses

It was the consensus of the board to change the language to read "County shall reimburse employee for all **documented** employment-related expenses." The latitude of the amount would be governed by the budget.

Conferences, Training and Education

It was the consensus of the board to remove the word "all" and insert the word "professional" membership dues and add that "memberships must have prior approval of the board."

General Conditions of Employment

There was a recommendation for change to include "This is subject to conditions in paragraph 4."

Termination Conditions and Pay

The board agreed to change the termination pay period to 60 days.

Terms of Employment

There was no recommendation for change.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 3 - 2 TO APPROVE THE CONTRACT WITH THE CHANGES AS DISCUSSED. COMMISSIONERS DIXON, MCGILL AND POWELL VOTED "YES" AND COMMISSIONERS PEACOCK AND DAVIS VOTED "NO".

Mr. Lawson and Mr. Richmond should have the contract ready by Friday.

Gadsden County Board of County Commissioners
November 10, 1993 Special Meeting

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER
MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

Anthony Powell, Chairman

ATTEST:

Nicholas Thomas, Clerk

AT A REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS, HELD IN
AND FOR GADSDEN COUNTY, FLORIDA, ON
NOVEMBER 16, 1993, THE FOLLOWING
PROCEEDINGS WERE HAD, VIZ.

PRESENT: ANTHONY A. POWELL, CHAIRMAN
JAMES PEACOCK, VICE-CHAIRMAN
FORREST DAVIS
EDWARD J. DIXON
BILL MCGILL (arrived late)
HAL RICHMOND, COUNTY ATTORNEY
ED BUTLER, ACTING COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Powell. The chairman led in Pledge of Allegiance to the U. S. Flag and in reciting the Lord's Prayer.

ADOPTION OF THE AGENDA

Chairman Powell asked the board to amend the agenda (**attached**) to move item "3" (election of new chairman and vice-chairman) to "11-C" (following public input) so that Commissioner McGill could be present for the vote.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA AS AMENDED.

APPROVAL OF MINUTES - OCTOBER 25, 1993 - SPECIAL MEETING

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF OCTOBER 25, 1991.

APPROVAL OF MINUTES - NOVEMBER 2, 1993 - REGULAR MEETING

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO APPROVE THE MINUTES OF THE NOVEMBER 2, 1993 MINUTES.

CLERK OF THE COURT

Old year budget amendments (attached)

Clerk Thomas presented the 92-93 budget amendments and asked for approval.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 TO APPROVE THE OLD YEAR BUDGET AMENDMENTS.

New year budget amendments (attached)

Clerk Thomas presented the new year budget amendments and requested approval.

UPON MOTION OF COMMISSION DIXON AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE NEW YEAR AMENDMENTS.

Clerk Thomas referred to a motion made at the last board meeting when the commissioners voted to approve the payment of \$2,000 membership fee to the Small County Coalition from contingency funds. He informed them that the membership dues had been budgeted and was paid without an amendment to the contingency funds.

Clerk Thomas advised the board there are four capitol murder cases on the felony docket awaiting trials. Three of those have been appointed private conflict attorneys by the courts. The board appropriated \$60,000 in the new year budget for conflict attorneys which may not cover the costs. He relayed the information because of the potential impact the unexpected legal costs could have on the current budget.

Commissioner Dixon asked the clerk to determine how many murder cases were handled last year as conflict cases. The clerk indicated he would have his staff research the question and inform him later.

Commissioner Dixon noted to the board that Article 5 costs such as these will be addressed as part of the next legislative session.

Clerk Thomas reported that the cash balance in the general operating account is \$916,000. He went on to say that the county had received one disbursement from Tax Collector Dale Summerford for \$184,000 in ad valorem taxes.

The clerk then asked for a motion to pay the county bills.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

The clerk excused himself from the meeting.

Chairman Powell instructed the clerk to include in the record of this meeting that Commissioner McGill would be arriving later in the meeting. He was at the School Board Meeting to receive signatures from that body on a resolution supporting the Gadsden County Commission in its efforts to enhance economic development.

COUNTY ATTORNEY

Courthouse Referendum Update

Mr. Richmond advised he was still trying to arrange for the first meeting of the committee.

Union Contract

Mr. Richmond referred to the union contract included in the board packets for this meeting. He asked for questions from the commissioners. The contract is substantially the same with a few minor modifications. He reported it to be in proper form. He informed them that the contract has been ratified by the union.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO ALLOW THE CHAIRMAN TO SIGN THE LOCAL UNION NO. 2152 CONTRACT.

The local union sent comments to the board by Commissioner Dixon that the negotiations were amicable and the union had praised Mr. Butler as doing a fine job.

PLANNING AND ZONING

Mr. Michael Sherman told the board that a public hearing had been advertised for the commission to consider a settlement agreement between Gadsden County and the Florida Department of Community Affairs (DCA) concerning the county's comprehensive plan.

DCA did not deliver the document to Planning and Zoning Department by that date, therefore, the hearing was not held. The document finally arrived on November 15 and another public hearing will be readvertised for December 7, 1993 at the regular meeting of the County Commission.

Mr. Sherman went on to say the major issues of the "comp" plan which had to be resolved dealt with the mining of attapulgitic and silva culture. The negotiated language does not shut the door on mining in the county and was acceptable to the mining industry. Timbering will be governed by the "best management practices" as required by state statute rather than by the restrictions of DCA. The major outstanding issues went in favor of Gadsden County.

Mr. Sherman reported that the Planning and Zoning Commission (P & Z) did meet at the regular scheduled time.

Sandridge Grocery Store - Project # 93PZ-28-208-4-11

Sandridge Grocery Proposes to add a deli to an existing general store that is located on the south side of SR 12.

P & Z staff recommended approval subject to the conditions. **(attached)**

P & Z commission also recommended approval.

The chairman asked if anyone was present to speak in opposition of the expansion. There was none.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER DIXON, THE BOARD VOTED 4 - 0 TO APPROVE THE PROJECT SUBJECT TO THE CONDITIONS AS LISTED BY P & Z STAFF.

FAMU Teleconference Center - Project #93PZ-29-203-2-11

The FAMU Teleconference Center is an educational building (4,136 square foot wood frame structure) for the FAMU/USDA Extension Program that proposes to locate on the west side of SR 267, .3 miles south of CR 272 and .45 miles north of CR 483.

P & Z staff and commission recommended approval.

Chairman Powell asked if there was anyone present to speak in opposition to the project. There was none.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 4 - 0 TO APPROVE THE PROJECT SUBJECT TO THE SPECIAL CONDITIONS LISTED BY THE P & Z STAFF.

McCall Variance - Project # 93PZ-30-209-5-11

Mr. Sam McCall is proposing to construct a two-story home on lot 19 of Mims Plantation Subdivision on a .75 acre site, and is requesting a variance from the 35 foot front setback requirement for the septic tank and drain field. Mr. McCall would like to install the septic tank within the setback as opposed to outside the setback.

P & Z staff reviewed his request and found that it does not meet the technical hardship requirements but upon full investigation of the proposal, Mr. Sherman does feel there would be a definite hardship on Mr. McCall if he is required to install the drain outside the setback - due to the soil types. The predominate soils in the front of the property are mostly sandy and would allow for better percolation.

Mr. McCall agreed to redesign the septic tank at any point in time if a conflict results with the placement of the drains with regard to future road paving.

(Mr. McGill arrived at this juncture in the meeting.)

P & Z staff and commission recommended approval.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO GRANT THE VARIANCE WITH THE SPECIAL CONDITIONS AND WITH A WRITTEN UNDERSTANDING FROM MR. MCCALL STATING THAT IF THE PLACEMENT OF THE SEPTIC TANK AND THE DRAIN LINES BECOMES A PROBLEM FOR A FUTURE PAVED ROAD OR ITS RIGHT-OF-WAY, HE WOULD REDESIGN THE SEPTIC TANK AND DRAINS.

Sunshine Pipe Line

Mr. Sherman told the commissioners that, at their directions, he had contacted the sixty property owners on the alternate route proposed by Sunshine Pipeline variation 19. He asked the board to tell him what to do next.

The board instructed Mr. Sherman to arrange for a public hearing and notify those property owners. It could be scheduled along with a regular board meeting on December 21, 1993. Mr. Sherman was to notify the Sunshine Pipeline staff.

Chairman Powell recognized Mr. Harry Holt, a past county commissioner, who was present at the meeting.

COUNTY MANAGER

The Chairman introduced the new county manager, Mr. James Carter.

Mr. Carter told the board he had prepared a document which outlines some of the initiatives he plans to introduce during his tenure. It addresses some of the problems he has readily recognized in rethinking Gadsden County government. It looks at the bottom line results and effectiveness of each program that the county provides. It also has management objectives focusing on obtaining goals, performance pay plan and re-evaluation of supervisory managerial employees. It lists steps for achieving those goals. He stated that he would be contacting each of the commissioners on a one to one basis to review this document and solicit their input.

CONSENT AGENDA

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT: Library Literacy Grant, Resolution declaring Drunk and Drugged Driving Prevention Month.

ADDITION TO THE AGENDA

The Chairman called attention to a memo from Supervisor of Elections Denny Hutchinson which was placed into the commissioner's meeting packets late. He then recognized Mr. Hutchinson from the audience and asked him to explain the request made in the memo.

SUPERVISOR OF ELECTIONS

Mr. Hutchinson requested lighting improvement and installation of electrical outlets in the Voter Registration office to

accommodate new ballot scanning equipment which has been purchased recently. The approved budget for the new year does not allow for the costs of this installation. He was informed by the building inspector's office that the work must be done by a licensed electrician. Mr. Kent estimated the cost to be \$500.00.

Some discussion followed as to why the county staff could not do the work.

The board instructed Mr. Carter to investigate the circumstances surrounding the need for an outside contractor and to take whatever measures needed to resolve the problem.

Mr. Carter requested a motion from the board for this direction.

UPON MOTION OF COMMISSIONER DIXON AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO DIRECT THE COUNTY MANAGER TO ARRANGE FOR INSTALLATION OF ELECTRICAL OUTLETS AND ADDITIONAL LIGHTING IN THE OFFICE OF THE SUPERVISOR OF ELECTIONS. THE WORK SHOULD BE DONE AS SOON AS POSSIBLE AND SHOULD NOT EXCEED \$500.00.

It was the consensus of the board that the money should probably come from the building inspector's maintenance budget but no formal action was taken on that issue.

ECONOMIC DEVELOPMENT ACTIVITIES UPDATE

Mr. Rick McCaskill gave a brief overview of the endeavors of the Chamber of Commerce in economic development throughout Gadsden County. **(Attached)**

CITIZENS REQUESTING TO BE HEARD

Dr. T. N. Goreau

Administration of Gadsden County Government

Dr. Goreau encouraged the commissioners to find a system to which they can efficiently govern the county. He suggested a management by objective approach. He outlined a number of things to which he would like to see the board consider in the future planning. He offered his help as needed.

Jim Cooper - Mr. Cooper was not present.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Chairman Powell declared all seats of the commission vacant.

Commissioner Davis nominated Commissioner Peacock as Chairman.
Commissioner McGill nominated Commissioner Dixon as Chairman.

There were no other nominations.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, CHAIRMAN POWELL DECLARED THE NOMINATIONS CLOSED.

A vote was taken for the nomination of Commissioner Dixon. Commissioners McGill, Dixon and Powell voted "yes" for Commissioner Dixon. Commissioners Peacock and Davis opposed.

Commissioner Dixon was named the new chairman of the board for the 93-94 year.

Commissioner McGill nominated Commissioner Forrest Davis as Vice-chairman. There were no other nominations.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE NOMINATIONS CLOSED FOR VICE CHAIRMAN.

THE VOTE FOR COMMISSIONER DAVIS'S NOMINATION FOR VICE-CHAIRMAN WAS 4 - 1 WITH COMMISSIONER DAVIS CASTING THE ONLY DISSENTING VOTE.

At that time, Commissioner Powell turned the gavel over to the new chairman - Chairman Ed Dixon.

Chairman Dixon thanked the other commissioners for the appointment saying he was not sure whether he had been blessed or cursed. With that remark, he asked for commissioners reports.

DISTRICT 1 REPORT

Commissioner McGill presented the Board of County Commissioners with the resolution of the School Board in support of Gadsden County Board of County Commissioners in their pursuit of a grant for \$150,000 for economic development during the upcoming legislative session.

He suggested to the other commissioners that they consider imposing a franchise fee on Talquin Electric. He had obtained a copy of the franchise agreement between Talquin and Leon County and promised to send copies of it to the commissioners before the next meeting.

He asked the commissioners to also consider an ordinance or resolution that would prevent adult entertainment type businesses from locating in Gadsden County.

DISTRICT 2 REPORT

Commissioner Powell presented a proclamation of recognition he had prepared for adoption. It was honoring Carter-Parramore Middle School football team for achieving a 9 -0 season this year. He asked the board to execute it.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT A PROCLAMATION HONORING THE CARTER-PARRAMORE MIDDLE SCHOOL FOOTBALL TEAM FOR A PERFECT WINNING SEASON.

Commissioner Powell reminded the board of the meeting of the legislative delegation which would be meeting at the courthouse on Tuesday, November 23, 1993 at 7:00 p.m. He encouraged everyone to be present to hear Senator Pat Thomas, Representatives Al Lawson and Robert Trammel.

Chairman Dixon told the other commissioners that one of the issues to be addressed in the next legislative session will be Article 5 costs - the proposal to place a cap on the amount of money that a county must pay for the cost of appointed conflict attorney cases. This is an issue which could impact Gadsden County greatly since we have three murder cases which have been assigned conflict attorneys.

DISTRICT 3 REPORT

There was no report.

DISTRICT 4 REPORT

Commissioner Davis reported that he has had several telephone calls from his district concerning the striping of the county roads.

The matter was referred to the county manager.

DISTRICT 5 REPORT

Commissioner Dixon encouraged the other commissioners to attend the state legislative conference on December 1 - 3.

PUBLIC REQUEST

Dr. Goreau asked the commissioners to repair the microphones. He said that the audience could not hear when some of the commissioners spoke.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

EDWARD DIXON, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON DECEMBER 07, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: EDWARD DIXON, CHAIRMAN
FORREST DAVIS, VICE-CHAIRMAN
ANTHONY POWELL
JAMES PEACOCK
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
JAMES CARTER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

The meeting was called to order by Chairman Dixon.
Commissioner Powell led in the pledge of allegiance to the U. S.
Flag and Commissioner Peacock led in a prayer.

ADOPTION OF THE AGENDA

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
PEACOCK, THE BOARD VOTED 5 - 0 TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF MINUTES - OCTOBER 26, 1993 - SPECIAL MEETING

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER
PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF
OCTOBER 26, 1993.

APPROVAL OF MINUTES - NOVEMBER 10, 1993 - SPECIAL MEETING

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER
POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF
NOVEMBER 10, 1993.

APPROVAL OF MINUTES - NOVEMBER 16, 1993 - REGULAR MEETING

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER
POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE MINUTES OF
NOVEMBER 16, 1993.

COUNTY ATTORNEY

Radio Tower Property

Mr. Hal Richmond informed the board that a public hearing was advertised for this meeting. He told the commissioners that no offers have been received and the only assessment is from the property appraiser's office. It is assessed at 85% of the market value. He asked the board to give him directions in how to proceed in the sale of the property.

It was the consensus of the board to have Mr. Richmond co-ordinate a plan to dispose of the property with the county manager. Any decision must be brought back to the table for board approval.

Public Nudity Ordinance

At the board's directions, Mr. Richmond presented them with a copy of a new and revised nudity ordinance. He stated he had copied in its entirety, the ordinance adopted in Leon County and Tallahassee. He asked for permission to advertised and carry out a notice of intent for a public hearing on January 4, 1994. He explained that because of the fifteen day requirement, January 4 is the earliest possible date for a hearing.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO DIRECT THE COUNTY ATTORNEY TO MOVE WITH ALL DELIBERATE SPEED TO PUBLISH A NOTICE OF INTENT TO ADOPT A PUBLIC NUDITY ORDINANCE AND HOLD A PUBLIC HEARING ON JANUARY 4, 1993.

The Chairman asked Mr. McGill if he had a reason to be concerned with the time frame.

Commissioner McGill responded by saying that the sooner the ordinance was passed, the more comfortable he could rest.

Mr. Richmond was asked if there was anything which could happen in the interim.

Mr. Richmond responded by saying that nothing should happen that could not be headed off with the ordinance on the books. The new ordinance will cover some of the latest strategies used by club owners and operators in the last few years. He went on to say

there is some interest from citizens representing various "pro" nudity organizations who had been by his office to get a copy of the proposed ordinance.

Commissioner McGill said that the current anti-nudity ordinance on the books can not "withstand constitutional muster". He urged the board to proceed with a new ordinance that can withstand the pressure and hold up in a court of law. He went on to say, "You can smile at me and I have said to you before, if you want to walk around naked, as long as you do it within the four walls of your house, help yourself."

Chairman Dixon asked for public input.

Dr. Ted Goreau asked the board why they didn't just modify the old ordinance.

Mr. Richmond explained that the new ordinance basically modifies and adopts all the things included in the old ordinance.

THE BOARD VOTED 5 - 0 TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED TO ADVERTISE A NOTICE OF INTENT TO ADOPT A NEW ANTI NUDITY ORDINANCE.

PLANNING AND ZONING

Mr. Mike Sherman, Planning and Zoning (P & Z) Department Director presented the following:

Carpenter Variance - Project #93PZ-31-201-1-11

Mr. John Carpenter is proposing an addition to his home and is requesting a six (6) foot variance from the 35 foot front building setback. The two (2) acre site is situated on the west side of Green Oaks Road, approximately .6 miles from SR 12. The applicant and property owner is Mr. John Carpenter, Rt. 3 Box 783-P, Havana, FL 32333.

The existing structure on the property already encroaches 4.4 feet on the front setback. He is requesting an additional 6 feet, which bring the total encroachment to 10.4 feet.

The P & Z and commission recommended approval of the project subject to the conditions listed in the attached memo.

Mr. Sherman explained to the board that it would impact very little, but because there is no hardship proven by the petitioner other than economics, he was recommending that the board allow the petitioner to maintain the 4.4 ft. variance but allow no further encroachment of the front setback.

COMMISSIONER POWELL MADE A MOTION AND IT WAS SECONDED BY COMMISSIONER MCGILL TO APPROVE THE RECOMMENDATION OF THE P & Z COMMISSION AND ALLOW THE SETBACK WITH THE SPECIAL CONDITIONS AS STATED IN THE ATTACHED MEMO.

Dr. Goreau asked what the staff was recommending as a variance to this request. Dr. Goreau continued to question Mr. Sherman as to his recommendations.

The chairman asked Dr. Goreau to wait to be recognized by the chair before he continued his questioning.

Commissioner Davis asked Mr. Sherman to clarify what the commission had approved - was it only the original 4.4 feet which already existed when Mr. Carpenter purchased the property or was it the 4.4 feet plus the additional 6 feet requested?

Mr. Sherman stated again, the P & Z commission had approved the original 4.4 feet and the additional 6 feet which totaled 10.4 feet from the setback. The P & Z Staff is recommending to the Board of County Commissioners that only the original 4.4 feet be maintained, and not to allow the additional 6 feet of variance from the setback because no hardship exists.

Mr. Carpenter was in the audience to answer questions. He told the commissioners that the encroachment was only a small portion of the home. Most of the house conforms to the setback requirements.

Chairman Dixon recognized Dr. Goreau.

Dr. Goreau asked Mr. Sherman to clarify the number of feet of the approved variance. Was it 10.4 feet or is it 4.4 feet.

Mr. Sherman explained once again that Mr. Carpenter has requested a six ft. setback variance from the existing line which already encroaches 4.4 feet from the setback requirements. He is requesting a total of 10.4 feet variance. The P & Z commission approved the total of 10.4 feet. The staff has recommended no additional setback variance but allowing to maintain the original 4.4 ft. variance.

Questions were called by Commissioner McGill.

THE BOARD VOTED 5 - 0 TO APPROVE THE VARIANCE AS REQUESTED BY MR. CARPENTER AND RECOMMENDED BY THE P & Z COMMISSION SUBJECT TO THE SPECIAL CONDITIONS AS LISTED IN THE ATTACHED MEMO.

Oakcrest Subdivision - Project 93PZ-26-201-1-10

Oakcrest Subdivision is a proposed mobile home subdivision (modular homes and double wides) for 75 lots (.28 acre sites) on 33 acres that is seeking preliminary approval. The project is situated .2 miles west of US 27 and .45 miles north of CR 270. The developer and property owner is Mr. Richard Pelham, P. O. Box 3100, Tallahassee FL 32303. The developer's engineer is Mr. Emmett L. Owens, PE 1641-A Metropolitan Circle, Tallahassee, FL 32308. The developer's surveyor is Broward Davis & Assoc., 2414 Mahan Dr., Tallahassee, FL 32308.

The Planning and Zoning Commission and the Board of County Commissioners granted conceptual approval of Oakcrest in October.

Planning and Zoning staff presented two issues for the board's consideration at this meeting. They were:

1. Should the county allow Mr. Pelham to pursue a Transfer of Development Rights (TDR)
2. Preliminary Plat approval for the project.

There is a master site of 50 acres. Of that 50 acre parcel, 14 acres are already zoned commercial (development rights are 1/3 acre per dwelling with central sewer; 1/2 acre per dwelling without central sewer) and the remaining 36 acres are zoned agriculture 3 (development rights are 1 dwelling per 40 acres).

Mr. Pelham wants to exchange the development rights of 24 acres of the agriculture 3 property with 24 acres of another adjacent commercial parcel which he owns (parcel #411 which is adjacent to the property).

Gadsden County's future land use policy does allow for transfer of development rights like the one Mr. Pelham is requesting.

Planning and zoning staff is recommending denial of Mr. Pelham's request for a TDR. The reasons for requesting the denial are:

- 1) Even though the county has the right to do TDRs, there is no procedure in the land development code which provides the necessary mechanism to allow for TDRs.
- 2) The staff does not believe that the development is consistent with the county's comprehensive plan nor its subdivision ordinance. The policy in the comp plan - 1.1.7 states "in no cases can lots be less than 1/2 acre where no central sewer system is provided." This

subdivision proposes to use septic tanks.

The planning and zoning commission recommended preliminary approval of the project contingent upon the adoption of a county ordinance which will provide the necessary mechanism for granting TDRs and if the project is consistent with the adopted ordinance.

Mr. Sherman related results of the research conducted by the soil conservation staff and health department. Their subsequent report stated that based on the soil conservation maps, high water table is just below the surface of soil. In the opinion of one of the soil scientists, septic tanks will not work on the property at the density proposed by Mr. Pelham.

Health Department employee, Chris McCalister along with Joe Shutster and Ken Whittle found upon site inspection that 20 acres of the proposed development has a high water table near the surface. The remaining acreage is questionable. A soil boring was done and revealed wet soil. Mr. Pelham was not on site when the borings were performed even though attempts were made to contact Mr. Pelham and his engineer. It was not certain that the borings taken by the Health Department were actually taken from any of the proposed lots.

Mr. Richard Pelham addressed the board with several concerns:

Pelham:

I guess there are several items of concern that I need to address. One is being handed such a letter as this ten minutes before a meeting starts when I have been trying to process this piece of property for two and one half years.

I have had an application on file with a fee for better than four months. When we went through the development review committee and when I met with the staff on several occasions, it was pointed out as a requirement of the ordinance, that I would have to do soil borings by a certified engineer on at least twenty-five percent of the lots. Prior to getting that advice, I was told that we would need some verification that the soils in that area were workable. So I first went to an engineer who looked at the site, who did random samples just to see what the soil conditions were and did those borings to the dept of six feet as required by the statute. No water table was incurred and no wetland conditions were found.

A couple of weeks later in talking with the staff, I was told we would actually need to do borings on twenty-five percent of the lots and do a boring on each of those which we did. In the eighteen holes that were bored, not one was a trace of water found, not once was a wetland found and when you look at this letter, that for some reason got prepared today, I notice

several things of concern. 'Information showing the exact location of the Oakcrest Subdivision and the placement of lots on the referenced parcel has not been provided to me.'

I own about 300 acres of land. Of that, about 70 acres are wetlands, no question about it. I admit it. But this subdivision is not going on that land and that is why we have these ordinances which makes specific legal requirements which we adhered to and which were undisputable that it works for septic tanks.

Secondly, the gentleman that just spoke to you said they did two borings. I ask him as he was leaving the podium (that is why I was slow to get up) how many of those had water. The answer was "none, but it looked like wet soil conditions." So, I am not real sure of the intent of this letter. But, I do know what two certified engineers found by knowing where the exact location of the property was and the conditions thereof."

Chairman Dixon asked for questions from the board.

Mr. Peacock recalled the subdivision ordinance which stated that there will be only one dwelling per one-half acre. He asked Mr. Pelham how he would answer to the ordinance.

Pelham:

In several forms. The first of which would be: It is my understanding that the comp plan takes precedence over all. It supersedes all existing ordinances from the beginning. I would point you to the comp plan section 1.10.1 - In order to discourage urban sprawl, higher densities and intensities of land use shall be concentrated in the urban service areas, existing rural residential areas and commercial nodes (which is what this is) designated on the future land use map that are more assessable to adequate public facilities. Section 3.3.4 - The county SHALL, NOT MAY, but SHALL, provide increased opportunities through increased densities in urban service areas and rural residential areas closer to development reduction of impact fees encouraging the designation of affordable units in new developments.

Thirdly, in section 3.3 - "The future land use map will allow for mobile home subdivisions and mobile home parks in rural residential and urban service areas." And this is designated as an urban service areas.

So, I think all three of those is for the primary purpose of trying to provide affordable housing to the citizens of Gadsden County.

Your plan also provides for a couple of others under the

goals and objections and policies. Section 3.1 says " the county shall assist the private sector in meeting the needs of the existing and projected population for the provision of the approximately 3400 new dwelling units by the year 2001 with a minimum of 15% of the new dwelling units being for affordable housing or farmworker housing." Section 3.1.1 " The county SHALL permit the construction of affordable housing within urban service areas, commercial areas and rural residential areas which are served by supporting infrastructure that meet or exceed concurrency requirements." Section 3.1.3 - "The county shall revise the existing land development regulations to effectively assist in meeting the established housing objectives by providing for concurrency reviews by coordinating, administrating and streamlining. . . for land use changes in the issuance of development orders."

The message is quite clear in the comp plan that the policy of this county is to provide affordable housing. And it is clear in the comp plan which was adopted by this county to stretch to all limits to provide for affordable housing. Not beyond the limits, but within the limits. It encourages increased densities to meet the needs of affordable housing. In this case, we have a net density of 2.2 units per acre. So, you are talking about approximately a ten percent increase. While the comp plan - no where sets out the specifics of how much of an increase may be granted when it talks about it. In all the provisions which I just read to you, certainly 10 percent seems within reason."

Commissioner McGill:

In the ordinance or the plan which provides for two units per acre, does that include from the centerline of the road or are we talking about the place where the house will sit itself?

Pelham:

Well, in planning terminology throughout the county that I have been exposed to, when you talk about units per acre, you're talking about gross density. So, when you talk about two units per acre, you're talking about the gross area. In this subdivision, you have thirty-three point some odd acres and you have 75 lots which is 2.2 units per acre. No where that I can find in the comp plan is there any designation of any specific size. There is several references to a density of two units per acre, but no where does it break it down to a net usable lot or specific square footage of a lot.

McGill:

Let me refer my question of Mr. Sherman then.

Mike Sherman:

First of all, I'd like to say what Mr. Pelham was discussing about granting density bonuses and increasing densities for

the provision of affordable housing, the staff agrees with that. The staff feels though that the kicker to which would allow the county to increase densities for affordable housing to lot sizes smaller than one-half acre and the policy and the comp plan talks about one-half acre lots in the residential districts is that central water and sewer is provided. Staff feels that unless central sewer system is provided, then the minimum lot size should be one-half acre. We feel that it is clear in the comp plan in the policy 1.1.7 as well as clear in the subdivision code where it states half acre lots for properties where no there is no central sewer provided. We feel that the subdivision code supports the comp plan. And we don't feel like it is an obsolete or since the comp plan was adopted, it is no longer valid.

Irregardless to the soils, the staff feels even if it were not in a wet area, the minimum requirements the comp plan requires half acre lots. The TDR ordinance is not in place. So, we feel like that is somewhat a mute issue. We feel like it should not get to that point.

McGilll:

My question was: Are we including as part of that half acre from the center line of the road on the property ?

Sherman:

We feel like it is a net density. Each individual lot must be a half acre. What we point to is in the subdivision code which says each individual lot will be 21,800 square feet which is a half acre. So I feel like the comp plan and the subdivision code are consistent with each other and they support each other.

Peacock:

That is where you have septic tanks?

Sherman:

Yes sir. That is correct.

Peacock:

Where you have public sewer and water, it drops down to a quarter acre. To accommodate, to accommodate what Mr. Pelham is trying to do then, there would need to be sewer and water to each lot rather than septic tanks - right?

Sherman:

Yes sir, that is correct. The staff feels that the appropriate course of action is to wait until we get in compliance, which the settlement agreement to start that process will be before ya'll when this issue is finished, and wait until the first plan amendment and then try and designate that property through a comp plan amendment as residential

which will allow half acre lots. We feel like DCA will accept that.

Commissioner Davis: How long a time frame are you talking about?
Sherman:

Probably early spring - is when we can petition plan amendments.

Peacock:

If, If this board goes ahead and gives a variance as to the lot size, and varies from the half acre, then we've go back and amend our subdivision ordinance to do that. Right?

Sherman:

The first step would be to amend the comp plan, and then go back and amend the subdivision ordinance.

Peacock:

That's what I say. We got to do a couple of amendments to even come to this point to do what he is wanting.

Sherman:

That is correct. That's correct. The staff feels that the policy that requires half acre lots is a good one and that should stay as is.

Dixon:

Mr. Sherman, before we get to the nuts and bolts of if the plan would actually work, I have a problem with how we get to whether or not we will have half acre lots or central water and sewage.

That's the TDR process. As you know in the last meeting, we passed this, based upon the fact that we would finally get an understanding of TDRs and what it was we were actually getting ourselves into. I guess we have tip-toed around it. My concern now becomes, and I have talked to Secretary Shelley at DCA, I've talked to Mr. Parrish, our consultant, I've talked to a planner out of Boca Raton and a couple of other people in the association last week and what they all kept telling me was while it is a good process if you need it. And I had Secretary Shelley send me some stuff and also Mr. Parrish and here's what one of them said "This technique is more complicated than the standard zoning process and requires sophisticated administrative and legal systems to insure that the transfer of development rights from one parcel to another is in the best interest of the county. For example, prior to approval of this technique, the county should restrict the sending parcel from future development by deed restriction or some other legal means enforceable by the county and proper records should be established by the county to insure that future development does not occur on the sending parcel. In

addition, the parcel to receive, the increase density should be closely evaluated to insure that such density increases can be supported by the parcel and meet the concurrence requirements of the county prior to the approval of the transfer. The county must determine if there is a need for this technique and if the additional administrative and legal systems are justified to insure that the use of the technique will be to the county's advantage in the overall development process. Clear guidelines and restrictions for transfer of development rights should be included in the county's land development regulations prior to undertaking this technique."

Now, that is the word I got wherever I went. That last line right there. While I am in favor of the project, I'm not sure that this is way to go about it.

Pelham:

If I could respond. I don't disagree with anything that you just read in your letter. And there is a mechanism in place for doing exactly that. And when this project was first presented to the Planning Commission and when it first came to you with a recommendation, it was to provide for that transfer of development rights by requiring me to place a deed restriction on that property. In other words, I'm moving commercial to the ag 3 and moving ag 3 to the commercial and I would have to put a restriction on that piece of land so that it could never be used except as ag 3 unless overturned by this body.

TDRs don't have to be complicated. TDRs in major metropolitan areas can get very cumbersome, very hard to understand and very hard to follow and it is necessary to put very lengthy and precise language into an ordinance because you might be changing a commercial piece of property that has 400,000 square feet to a residential site that you may want to make 3,000 units or whatever the equivalent is on a commercial square foot for and you need definitions explaining that. On this property, it is very, very simple, because what we are doing is taking from the commercial property and we're restricting it by your approval of this subdivision plat. All we can do in that commercial is build these 75 lots. Nothing more because that's a plat approved by record for subdivision and that is all we can do with it. The piece of property that we are transferring it from has by deed restriction, the ag 3 classification so nothing can be done in that except those ag 3 uses.

And further, if you remember, in September, this board approved the processing of this application with the transfer of development rights by unanimous vote. That sent us back then for conceptual approval - to the planning board

authorizing them to process the application for that transfer. When it went through the Planning Commission last week, the only condition placed on the plat - the only condition- was that a TDR ordinance be in place. Now this commission had already approved that this parcel be processed for a TDR.

Dixon:

Let me qualify that by saying this commission also approved that conditional upon this board understanding and agreeing with the TDR process that came forth.

Pelham:

Yes sir, I understand that. An what I am trying to say is, on this particular piece of property, I don't see how there can be any misunderstanding because it is all recorded in the public records by an act of this body, so there can not be, no matter what I want to do, I can not change those conditions.

Dixon:

Let me comment on that. My questions really don't address your particular piece of property. You have two pieces of property, you want to transfer the development rights. That's a simple process. What happens when the next guy comes along and this process is out there. That's my concern. I'm not sure this county even has the market, and they talked about markets and this good stuff, for transfer of development right program. So you are talking about setting up a total program to go through this process and I'm not sure this program is necessary. Because surely if we allow you, we'll have to allow those folks who are gonna come behind you.

Pelham:

I do think somewhere, someone else will come with the same circumstances that I have. I have been trying for two and one-half years to process the rezoning of this piece of property for development. Time after time I was told to wait six months, come back in six months, come back in three months, come back in four months, come back in six months. I waited all those times and then we reached to this point and we say but what's gonna happen to the other people. If is fair to punish me for what might happen to somebody else in the future? We don't know that anyone will come in or if they come in, - if in fact the planning department is going to propose an ordinance to you for consideration - is there any problem with somebody else waiting six months until that is in. I'm not saying that I deserve any favorable treatment - I do not. But I have been very patiently waiting and at very expensive costs in postponing. In this particular one, there can be no misunderstanding as to the transfer of development rights. It is so simple, it just cannot be misunderstood.

Dixon:

The, the object is not to punish you, Mr. Pelham. And, and we certainly sympathize with the process that you've gone through. It's just that I don't think we ought to set up a total program to - to - to help you along. We probably have been the base of many of your problems, but I don't think this is the way out of it. I really don't. I think it sets the county up for too much in the future. Money that we don't have to pay a staff following development rights for years - I mean we follow the development rights until the end.

Pelham:

Commissioner, I did not want to do a transfer of development rights. I tried for two years to get the planning department to accept an amendment to the comp plan. I was told that they were instructed by this commission not to process them. We found the TDR provision and that is why the planning department came on their agenda request in September to ask you for permission to process it as a TDR which we did and then we came to you at the last meeting which was suppose to be both conceptual and preliminary and it turned into just a conceptual approval and not a preliminary because staff was not prepared to go all the way. So, we went back before the planning commission for another hearing and came back to this point. The fact is, your comp plan permits doing exactly what we are doing. And if you had turned the project down for conceptual reasons, it was a dead issue. If you had turned it down for utility reasons, it was a dead issue. If you turned it down for traffic issues, it was a dead issue. But, we approved it to go forward and we spent a lot of money proving our points on septic tanks and design and the like and now we have come back to a point that it sounds like you're not in favor of and to now its getting put into place.

Dixon:

I. That's me now.

Pelham:

I understand, and I am singling you out. I don't mean to put anything into everybody's thought processes. But it just seems very difficult when we adopt a set of guidelines and then when the property owner and tax payer in the county tries to follow those guidelines, and he is prevented from doing that and he continues to hold the property year after year after year.

Dixon:

Mr. Pelham, let me respond that ah, I think this board passed, in my opinion, this board passed the preliminary approval of this program because we did understand that you had been given the run around basically. Conceptual - I'm sorry - conceptual approval. And we wanted to give you every benefit of the doubt, but at this point, I personally think

that it is too much for the county to bite off. That's, that's, that's my opinion right now.

Are there other comments from the board?

Peacock:

I've got a problem. My problem lies with the dwelling per quarter acre. You know, we've got a subdivision ordinance that says half acre - one dwelling. And when you come and put two houses where there's suppose to be one, in my opinion, we're gonna have to go back and change the subdivision ordinance, we're gonna have to go back through that whole process if we go with this. That's the problem I've got with it.

Dixon:

Other members of the board?

McGill:

Why don't we ask to hear comments from the public.

Dixon:

Yea, we are. Are there any more questions from the board?

Richmond:

Is there a motion?

Dixon:

No, not yet, we're going to get some public input.

Powell:

I've just got a problem with the conflicting soil boring tests. Why yours is so perfect and theirs so -

Pelham:

Well, I think the answer is contained in the letter. One, they didn't know where the right location of the property was and two, they did two borings but they didn't find any water, it just look like it might have been wet.

Ken Whittle:

Mr. Chairman and Commissioners, I am Ken Whittle, Environmental Health Director of Gadsden County. I met over there with them today. If you stand on the edge of the Ocklochnee River, which I imagine everybody has stood there and brim fished and bass fished and whatever, you'll see a white, lightish gray sand. And if you go on this property or any property in that vicinity, whether it be on this property, Ocklochnee Estates, Lantern Lane across the road from that whole vicinity all the way to the river and dig down anywhere from 18 to 20 inches, you'll find that same color of sand that you see next to the Ochlocknee River. The reason for that is,

if you drill down approximately 40 feet, you will find lime rock hard strata at the bottom and all the way back up is that white sand. Well, what it was, was years ago through evolution, sedimentation filled that up through the thousands of years. And prior to that, that used to be what was the Ochlocknee River area. What takes place now is, the majority of the year, or if it is dry weather, you can drill down and do these soil borings, and yes it is very dry. But if we have real rainy weather, its like a bowl and it fills all the way up to the surface.

Now, as far as the soil borings, themselves, I can't really comment as far as Mr. Pelham's engineers and what he found. I can tell you this and I will stand on the bank with it. We have a high water table out there, a water table basically found at ground surface. And I can tell you this, that when a soil scientist such as Mr. Schuster goes out there today or our department, we are not looking for water whether it has rained in six months or it hasn't rained for six months. We are looking at a lot of geological factors that water leaves in that soil.

It would be like a doctor looking at your heart and lungs. He doesn't look at your outside, he looks internally. Those are the things we are trained in and we can tell you from these soil borings, that water has a high elevation, has a tendency to stay there for long periods of time and has a tendency not to possibly percolate easy and very poor evaporation.

When you add all that to it and you take a development of this sort, which he wants to reduce it down to approximately one quarter acre which will be 2.5 to the acre I believe he said, If you multiply those residencies times the number of lots that he has times 450 gallons of water and sewage per 48 hours, you're looking at close to (and this is just off the top of my head because I haven't figured it since last week when I was playing with numbers with it and I don't remember) But I knew it was somewhere around two to three million gallons of water and sewage per year over a thirty some acre plot that will be pumped into a high water table that is right adjacent to the Ochlocknee River in the first place. These are environmental health concerns in this county and this is our concern as far as pollution of that area.

I can also tell you no matter what this board does, if you wanted to forget about the local county ordinance, that the state would take precedence on those smaller lots. The reason for that and that's the reason that some of your forefathers and a lot of the people got together and came up with the law that it be a half acre instead of a quarter acre. Why? It is because commissioners, attorneys and people who moved onto the properties and wound up hanging with it later on, had raw

sewage pumping out onto the ground everywhere. And all of us standing up there on Friday afternoons. Why? Because they took a little ole small dinky quarter acre lot, stuck a double wide on it, tried to put a drive-way into it, added a patio on the back of it, put in a large septic tank system, because believe you me, the state chapter 10d6 that governs septic tanks has doubled in the last five years as far as square footage for drain fields and all that. It also reads that the area has to be twice the size of unobstructed areas. In other words, whatever size that long drain field is in gravel and drainfield and septic tank and all like that, it has to be twice that size of nothing. Open area. When you all that in and consider planning and zoning setbacks and those kinds of things, believe you me, it is a puzzle to put together and it don't fit the majority of the time. We, staff officials along with you commissioners and very distraught client out there is very dissatisfied in the long run.

Dixon:

Thank you Mr. Whittle. Is there anyone else out there who wishes to speak. Yes, sir. State your name for the record and you have your three minutes.

Louis Burney:

Thank you very much. My name is Louis Burney. I live in Lantern Lane Subdivision. When this matter came before you gentlemen on the nineteenth, I stood up here and argued against conceptual approval at that time and cited a variety of reasons, some of which have been confirmed here tonight, about why you should not do it. Also since that meeting, I wrote you a letter dated November 23, 1993 addressed to Mr. Anthony Powell with copies to each of you. I would like to ask if you have read that letter. If you have not, I will read it again for the record.

Dixon:

We all read it.

Burney:

I won't burden you again with it then. I won't have to use up so much of my three minutes. Gentlemen, this is made out to be a very complicated matter by Mr. Pelham. It is not a complicated matter. This is a cut and dried zoning case. You shouldn't even have to be talking about the soils, you shouldn't have to be talking about TDRs. You've got a comp plan, you've got a zoning code that is in force. It says what can be done with that land and the grossest sense. The land is zoned as agriculture. One unit per forty acres. Now, under state law and the planning process that we've all got to abide by, if we don't want to get into trouble, your zoning has to be consistent with the comp plan, which it is right now. In order to change the zoning, you have to change the

comp plan - they have to run together. The only way Mr. Pelham can legally, in my opinion, make this project go, is to petition the board for a change in the land use plan and zoning and follow that process. The details will come out as you go through the process. But your conceptual approval of this thing circumvented a major step in the process and now you're having to come back and address things that should have been addressed at the October 19th meeting. Again, I would just urge you to have the applicant petition, as painful as it may be, petition the county for an amendment to the comp plan and let the process work. Thank you very much.

Dixon:

Is there anyone else? Anyone else in the public who wishes to speak?

McGill: I move to deny the project.

Dixon: Denial?

McGill: Yes, denial.

Peacock: I second it.

Dixon: Mr. Peacock seconded it. We have a move and second to deny the project. All in favor, let it be known by sign by "aye".

Mr. McGill state your vote.

McGill: Yes, I am voting for denial.

Dixon: Mr. Peacock?

Peacock: Aye

Dixon: Mr. Powell?

Powell: Aye

Dixon: Mr. Davis?

Davis: Aye

Dixon: Make it unanimous - denial. Mr. Pelham, I certainly hope you will seek refuge through the plan amendment process. Next issue, Mr. Sherman.

Stipulated Settlement Agreement With Department of Community Affairs (attached)

Mr. Sherman provided each commissioner with copies of the Stipulated Settlement Agreement on the comprehensive plan which is

the first step in the process for bringing the county's comp plan into compliance with state law. The original plan submitted was found not in compliance for basically three issues. They are as follows:

- 1) Fuller's earth mining
- 2) Silva Culture
- 3) Comp plan interveners
Rich Bay Home Owners Association - criteria for ranking roads for paving, based on need

The settlement agreement is a result of negotiations of the last year with DCA. Mr. Sherman explained the settlement agreement in detail and the process that will follow. He reviewed the road paving assessment criteria and the ranking system devised. He explained that the plan can be amended if it proves to be inequitable at any point or should the board agree on the need to add additional criteria. Any amendment made to the criteria or capitol improvement plan would have to be reviewed and approved by DCA.

Commissioner Powell stated he would agree to settle for this agreement for the sake of getting the comprehensive plan into compliance. But he made his position very clear that he would expect the county to amend the road paving criteria to include as a high priority, the willingness of citizens to share the cost of the road paving.

COMMISSIONER MCGILL MADE A MOTION TO APPROVE THE SETTLEMENT AGREEMENT. COMMISSIONER PEACOCK SECONDED THE MOTION.

Discussion followed by the board, then questions from the audience were taken. (Dr. Ted Goreau and Mr. Kinsey Thigpen questioned Mr. Sherman concerning the agreement.)

Commissioner McGill called the questions.

THE BOARD VOTED 5 - 0 TO APPROVE THE STIPULATED SETTLEMENT AGREEMENT.

COUNTY MANAGER

Microfiche Copies of State Contracts Electronic State Term Contract

Mr. James Carter called attention to a letter in the board's packet concerning microfiche copies of state contracts for the general services department. He requested a budget amendment to be taken from contingency funds for \$1,039 to purchase the required equipment for dial-up access for state contract information. The break down of the costs are attached.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENT FOR \$1,039.00 TO BE TAKEN FROM CONTINGENCY TO PURCHASE THE EQUIPMENT AS DESCRIBED IN THE ATTACHED MEMORANDUM.

Waste Management Fee Increase

Mr. Carter read to the board a letter from Mr. Edward Hanna of Waste Management stating there would be a 3% increase in their fees effective January 1, 1994. The letter was for information purposes only.

Chattahoochee Landfill

Mr. Carter recognized Mr. Mike Murphy from Bishop Engineers who briefed the commissioners on the latest developments with the Chattahoochee landfill and the Department of Environmental Protection. The cost estimates from Ardaman Associates have not changed since the last meeting of this board. He requested permission from the board to go into phase two of the plan to develop a ground water monitoring plan.

Mr. Murphy told the board he was confident that Ardaman had a good handle on the deficiencies and phase two would narrow down the number of wells needed in order to get the closure permit.

Questions from the board were called for.

Questions from the audience were called for. Dr. Goreau directed several questions to Mr. Murphy. After a period of questions and answers, the chairman asked Mr. Murphy to get with Dr. Goreau at some other time and have a technical discussion to resolve his concerns. Mr. Murphy welcomed the opportunity to speak with Dr. Goreau and with Ardaman to explore some other arguments he might offer.

THE BOARD VOTED 5 - 0 TO GIVE MR. MURPHY PERMISSION TO ADVANCE TO PHASE TWO TO EFFECT GETTING A CLOSURE PERMIT FOR THE CHATTAHOOCHEE LANDFILL.

Consent Agenda

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA TO WIT: Contract for Stormwater Management Policy and Procedures Manual; Hazardous Material Emergency Plan & Resolution; Change Order # 2 - Paving Project for Hanna Mill Road; Satisfaction of Housing Rehabilitation Agreements; Request from Health Department to have Renovations Done.

CLERK OF COURT

Primary Health Care Center Resolution

Clerk Thomas presented a resolution to extend the promissory note on the Primary Health Care Center with Barnett Bank for three years.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO ADOPT THE RESOLUTION EXTENDING THE PROMISSORY NOTE ON THE PRIMARY HEALTH CARE CENTER WITH BARNETT BANK FOR THREE YEARS.

Gadsden East Landfill Escrow Account

Clerk Thomas requested the board to take action authorizing the chairman to sign the document advising Department of Environmental Regulation of the establishment of the escrow account for the Gadsden East Landfill.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENT REQUIRED BY DEPARTMENT OF ENVIRONMENTAL REGULATION TO PROVE THE ESTABLISHMENT OF THE ESCROW ACCOUNT FOR THE GADSDEN EAST LANDFILL.

Bank Resolution for Chairman's Signature Authorization

The clerk asked to board to approve the new chairman's signature for the county bank accounts at Quincy State Bank.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE THE NEW CHAIRMAN'S SIGNATURE ON THE COUNTY'S BANK ACCOUNTS WITH QUINCY STATE BANK.

Tax Deed Sales (Memo attached)

The clerk reported on the tax deed sales. He told them the county has 90 days to purchase the properties if they so choose. After 90 days, the properties will be offered to the public for sale.

Cash Balance Report (Attached)

The clerk reported there was \$1.4 million in the general operating accounts.

Budget Amendments

The clerk explained the budget amendment requests and asked for the board's approval.

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED BY THE CLERK TO WIT: EMS Billing fund - line item change; General Fund - County Managers Budget - line item change; Grants - Local Housing Assistance Program.

Payment of County Bills

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY'S BILLS.

Commissioner Powell suggested that the county manager investigate the tax deed sale properties to see if the county might be able to use them.

DISTRICT 1 REPORT

Pauper Burial Policy

Commissioner McGill reported on his research to find a pauper burial policy. He found that the county had no such policy. He asked the other commissioners to consider the development of such a policy.

Proposal for Council of Governments

Commissioner McGill stated that harmony among the various governments and the school board within the county is essential for future growth of Gadsden County. He will send to each of the commissioners a proposal for a council of government within the next couple of weeks.

Roads

Commissioner McGill reported that he had driven many of the county roads and can confirm the need for the re-striping of the county roads. He questioned the liability of the county in the absence of proper striping.

DISTRICT TWO REPORT

Commissioner Powell thanked the Planning and Zoning Department for the work on the prioritizing of the paving of the county roads. He asked Mr. Sherman to make a master list of all county roads which remain unpaved with the priority for paving listed with that road.

DISTRICT THREE REPORT

There was no report.

DISTRICT FOUR REPORT

There was no report.

DISTRICT FIVE REPORT

Chairman Dixon announced he would hold off committee assignments until the next year.

He voiced his concern relating to road paving in his district.
CITIZENS REQUESTING TO BE HEARD

The chair recognized Mr. Melvin Lowe, Jr.

Mr. Lowe presented a petition from citizens of Mt. Pleasant to have their road paved. The road is located off U.S. 90 West - the first road to the right as you cross the railroad in Mt. Pleasant. He noted the condition of the road and their desperate need for the road to be paved or at least maintained.

Mrs. Ruby Neel spoke of the erosion of the soil beneath her house caused by the poor conditions of the road.

Commissioner Davis told the other commissioners that the road is very narrow. The commission has tried to secure additional right-of-ways in the past with no success. Without additional right-of-ways, there is little that can be done to improve the road. Part of the road near the railroad, actually is on the railroad right-of-way. Commissioner Davis asked the county manager to go out to the road with the road superintendent to assess the road again.

Mr. Dorothy Granger, Willie Neel, and Sally Johnson all spoke with a request for road paving. They stated they will assist in securing right-of-ways to improve the road.

Mr. Lowe stated he came before the commissioners to petition to have the road paved, but acknowledged that they would accept any kind of improvement the county could provide now. There is a great urgency for work on the road.

Chairman Dixon thanked the residents for their participation.

**UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE
MEETING ADJOURNED.**

EDWARD DIXON, CHAIRMAN

ATTEST:

NICHOLAS THOMAS, CLERK

AT A REGULAR MEETING OF THE
BOARD OF COUNTY COMMISSIONERS,
HELD IN AND FOR GADSDEN COUNTY,
FLORIDA, ON DECEMBER 21, 1993,
THE FOLLOWING PROCEEDINGS WERE
HAD, VIZ.

PRESENT: EDWARD DIXON, CHAIRMAN (arrived late)
FORREST DAVIS, VICE-CHAIRMAN
ANTHONY POWELL
JAMES PEACOCK
BILL MCGILL
HAL RICHMOND, COUNTY ATTORNEY
JAMES CARTER, COUNTY MANAGER
NICHOLAS THOMAS, CLERK

CALL TO ORDER

In the absence of Chairman Dixon, the meeting was called to order by Vice-chairman Forrest Davis. Commissioner Peacock led the commissioners and the audience in pledging allegiance to the U. S. Flag. Commissioner Powell then opened the meeting with a prayer.

ADOPTION OF THE AGENDA

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 4 - 0 TO ADOPT THE AGENDA AS PRINTED.

APPROVAL OF THE MINUTES OF THE DECEMBER 7, 1993 MEETING

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO ADOPT THE MINUTES OF THE REGULAR MEETING OF DECEMBER 7, 1993 AS PRINTED.

COUNTY ATTORNEY

County Attorney reported he had nothing to present to the board.

COUNTY MANAGER

County Manager James Carter introduced Sara Bleakley who represented the county in the fire assessment process and the lawsuits initially resulting from its implementation.

Ms. Bleakley told the board of the new litigation filed by St. Joe Paper Company. She said that St. Joe was in the process of doing discovery. They have filed a second law suit challenging the current year fire assessment.

The initial litigation - the principal of the fire assessment and the integrity of the fire assessment - was handled by her law firm for free.

The new litigation is different from that law suit. It does not challenge the basic underlying principal of whether the county has the authority to impose the fire assessment. Instead, it focuses on a different issue and that is the amount of benefit provided to St. Joe in relation to the amount of the fire assessment fee they will pay.

Ms. Bleakley went on to explain that her firm does handle this kind of litigation and they would be willing to defend Gadsden County again to the extent necessary. She stated that Hal Richmond has been handling the pending suit very capably thus far and offered her assistance if he needs expert assistance.

Her law firm would be willing to offer their services at a reduced rate of \$100 per hour since they are interested in this particular case. In the alternative, they would offer services to Mr. Richmond as needed. She encouraged the board to make a decision about how they would like to handle the matter since the issue is heating up.

Mr. Peacock asked if a decision at this meeting was imperative.

Mr. Richmond answered by saying there is an answer due in the suit was due on the 27th of December. He has asked for an extension. He talked with Mr. Kent and advised him that this matter was to be discussed at this meeting. Mr. Kent agreed to work with the county and not take a default, allowing for time to gather additional information. Mr. Richmond thought a decision could be delayed until January 4th meeting.

Commissioner Peacock stated he would like some additional time to study the litigation process.

Commissioner McGill also requested additional time to study the materials he had received.

Ms. Bleakley told the commissioners that St. Joe went for months without any activity in the case. Only recently have they filed discovery requests and some interrogatories indicating their desire to have the issue resolved. The burden of proof will be on them.

Commissioner Davis asked Mr. Richmond to state his opinion.

Mr. Richmond said he felt that the chairman has some definite feelings on this matter and would want some input. He thought

Chairman Dixon would be present and would bring the matter up himself. In the chairman's absence, Mr. Richmond expressed reluctance to make a decision. He went on to say he would be more comfortable with an expert handling the case, but assured the commissioners of his willingness to handle it if they want him to do so.

Commissioner Powell asked Ms. Bleakley if a financial arrangement could be reached other than an hourly fee.

Ms. Bleakley said it would be difficult to speculate as to how the litigation would go and they would prefer an hourly fee.

Commissioner McGill asked if she had seen the motions which had been filed.

Ms. Bleakley answered "Yes, I did see the interrogatories, but I did not see the county's response."

Mr. Richmond said that a lot of the argument that will come up is how the assessment was applied to determine the rate of .20 per acre on agriculture land and the benefit. The experts who prepared the fire assessment ordinance will be called as witnesses and it will be a lot like the previous trial.

Dr. Goreau was recognized from the audience.

Dr. Goreau: I have two questions. One - this \$100 per hour, is that for courtroom work exclusively or is it also for office work?

Ms. Bleakley: It's for both.

Dr. Goreau: Oh, God! This county will never recover from the bill. Another thing is - when you were originally presenting this information and what not for the fire tax, it was my impression that you said that you would defend, your company and organization, would defend the county against law suits without any charge to the county.

Ms. Bleakley: You're mistaken.

Dr. Goreau: I doubt that seriously ma'am. I think, we should, I recommend to the county commissioners that you get the tapes where Ms. Bleakley originally spoke on this and go back and see if she didn't say that they would defend the county from law suits deriving from this infamous tax.

UPON MOTION BY COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 4 - 0 TO TABLE THE DISCUSSION UNTIL THE NEXT BOARD MEETING.

JOE BALKCOM - FARMERS HOME ADMINISTRATION

Mr. Joe Balkcom came before the board to advise them of the programs administered by the local Farmer's Home Administration. There are two basic programs: farmer programs and single family housing. With the farmer programs, they help to finance real estate purchases, capitol improvements and provide operating money for farmers. During natural disasters, they provide low interest loans for emergencies. Under the housing program, they finance purchases for single family housing either existing or new construction for low or very-low income applicants. They also finance removal of safety and health hazards with low interest loans or grants for older homes.

Farmer's Home Administration also offers a guaranted version of the above programs where they guarantee loans made by conventional lenders to middle and moderate applicants.

Mr. Balkcom thanked the county for their participation with Farmer's Home through the state housing initiative partnership (SHIP). Through that corporation they have stretched their limited funds to approve 9 housing loans totaling \$401,000. Without the county's help, several of those families would still be waiting for housing.

Commissioner Powell asked Mr. Balkcom if there were any additional programs or grants the county could look forward to in the future?

Commissioner McGill asked who qualified for grants.

Mr. Balkcom replied that people who are 62 years of age or older, who own their home, and have no ability to repay the money can receive grants. The grants can only be used to remove or repair some kind of health or safety hazard such as a windows, bathrooms, roof, water, etc. The limit on the grant is \$5,000. No one under 62 years old can qualify for grants. A 1% loan up to \$17,000 is available to those people under 62 if they are owners of the house.

Mr. Balkcom introduced District Director Jerry Ausley who talked to the board about other programs administrated at the district level.

Mr. Ausley stated that the district headquarters is in Blountstown and covers an area from Jackson County over to Columbia County. The various things available for financing through Farmers

Home Administration to a city, county or non-profit organization are most any type of community facility such as fire/rescue units, road paving, hospitals, medical clinics, schools, courthouses, administrative building, water & sewer utilities and landfills. Federal funds are **not** available for recreation facilities.

Farmers Home Administration monies have been used in Gadsden County by Talquin Electric; sewer and the town hall of Gretna was financed with FHA funds; water & sewer in Havana; water, street paving and railroad citing in an industrial development in Quincy; industrial development with the Gadsden Industrial Development Authority. A total of ten million dollars has been used in Gadsden County for various types of central community facilities.

Mr. Ausley stated that money is administered at the district level for multi-family housing developments. One application is currently on hand for Quincy but has not been funded yet. In total, more than 25 million dollars have been funded in Gadsden County over the years. The state as a whole is allocated a set number of dollars each year. The five districts of the state compete for those dollars. Gadsden County has historically received a larger than normal portion of the funds administered by Farmers Home Administration.

(Chairman Dixon arrived at this juncture of the meeting and apologized for his tardiness.)

ECONOMIC DEVELOPMENT UPDATE FOR NOVEMBER, 1993

Mr. Rick McCaskill, Executive Director for Chamber of Commerce spoke briefly to the board of the efforts to create new jobs by bringing in new industry or expanding existing industries in Gadsden County.

- A. Baggy Boys Apparel (sewing plant) is up and operating at full speed with 40 employees. Approximately one-third of the employees are from Gadsden County. Expansion is in their plans for the future but must go through the development process with the City of Quincy.
- B. NRT Plant in Havana - offices are completed and operating; manufacturing plant is near completion.
- C. ACE - Quincy Industrial Park - (makes blue prints) is bidding for state business.
- D. Holiday Inn Express located at state road 267 and I-10 is under construction.

- E. New industrial parks - meetings and planning continue for a 198-acre industrial park.
- F. U. S. Prisons - training and education opportunities discussed for training local people for possible jobs. More concrete plans will be discussed in January.

Local contractors met with prison officials to discuss the various opportunities to get a fair share of the construction jobs in erecting the facility. Job Service will act as a clearing house for those who want a job during the construction phase of the prison as well as after the prison is opened.

- G. Tomato packing plant should begin construction in early January.

PLANNING AND ZONING

Mr. Mike Sherman told the board that he had two items for discussion.

Lot Abandonment in Peacock Estates

First, he presented a request from Mr. Grady Peacock for lot abandonment. Mr. Peacock has requested abandonment of lots 24 - 34 (61.69 acres) in Peacock Estates at the intersection of CR 268 (Solomon Dairy Road) and CR 270A (Luten Road.) Staff advised the commissioners to instruct County Attorney Hal Richmond to prepare a resolution setting a public hearing date and proceed with the legal advertisement of the lot abandonment.

Commissioner McGill asked why they were being abandoned.

Mr. Sherman noted that the owner could not sell the lots and if the lots are abandoned, the valued assessment would be lower thus lowering the taxes on the property. He could not foresee any liability on the county's part - only the loss of tax revenue.

UPON MOTION OF COMMISSIONER DAVIS AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO HAVE HAL RICHMOND PREPARE A RESOLUTION FOR NOTICE OF A PUBLIC HEARING AND PROPER ADVERTISEMENT OF THAT PUBLIC HEARING FOR THE PURPOSE OF ABANDONING THE DESCRIBED LOTS IN PEACOCK ESTATES.

*******PUBLIC HEARING FOR SUNSHINE PIPELINE VARIATION 19*******

At the board's direction, Mr. Sherman arranged for a public hearing for those people affected by the alternate corridor -

Variation 19 - to the preferred corridor of the proposed Sunshine Pipeline. The P & Z staff maintained the initial recommendation of the southern route along the Florida Gas Transmission corridor, the Calhoun Alternative.

Chairman Dixon announced that this hearing was for information purposes only. No decision would be made and only those residents affected by variation 19 would be allowed to speak. He asked the Sunshine Pipeline people to make a presentation then he would ask for public comments.

Mr. Bill Huhtala of Sunshine Pipeline Company stated that as a result of the last public hearing in Gadsden County held in October, he promised to re-evaluate Variation 19 as compared to the preferred route through Flat Creek as well as re-evaluate other alternatives. At that time, Sunshine indicated they would include those evaluations in the sufficiency responses due in January to Department of Environmental Protection (DEP). The evaluation has not been completed, but additional field work has been done. They do intend to continue with the evaluation and submit them they as promised.

In the initial application to DEP, they included a preferred corridor as well as alternatives they could live with should the preferred route be denied. Variation 19 was one of those alternatives. DEP told the people present at the last public hearing that DEP would not consider Variation 19 in the state's review process at this time. Sunshine made a commitment to continue evaluation of the alternate routes and if they found it necessary to change their preferred route to one of the alternative routes, they would amend their application at the same time they submitted other sufficiency information.

Mr. Huhtala stated that the pipeline corridor is a one-third mile wide corridor although the pipeline itself will only require 100 feet to build the thirty-inch pipeline. The citing act will certify one-third mile corridor.

After it is built they would need to utilize another 50 feet to maintain the pipeline. The property would remain with the present owner but Sunshine would have an easement.

The company would compensate the land owner for the easement as though they were purchasing it, based on market value of the property. The land owner would be additionally compensated for any loss of crops. They usually pay two times the damage for the loss of the crop.

In most cases, depending on what it is, the crop can be placed back on the right-of-way. The land is not lost should the pipeline go through. The property owner would still have use of the land.

Sunshine does ask that the land be kept clear of large vegetation and structures so that the line can be monitored. In

the right-of-way maintenance programs - on private property, easements are signed and any activity would be stipulated in the agreement. The land will generally be restored and maintained as the land owner wishes.

Sunshine likes to do mechanical brush control and only use pesticides as necessary at above-ground facilities as a protective measure.

Mr. Huhtala asked for questions or comments.

The chairman asked for public comment.

Speaking in opposition to the Variation 19:

Blucher Lines, attorney for Erleen Smith Betts and her family gave a historical sketch of the property owned and farmed by the family.

In the early 1960's, a substantial power transmission line was placed across this property. They lost the effective utility of that land as a result of the power line. Because it was for the public good, they conceded to allow it.

In 1977, I-10 split this same farm in half. But in the interest of the public good, they endured the extreme inconvenience and adverse effects of the highway which still inhibits the way they make their living with the land.

In 1990, ATT laid fiber optic cable on this same land and further inhibited the use of it because farm equipment could damage it.

Now Sunshine Pipeline wants to further encumber their use of the land. In doing so, it also jeopardizes a produce business, and a permitted pond. It will also traverse a tributary to Telogia Creek. It will render worthless, a existing underground irrigation system which makes the land profitable. It will destroy a deep well, planted and virgin pines.

Mr. Lines closed by saying that these people are good stewards of the land and they play by the rules. Since 1960, they have gone far beyond what should be expected of them in the name of public good.

Erleen Smith Betts spoke briefly to the commissioners pleading with them to oppose Variation 19.

Chris Smith who is the son of Erleen Smith Betts made a very emotional plea to request the commissioners to oppose Variation 19.

James Lester of Hard-a-way asked all those present who were opposed to Variation 19 to stand. A large number of people in the audience stood. He spoke on behalf of all of them in opposition to Variation 19. Upon his concluding remarks, the audience applauded.

Steve Fisher stated some of the specific plans he has for his property that will be impacted greatly by the pipeline. He asked many questions:

1. In the event of an accident, who would be responsible?
2. How will the property be valued in the future with a pipeline on it?
3. What kind of pesticides and how much would be used or should they be used at all?
4. Where within the one-third of the mile would the pipeline be placed?
5. How will the heavy equipment affect the molecular structure of the soil and its fertility?

Mr. Fisher stated that many people had moved to this area for specific reasons and if they are not allowed to pursue those reasons, they would leave. He does not like the idea of pitting one group of citizens against another. He urged the commissioners to deal with all groups to work together for the good of the county.

Alvie Wolfe made a brief statement of opposition to Variation 19 for three reasons: Property values will go down,, his land has been previously affected by I - 10 and ATT power line and neither of them benefited him; he sees no benefit to Gadsden County in this pipeline - only the end users in south Florida. But even at that, the primary beneficiaries would be Sunshine Pipeline and as far as he was concerned, the county could not allow the pipeline at all. (The audience applauded.)

Stewart Parsons, Attorney-at-law representing people affected by the pipeline. He asked:

1. What criteria was used and how that particular route was selected?
2. What's wrong with the I- 10 corridor?
3. What is Ecology Environment, Inc.?

Hard-a-way area residents demand some strong justifications for putting a pipeline through this community. (The audience applauded.)

Madie Kingry of the Hard-a-way community, stated that she is disturbed about the possibility of the pipeline running in such

close vicinity to her house and her neighbors homes. (The audience applauded.)

Alice Butler told the board she was looking to the Board of County Commissioners to turn down the pipeline. If the Sunshine Pipeline people come on her land, they will be trespassing. She went on to say "Furthermore, the land is not ours. It's only loaned to us to live on. We are here to preserve it and to keep it for future generations. If we don't, there will be no land for them to have. Thank-you."

Clarence Butler, a 50 year resident of the neighborhood, gave a historical account of his land which would be affected by the possible citing of the pipeline on Variation 19. He implored the commissioners to deny the pipeline access through Gadsden County.

Thomas B. Smith, full time farmer, told the commissioners he would be affected by either of the corridors. He could see no benefit to Sunshine to go through the swampy wet area as they have proposed. He thought it should go south of the interstate where it would affect less people. He made several remarks to the Sunshine Pipeline staff to encourage them to look elsewhere for a route.

Mr. Smith also said he had concerns about the vibrations and noise. He did not believe that a three feet of cover dirt will be enough shield to prevent the noise and vibrations. (The audience applauded.)

Truman Creel, a Hanna Mill Pond Road resident, spoke of his decision to retire to this 10 acres of land. His plans for what is left of his life are going to be impacted greatly. He can see no advantage for him and is strictly opposed to Variation 19.

Joe Thompson bought his property 12 years ago and is the first piece of real estate ever to be owned by anyone in his family. His brother and he are both concerned for the safety of the property. His primary goal is to see to it that the interest in his property stays within his family. He would like to pass it to the next generations that will follow him.

Chairman Dixon asked Attorney Richmond to state for the record this board's role in this situation.

Mr. Richmond told the audience that this meeting was just to provide the public with information. Any ultimate recommendation made by this board will be forwarded to DEP for hearings and ultimately the decision will be made by the Governor and Cabinet. According to the current schedule, this board has until May to file recommendation for an alternate route. Another public hearing will be held before a decision is reached.

Chairman Dixon asked the Sunshine Staff if they would like to respond to any of the comments made by the public.

Mr. Huhtala thanked the citizens for attending and assured them he shared their concerns. He asked to explain a couple of things.

Variation 19 is not in the application. It is only being evaluated. If they determine that it is a better route than the preferred route, they must amend their application.

After listening to everyone, it was clear to Mr. Huhtala that Sunshine has not communicated enough information to the land owners. He offered to hold another open house to speak to those residents along both routes. He invited all of them to attend so that he can address all concerns and questions.

Mr. Huhtala went on to say:

1. They do not destroy homes nor take property.
2. They do not destroy business. On the contrary, availability of natural gas attracts industry.
3. They will pay \$600,000 annually in taxes to the county.

With those remarks, he asked the county commissioners for permission to conduct another open house to clear up some of the bad conceptions of the pipelines impact on the community.

He stated he liked the interaction displayed at this meeting and looks forward to future discussions.

Chairman Dixon thanked Sunshine and the citizens for their candid remarks.

Fred Kurts asked the commissioners to settle it tonight.

Mr. Burl Hand asked if they ever experienced leaks in the welds of the pipeline.

Mr. Huhtala stated that most leaks are a result of third parties. He did not know of any leaks in the welds.

Clifford Kinch of Flat Creek spoke saying they did not want the pipeline in their area either.

Bill Hoatson asked the board to tell them how the board will make their decision and what process will be used.

Chairman Dixon explained that as of yet, there is no process in place to make that decision.

Commissioner Peacock told everyone present that the state has not reviewed the application yet. For that reason, it would be fruitless for this board to make any recommendation now.

Guyte McCord, General Counsel for Sunshine Pipeline Company described the process:

The application was filed in July with DEP. (They act as the governor's staff in terms of evaluating citing matters. This is the first and only natural gas transmission citing act ever pursued under the Florida Act because it has only been in existence for a one and a half years.)

DEP took several weeks to determine if the application was complete.

In August, DEP sent copies of the application to all the affected counties and state agencies with jurisdiction over the pipeline.

The state agencies then determined if the application is sufficient - whether the application has enough information for them to make a decision. All the counties and agencies were given one month to respond. At the end of that time, it was determined there was not sufficient information in the application.

At that point in time, a 90 day period of time was given to Sunshine to provide that additional information to the agencies and counties involved. That time will expire in January of 1994.

Once that information is submitted to the agencies and counties, another 30 day period will begin for their evaluations and responses to DEP.

If the application is found to be complete, a number of dates will be set. A final hearing date (probably will occur during mid summer), a date for this county to file a report of its evaluation of the pipeline (early April); a date for the last day for Gadsden County to propose its own alternate route (end of May). The process will not have a firm schedule until the application is found to be sufficient.

Sunshine intends to file a number of amendments to the application in February. Those amendments may affect Gadsden County as well as other counties. Between the amendments and the sufficiency process, the present schedule will be pushed forward.

After the hearing is conducted, there is a period of 90 days when authorities can submit proposed orders and the hearing officer will issue a recommended order to the governor and

cabinet, then the governor and cabinet will consider the matter and decide on the final corridor. On the present schedule, the final decision is likely to be made in January of 1995.

At that point in time, the post certification review will begin where the one-third mile will be reduced to the 100 ft. construction corridor, then reduced further to the 50 ft. permanent right-of-way. That process will take many months. No final decision will be made without affected parties being aware of it.

One audience member asked if it was imperative that it be cited in Gadsden County.

Mr. McCord responded by saying because Sunshine Pipeline has primary customers who are in very close proximity to Gadsden County, it most likely to be cited through it.

Fran Harley asked to be given a personal official notice of all hearings in the future.

Mr. Huhtala said any and all hearings would be advertised the counties newspapers. He encouraged those present to watch for them.

Chairman Dixon stated that the hearing needed to be wrapped up. He reminded all those present of the offer of Sunshine to conduct another open house to answer their questions.

There was some opposition from the audience to close the discussion and there was a request to continue the questioning.

DEP Citing Attorney Smallridge gave a bit of background of the pipeline application. He commended Mike Sherman for his prompt evaluation of the pipeline and being one of the first to make inquiries and state his concerns with the proposed corridors.

Mr. Smallridge told everyone the need for the pipeline has been established. There **is** going to be a pipeline regardless to objections. Where it will go is the only issue to be decided. The applicant has stated in its application where it's preferred route will be.

In his capacity as a citing attorney, Mr. Smallridge assured the audience that as far as applicants go, Sunshine Pipeline Company has played very fairly with this issue. He pledged his efforts to protect the land as much as possible.

If Gadsden County chooses to propose an alternate route, the county must be responsible for defending the alternate and presenting sufficient evidence as to why it is a better choice. That will be very costly.

Ultimately, he felt as though Gadsden County could draw from the pipeline. It isn't all bad. The decision made by the board will determine how DEP will proceed with the application filed by Sunshine Pipeline.

Chairman Dixon encouraged the citizens to work through Mr. Sherman in the Planning and Zoning Department. If the county decides to offer an alternate route than Sunshine's preferred route, it must fund the studies and be responsible for making the arguments for it. It will entail a lot of time and a lot of money.

Mr. Huhtala explained that the route was cited to provide gas to its customers. He encouraged Gadsden County to hook up to the pipeline.

Chairman Dixon declared the public hearing concluded. He urged the citizens to watch the newspaper for the advertisements of other hearings that are sure to follow.

An audience member asked the commissioners to have the microphones repaired so that they could hear and understand everything that is said.

RECESS

The chairman declared a five minute recess.

RECONVENING

Chairman Dixon called the meeting back to order.

COUNTY MANAGER

Request for approval to make hospital repairs

County Manager James Carter informed the board of new leaks which have appeared at Gadsden Memorial Hospital. One is above the pharmacy, another is over the business office and the third is in the cafeteria.

Repairs to the areas mentioned were quoted at \$9,200 for a 2,000 ft. area of the roof. It amounts to \$4.60 per square foot.

Mr. Carter referred the commissioners to a letter written by Bishop Engineering advising them to begin considering a complete re-roofing of the building. They included two estimates (**attached**).

Mr. Carter explained that the re-roofing could be included in a capital outlay plan, but at the present, he is only asking for

approval for the repairs amounting to \$9,200 to be taken from maintenance reserves.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO AUTHORIZE REPAIRS TO THE HOSPITAL ROOF AMOUNTING \$9,200 TO BE TAKEN FROM MAINTENANCE RESERVES.

Gretna's request for building inspections

Mr. Carter reported that he has received a request from the City of Gretna for the county to continue conducting their building inspections on an as needed basis.

Mr. Carter gave the interim city manager an unofficial approval contingent upon the board authorizing this continued service. An interlocal agreement is expected to follow after their January 4, 1994 meeting.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER DAVIS, THE BOARD VOTED 5 - 0 TO APPROVE THE CONTINUED BUILDING INSPECTION SERVICES ON AN AS NEEDED BASIS TO THE CITY OF GRETNA.

Capital Area Community Action Agency Request

The Capital Area Community Action Agency is requesting the county's share of the 5% CSBG funds for the period April 1, 1994 through September 31, 1994. If the board grants permission, the services provided will be for fuel, rent and food for clients who meet the poverty income index and are residents of Gadsden County.

The amount of the grant is \$7,725 of which \$6,437 is CSBG; \$129 is the cash amount; and \$1,159 in-kind. They are requesting the county to consider granting the cash match amount of \$129 and CAP will secure the required in kind. There is a resolution which must be submitted adopting this action. Mr. Carter asked the board to have the county attorney prepare the resolution for adoption. Historically they have alternated years with the Gadsden County Senior Citizens Program. This year is their turn to receive the money.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 4 - 0 THAT THE COUNTY GRANT THE FUNDS REQUESTED BY CAPITAL AREA COMMUNITY ACTION AGENCY. COMMISSIONER MCGILL ABSTAINED FROM VOTING.

Teresa Tucker & Tommy Tucker Vs. Gadsden County Law Suit

Mr. Carter offered for information purposes only that Teresa Tucker and Tommy Tucker have entered an offer of judgement in their lawsuit against Gadsden County whereby they allege that Gadsden

County was negligent in failing to maintain Rich Bay Road and ultimately resulted in an accident causing severe and permanent injuries to them. They are asking for \$75,000 each totaling \$150,000.

Mr. John Cooper who is representing the Florida Association of Counties (they have the insurance coverage) in this matter has advised there is no action needed from the board at this time. The offer of judgement will be forwarded to the county's liability carrier. They intend to carry this case to the extent of the law because they do not feel as though the county has any liability in this incident.

Request to Solicit Bids for Repair to the Courthouse Annex Building

Mr. Carter told the board that the county's administration building has some significant leaks and is in desperate need of repair to the roof. He asked for permission to go out for bids for the repairs needed. No action other than to solicit bids for repair was requested.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO AUTHORIZE MR. CARTER TO SOLICIT BIDS FOR THE REPAIR TO THE ROOF OF THE COUNTY ADMINISTRATION BUILDING.

CONSENT AGENDA (ATTACHED)

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTED 5 - 0 TO APPROVE THE CONSENT AGENDA, TO WIT:

1. Satisfaction of Housing Rehabilitation Agreement - Billy Johnson, Mary Green, Jeraldine Peoples, John and Josie Baker, Martha Bryant, Irene Strong, Verdell Kendrick, Dorothy Miller
2. Report of Activities and Expenditures - HRS Gadsden County Public Health Unit for FY 1992-1993
3. Bid Committee Recommendation for fire truck for Havana Fire Department be given to Southern Coach. They further recommended that the financing be awarded to Liberty National Leasing Company.

CLERK OF COURT

Budget Amendments (Attached)

Clerk Thomas presented the budget amendments to wit: Mosquito Control/Landfill - withdrawn because of misprint to be submitted at the next meeting.

Fine and Forfeiture Fund - This is adding \$105.00 to the Sheriff's Salary that was left out of the budget. This addition was set by legislature.

Grants - Juvenile Justice Grant adding money for the three percent raise

EMS Fund Grant - showing the revenue and the money is to be spent.

County Transportation # 1 Fund - line item change taking \$200 from office supplies and adding to employee recognition fund.

General Fund - budget amendment for the contingency request approved at the last board meeting.

Contributions received from solicitations going toward employee recognition.

A budget amendment presented by the county manager calling for \$1,872.00 to be transferred into travel from health insurance and \$1,815.00 from life insurance and puts \$1,546 into gas and oil for the county manager. This transfer is pursuant to the contract negotiations with the county manager at the time he was hired.

UPON MOTION OF COMMISSIONER MCGILL AND SECOND BY COMMISSIONER POWELL, THE BOARD VOTED 5 - 0 TO APPROVE THE BUDGET AMENDMENTS EXCLUDING THE ONE FOR MOSQUITO CONTROL WITHDRAWN BY THE CLERK.

Clerk Thomas informed the commissioners and attorney and county manager that Mr. Hufstedler of Gadsden Memorial Hospital had visited him making some specific requests. He related Mr. Hufstedler's request to meet with the county manager, chairman and county attorney at the earliest possible date to discuss several matters concerning the hospital.

Mr. Carter agreed to set up a meeting with Mr. Hufstedler.

Request for Approval of Payment of County Bills

UPON MOTION OF COMMISSIONER PEACOCK AND SECOND BY COMMISSIONER MCGILL, THE BOARD VOTE 5 - 0 TO APPROVE THE PAYMENT OF THE COUNTY BILLS.

DISTRICT 1 REPORT

There was no report.

DISTRICT 2 REPORT

Commissioner Powell called attention to the fact that Gretna has received a \$185,000 grant to establish a police department. He applauded the City of Gretna and their council and staff for their fine work.

He extended best wishes to all those present for a Merry Christmas and Happy New Year.

DISTRICT 3 REPORT

Commissioner Peacock reported that everything was running smoothly in District 3. He wished everyone a Merry Christmas and Happy New Year.

DISTRICT 4 REPORT

Commissioner Davis reported that everything was running smoothly in District 4 and wished everyone a Merry Christmas.

DISTRICT 5 REPORT

Chairman Dixon told the other commissioners that committee assignments for next year will be posted in the office the next day. The list included in the board packet was not correct.

Chairman reminded the commissioners of the employee luncheon on Wednesday, December 22 at noon at the new National Guard Armory.

Mr. Carter told the commissioners he would like for them to arrive at the luncheon by 11:30 to review the program plans with him. They will have tickets distributed to each of the employees as they enter for a lottery type drawing. Each commissioner will draw 6 tickets from the hopper and the employees with the matching numbers would receive a \$25 gift certificate which could be redeemed from IGA. The money for the luncheon and gift certificates was donated by area businessmen.

The Chairman wished everyone a Merry Christmas.

UPON MOTION OF COMMISSIONER MCGILL, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

Edward Dixon, Chairman E

Nicholas Thomas, Clerk

GADSDEN COUNTY LICENSING BOARD

Chairman Dixon called the meeting to order.

UPON MOTION OF COMMISSIONER POWELL AND SECOND BY COMMISSIONER PEACOCK, THE BOARD VOTED 5 - 0 TO APPROVE THE LICENSING OF WILLIAM HENRY REEVES AS A MASTER PLUMBER.

UPON MOTION OF COMMISSIONER PEACOCK, THE CHAIRMAN DECLARED THE MEETING ADJOURNED.

Edward Dixon, Chairman

ATTEST:

Nicholas Thomas, Clerk